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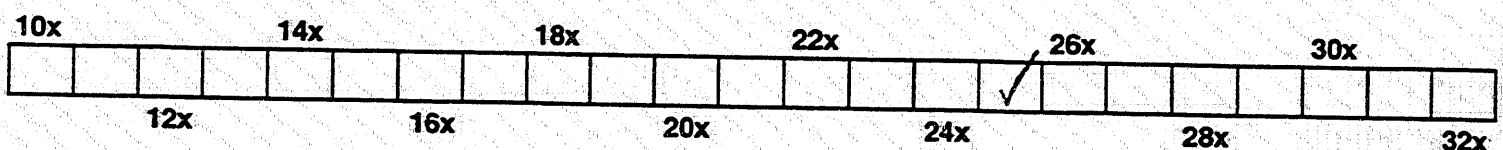
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S T A T U T E S,
OF HIS MAJESTY'S PROVINCE

OF

UPPER CANADA,

PASSED IN THE

FIRST SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT

OF UPPER CANADA.

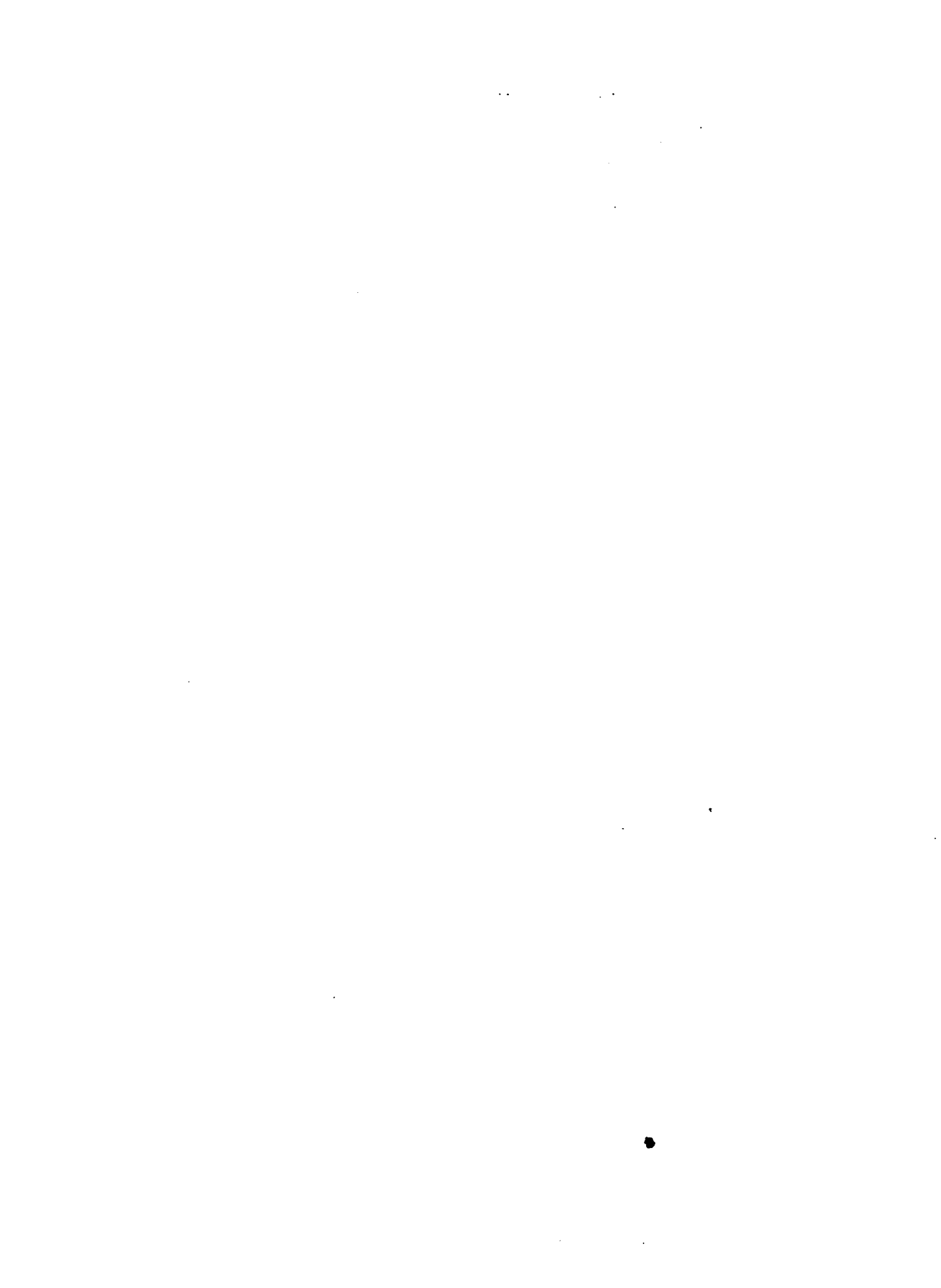
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By Authority.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

TORONTO:

Printed by **ROBERT STANTON**, Printer to the KING'S MOST EXCELLENT MAJESTY.



STATUTES,

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE TWELFTH PROVINCIAL
PARLIAMENT.

MET AT TORONTO ON THE FIFTEENTH DAY OF JANUARY 1835, AND PROROGUED ON THE
SIXTEENTH DAY OF APRIL 1835, IN THE FIFTH YEAR OF THE REIGN OF
WILLIAM IV.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

ANNO DOMINI 1835.

CHAP. I.

*AN ACT to prevent the unnecessary multiplication of Law Suits and
increase of Costs in Actions on Notes, Bonds, Bills of Exchange,
and other Instruments.*

[Passed 16th April, 1835.]

WHEREAS it is expedient to make such alteration in the Law as will
prevent the necessity of bringing separate Actions for sums not large in
amount, against the several makers of a Bond or other Instrument, or
against several persons liable to be sued upon a Bill of Exchange or
Promissory Note, as maker, endorser, acceptor : *Be it therefore enacted*
by the King's Most Excellent Majesty, by and with the advice and con-
sent of the Legislative Council and Assembly of the Province of Upper
Canada, constituted and assembled by virtue of, and under the authority

Preamble.

Costs recoverable in one suit only;

And disbursements in others;

Not to extend to interlocutory costs.

of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That after the first day of July next after the passing of this Act, when several suits shall be brought on one Bond, Recognizance, Promissory Note, Bill of Exchange, or other Instrument, which shall be made or entered into after the passing of this Act; or when several suits shall be brought against the maker and endorser of a Note, or against the drawer, acceptor, or endorsers of a Bill of Exchange, there shall be collected or received from the Defendant, the costs taxed on one suit only, at the election of the Plaintiff, and in the other suits the actual disbursements only shall be collected or received from the Defendant—but this provision shall not extend to any interlocutory costs in the progress of a cause.

Upon Bills of Exchange &c. not exceeding £100 all the parties may be included in one action

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the holder of any Bill of Exchange or Promissory Note hereafter to be made, for a sum not exceeding One Hundred Pounds, instead of bringing separate suits against the drawers, makers, endorsers and acceptors of such Bill or Note, to include all or any of the said parties to the Bill or Note in one action, and to proceed to judgment and execution in the same manner as though all the Defendants were joint contractors.

Defendants may plead separately.

III. *And be it further enacted by the authority aforesaid,* That in any such action, any joint drawer or maker, endorser or acceptor, may plead in abatement the non-joinder of any other joint drawer, maker, endorser or acceptor, in the same manner as though this Act had not been passed, and no judgment to be rendered in pursuance of this Act, shall be of any effect against a Defendant not served with process.

Plaintiff may declare upon money counts alone.

IV. *And be it further enacted by the authority aforesaid,* That the Plaintiff in any such action, and in all other actions on Bills of Exchange or Promissory Notes, may declare upon the money counts alone, and such Bill or Note may be given in evidence under the money counts, in all cases where a copy of the Bill or Note shall have been served with the declaration.

Judgment against one or more of the Defendants.

V. *And be it further enacted by the authority aforesaid,* That in any such action judgment may be rendered for the Plaintiff against some one or more of the Defendants, and also in favor of some one or more of the

Defendants against the Plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default by pleading, or on trial; and when judgment shall be rendered in favor of any Defendant, he shall recover costs against the Plaintiff, in the same manner as though judgment had been rendered for all the Defendants. Defendant's costs.

VI. And be it further enacted by the authority aforesaid, That in any such action any person or persons sued, shall be entitled to set off his or their demands against the Plaintiff, in the same manner as though such Defendant or Defendants had been sued in the form heretofore used. Set off may be pleaded.

VII. And be it further enacted by the authority aforesaid, That if upon the trial of any such action, the whole amount of the demand set off by any or all of the Defendants and allowed by the Jury, shall be equal to or shall exceed the amount of the Plaintiff's demand, as proved on the trial, the Jury shall find a verdict in favor of the Defendants generally, but if the Jury shall allow any demand as a set off, and still find a balance in favor of the Plaintiff, they shall state in their verdict the amount which they allow to each Defendant, as a set off against the Plaintiff's demand. Verdict in set off.

VIII. And be it further enacted by the authority aforesaid, That the rights and responsibilities of the several parties to any such Bill or Note as between each other, shall remain the same as though this Act had not been passed, saving only the rights of the Plaintiff, so far as they may have been determined by the judgment. Rights of the parties as between each other to remain.

IX. And be it further enacted by the authority aforesaid, That in every suit brought pursuant to the provisions of this Act, any one or more of the Defendants shall be entitled to the testimony of any Co-Defendant, as a witness in all those cases where the Defendant or Defendants calling the witness would have been entitled to his testimony had the suit been brought in the form heretofore used, and in no other case. Defendants may be witnesses in certain cases.

X. And be it further enacted by the authority aforesaid, That in all actions on Promissory Notes or Bills of Exchange, when the Plaintiff shall file a copy of such Promissory Note or Bill of Exchange with the Declaration, and shall also annex a copy of such Note or Bill to the copy of the Declaration that shall be served on any Defendant, the damages may be assessed as though the said Note or Bill of Exchange had been set out specially in said Declaration. Copy of the Bill or Note may be filed with the Declaration.

XI. *And be it further enacted by the authority aforesaid,* That when in any case an action shall be brought against more than one Defendant under this Act, who must otherwise have been sued separately, and it shall happen that any one or more of the Defendants shall die pending the suit, an action may nevertheless be brought against the Executors or Administrators of any such deceased Defendant, *Provided* such Defendant would have been liable to be sued separately, in case this Act had not been passed.

Defendant's Executors liable to be sued.

The act not to extend to Notes for more than £100:

Nor to actions in several Districts.

XII. *Provided always, nevertheless, and be it further enacted by the authority aforesaid,* That this Act shall not apply in any case in which the sum expressed to be payable in or upon any such Bond, Recognizance, Promissory Note, Bill of Exchange or other Instrument, shall exceed the sum of One Hundred Pounds, nor to any case where separate actions are brought in the District Court, against persons residing in several Districts.

Suits may proceed, though one or more Defendants be absent.

XIII. *And be it further enacted by the authority aforesaid,* That when several Defendants are included in one process, in pursuance of the provisions of this Act, and any one or more of them cannot be served with such process by reason that he or they is or are absent from the Province, or concealed within the same, then the action may proceed as against the other Defendant or Defendants, without prejudice; and it shall be in the power of the Plaintiff afterwards to sue such Defendant or Defendants separately, who shall not have been served with process, and to recover costs as if this Act had not been passed.

Act limited to four years.

XIV. *And be it further enacted by the authority aforesaid,* That this Act shall remain in force for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer; but that any proceedings then pending shall be conducted to a final end, without being affected by the expiration of this Act.

CHAP. II.

AN ACT to allow the issuing of Writs of Error from the Court of King's Bench.

[Passed 24th February, 1835.]

Preamble.

WHEREAS it would facilitate the correction of Errors in the Judgment of inferior Courts of Record, if the Writ of Error, which for such purposes is required by the Law of England to be issued from Chancery,

and to be made under the Great Seal, were allowed in this Province to issue from the Court of King's Bench, under the Seal of that Court: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That whenever by the Law of England a Writ of Error may be sued out of Chancery, returnable in the Court of King's Bench, for removing the Record of the Judgment of an inferior Court of Record in order to its examination upon errors assigned, it shall be lawful in similar cases, and for the like purpose, to sue out a Writ of Error from the Court of King's Bench in this Province, running in the name of the King, and having teste and return like other Writs of the said Court; and upon the return of such Writs the said Court may proceed thereon as if the Record of the Judgment had been removed under the Great Seal of this Province.

Writs of Error may be sued out from the K. B.

II. *And be it further enacted by the authority aforesaid*, That for securing Suitors against vexatious delays and expense through the suing out of such Writs of Error, it shall and may be lawful for the Judges of the Court of King's Bench to make such rules and orders, from time to time during any term of sitting of the said Court, as may appear just and expedient for securing the payment of costs, and of the debt or damages awarded by the Judgment of the inferior Court, or either of them, in case such Judgment shall be affirmed in error; and also for restraining frivolous Writs of Error from being brought merely for delay.

Court of K. B. may make rules respecting the same.

CHAP. III.

AN ACT to mitigate the Law in respect to Imprisonment for Debt.

[Passed 16th April, 1835.]

WHEREAS the Imprisonment of persons in Execution for Debt is no otherwise justifiable than as a means of compelling such persons to apply whatever monies or property they may be possessed of, or may have under their control, to the satisfaction of their Creditors: *And whereas*, it is impossible, with a just regard to the rights of Creditors and to the

Preamble.

interests of Commerce, to afford effectual relief to Insolvent Debtors until a proper jurisdiction is provided and suitable Laws enacted to facilitate and ensure a recourse against all the property of such Insolvent Debtors; but in the mean time it is expedient to make such provision as will render the Law in this respect less rigorous than at present: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of June next after the passing of this Act, no person shall be arrested or holden to special bail upon any process issuing from His Majesty's Court of King's Bench for this Province, or from any District Court in this Province, when the cause of action shall not amount to Ten Pounds; and that so much of the eighth clause of a certain Act of the Parliament of this Province passed in the second year of the reign of His late Majesty King George the Fourth, entitled "An Act to repeal part of and amend the Laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province," as authorises personal arrest in a civil suit when the cause of action shall amount to Five Pounds or upwards; and also, so much of the eighth clause of a certain other Act of the Parliament of this Province passed in the same year, entitled "An Act to reduce into one Act the several Laws now in force establishing District Courts, and regulating the practice thereof, and also to extend the powers of the said District Courts," as authorises personal arrest in all actions of contract within the Jurisdiction of such Courts, be, and the same is hereby repealed so far only as the said clauses extend, to authorize personal arrest for any sum less than Ten Pounds: *Provided always nevertheless*, that such repeal shall not take effect until after the said first day of June next, and shall not render illegal or irregular, any arrest for a less sum than Ten Pounds, which shall take place in any Court before or on the said first day of June next, and shall not render illegal or irregular, any proceedings which shall be had after or in consequence of such arrest.

Limitation of Arrest to debts of £10 and upwards.

Part of eighth sec. of 2 Geo. 4. c. 1. repealed.

Part of eighth sec. of 2 Geo. 4. c. 2. repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the said first day of June next it shall not be lawful to take execution against the body of any person, Plaintiff or Defendant, upon a Judgment recovered for Costs only, nor in any case in which the Judg-

Ca. Sa. not to be issued for costs only; nor for any Judgment under £10 exclusive.

ment shall not be rendered for the sum of Ten Pounds or upwards, exclusive of costs; and that if any person shall be in custody upon an execution at the time of the passing of this Act, or at any time hereafter upon an execution which may issue before the said first day of June next, in a case in which it is provided by this clause that no execution shall issue against the body, such person may, upon application to the Court from whence the execution shall have issued, or to a Judge thereof in vacation, and after notice given to the opposite party, or his Attorney, by a rule to shew cause, be discharged from custody by order of the said Court or Judge; but it shall be lawful to take out execution against the Goods and Chattels, or against the Lands or Tenements of the person so discharged in the same manner as in other cases of Debtors discharged under the provisions of this Act.

Debtor in Execution for sums under £10 may apply to the Court for his discharge.

Notice to the other party.

Order for discharge.

Liability of future estate.

III. *And whereas* it might tend greatly to the relief of certain Debtors in execution for small Debts, and at the same time occasion no material prejudice to trade and public credit if such Debtors should, after a limited period of imprisonment, be allowed to be discharged, saving to their Creditors their remedy against the property of the Debtor so discharged; *be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act all persons in execution upon any judgment rendered in this Province, in a Civil suit, for any Debt or Damages not exceeding the sum of Twenty Pounds, exclusive of the Costs recovered by such judgment, and who shall have lain in Prison thereupon for the space of three calendar months, or being confined under such execution upon the Gaol Limits of any District in this Province, for the space of twelve calendar months before the time of their application to be discharged as hereinafter mentioned, may make his, her or their application, in term time, to the Court from whence such execution shall have issued, to be discharged from custody upon such execution, and shall thereupon make and file an affidavit to the effect hereinafter mentioned, and if the Court shall be satisfied upon cause shewn, that the person in custody is entitled to relief under this Act, or if no cause to the contrary shall be shewn, then such Court shall forthwith make a rule or order for discharging the party or parties from custody, as to such execution; *Provided always,* that notwithstanding the discharge of any Debtor or Debtors, by virtue of this Act, the judgment against him or them shall continue and remain in full force to all intents and purposes, except as to the taking in execution the person or persons of such Debtor or Debtors thereupon; and it shall be lawful for the Creditor to take out execution against the lands and tenements, or goods and chattels of any such Debtor so discharged, or to bring any action on any such judgment against such Debtor, or to bring any such

Debtors in Execution for sums not exceeding £20, who shall have been three months imprisoned, may apply for discharge.

Court may order discharge.

Liability of future estate.

action or use any such remedy for the recovery of his demand, against any other person or persons, liable to satisfy the same, in the same manner as such Creditor could have done in case such Debtor had never been charged in execution upon such judgment; *Provided also*, that no Debtor so discharged shall be liable to be arrested or taken in execution upon the same judgment, or in any action or proceeding to be afterwards instituted thereupon.

Defendant not to be again arrested.

Debtors in Execution for sums exceeding £20 and under £100, when entitled to discharge.

IV. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, all persons in execution upon any judgment rendered in this Province, in a civil suit, for any debt or damages exceeding the sum of Twenty Pounds, exclusive of costs, and who shall have lain in prison thereupon for the space of six calendar months before the time of their application to be discharged as hereinafter mentioned, when the debt shall not exceed One Hundred Pounds; or twelve calendar months when the debt shall exceed One Hundred Pounds, may, upon giving thirty days notice in writing, to the opposite party or his Attorney, of his intention to make such application as hereinafter mentioned, apply for his discharge, in term time, to the Court from whence the execution shall have issued; and that such application shall be founded on an affidavit of the person in custody as aforesaid, to the effect hereinafter mentioned.

Notice to the opposite party.

Court authorized to examine the matter and order discharge.

V. *And be it further enacted by the authority aforesaid*, That the opposite party upon being called upon to shew cause against such application, may disclose to the Court upon affidavit of himself or of any other person or persons, any facts in answer to such application, and such Court may examine into the same, and may require further statements upon oath from or in behalf of either party, in their discretion, and that when, in the opinion of the Court, the party at whose suit the Debtor is in custody, shews no reasonable ground whatever, (and in such case only) for expecting benefit from the further detention of the Debtor in execution, it shall be lawful for the Court to make an order for discharging such Debtor forthwith: *Provided always*, that such discharge shall have the same and no other effect as to any other remedy upon the same judgment, or in consequence thereof, as a discharge ordered under this Act in cases where the Debt shall not exceed Twenty Pounds.

Effect thereof.

Affidavit of certain facts to be made by Debtor applying for discharge.

VI. *And be it further enacted by the authority aforesaid*, That the application made by any Debtor for his discharge from custody under this Act, whether the sum for which he is so detained shall be under or above Twenty Pounds, shall be founded upon an affidavit made by such Debtor in the cause in which he is in custody, to be afterwards filed:

among the papers of such cause, in which affidavit shall be set forth the time that he has been in custody upon such execution, and the amount for which he is detained; and stating further that he is not possessed, nor any person or persons in trust for him, or to his use, of lands or tenements, monies, goods, chattels or effects of any description, besides his necessary wearing apparel or bedding, to the amount of Five Pounds; that since judgment in the cause was rendered against him he has not made any disposition or conveyance of his property or effects in order to defeat the remedy under the said judgment; that he has not the means within his power or under his control, excepting his necessary wearing apparel and bedding, of satisfying the debt for which he is in execution, or any part thereof; that he was guilty of no fraud, deceit or dishonest practice, in contracting the said Debt, and that to the best of his knowledge and belief, the party at whose suit he is in custody can derive no benefit from his the said Debtor's being longer imprisoned under such execution.

VII. *And be it further enacted by the authority aforesaid,* That if it shall happen that any discharge granted under this Act, shall have been unduly or fraudulently obtained upon any false allegation of circumstances, which, if true, might have entitled the prisoner to be discharged by virtue of this Act, such prisoner shall, upon the same being made appear to the satisfaction of the Court by whose rule or order the said prisoner had been so discharged, be liable to be again taken in execution, and remanded to his former custody, by the rule or order of the same Court: *Provided always,* that no Sheriff or Gaoler shall be liable as for the escape of any such prisoner, in respect of his enlargement, during such time as he shall have been at large by means of such his undue discharge as aforesaid.

Debtor obtaining discharge by fraud liable to be again taken in Execution.

VIII. *And be it further enacted by the authority aforesaid,* That any person who shall assign, remove, conceal, or dispose of any of his property, with intent to defraud his Creditors, and any person who shall receive such property with such intent, shall, upon conviction be deemed guilty of a misdemeanor, and such offence may be tried before any Court of Oyer and Terminer or general Gaol Delivery, and may be punished by fine or imprisonment: *Provided always,* that no person convicted as aforesaid, shall be fined in a greater sum than One Hundred Pounds, nor be imprisoned for a longer period than six months.

Fraudulent assignment of property to be a misdemeanor.

Punishment.

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

Act limited to four years.

CHAP. IV.

AN ACT to enable Suitors in the District Courts to procure the attendance of Witnesses from any District in this Province, and to authorize certain persons therein named to take affidavits in the said District Courts.

[Passed 16th April, 1835.]

WHEREAS the want of means of compelling the attendance upon any trial in a District Court, of a Witness resident within another District than that in which such trial is to take place, is prejudicial to the interests of Suitors, and frequently occasions the institution in the Court of King's Bench of actions which in their nature are of the proper cognizance of the District Court, thereby subjecting the parties to delay and expense beyond what would otherwise be necessary: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act it shall be lawful for the Clerk of the Crown and Pleas, or for his Deputy in any of the respective Districts of this Province, in which a witness or witnesses residing or living within another District is required to attend upon the trial of a cause in the District Court, to issue a Subpœna commanding the attendance of such witness or witnesses at the time and place required, which Subpœna shall be issued upon a proper præcipe being filed for that purpose, and shall be under the Seal of the Court of King's Bench, and shall bear teste in the same manner as Writs of Subpœna to be issued in causes instituted in the Court of King's Bench.

Franchise.

Subpœnas to Witnesses in other Districts, may be issued from the Crown Office.

Liability of Witnesses for non-attendance.

II. *And be it further enacted by the authority aforesaid*, That any Witness failing to attend in obedience to such Subpœna shall be subject to the same penalties and remedies by action or by attachment for contempt of the Court of King's Bench, as in case of wilful disobedience of a writ of Subpœna requiring the attendance of a Witness in a suit depending in that Court.

III. *And be it further enacted by the authority aforesaid,* That all Affidavits in any cause pending, or hereafter to be brought in any District Court in this Province, may be taken before any Commissioner appointed for taking Affidavits in His Majesty's Court of Kings Bench in this Province, as well as before the Judge or Clerk thereof.

Affidavit in District Court, may be sworn before Commissioner of the K. B.

CHAP. V.

AN ACT to continue and amend the Law for Attaching the Property of Absconding Debtors.

[Passed 16th April, 1835.]

WHEREAS an Act passed in the second year of His Majesty's Reign entitled, "An Act to afford means for Attaching the Property of absconding Debtors," will expire at the end of the present Session of the Provincial Legislature; *And whereas* it is expedient to continue and amend the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued for and during the term of two years from the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer, any thing herein contained to the contrary notwithstanding.

Preamble.

Act 2 W. 4. c. 5 continued for two years.

II. *And whereas* it is necessary to make certain amendments in the said Act, and to remove doubts which have arisen respecting some of its provisions; *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act it shall be lawful to grant an Attachment in the manner provided by the first clause of the said Statute, when a Debt is sworn to as therein mentioned, notwithstanding the absconding or concealed Debtor may not be indebted to an Inhabitant of this Province.

Attachment for Debt not due to an inhabitant of this Province.

III. *And be it further enacted by the authority aforesaid,* That the Bond mentioned in the fourth clause of the said Statute shall be given to the Sheriff of the District in which the Estate has been attached, and

Bond to be given to the Sheriff.

the penalty need not be more than double the amount of the value of the Estate attached, and the condition of the Bond may be so framed that whatever may be the amount of the several claims against the absconding Debtor, the Bond shall be void upon the payment by the Obligors, or any of them, of the value of the Estate taken and seized; and the Bond so given shall and may be put in suit by the Sheriff for the benefit of any party entitled whenever the case may require it, and the amount collected thereon shall and may be retained in his hands, to be applied by him in the same manner as it would be to apply the proceeds of the Estate in respect of which the Bond shall have been given.

Who may sue thereon.

Application of the money collected.

Plaintiff may proceed to Judgment, notwithstanding Debtor's absconding.

Costs of Attachment, how to be paid.

Judgment may be set aside in cases of fraud.

IV. *And be it further enacted and declared by the authority aforesaid,* That notwithstanding any thing contained in the said Act, any person who shall have commenced a suit against another by Process, bailable or non-bailable, which Process shall have been served before the suing out of any Attachment against the same person as an absconding or concealed Debtor, shall, notwithstanding the subsequent suing out of such Attachment, be allowed to proceed in the ordinary manner to Judgment and Execution; and in case of his obtaining Execution before any person at whose suit the Estate, real or personal, of such Debtor shall have been Attached, he shall be allowed the full advantage of his legal priority of Execution, in the same manner as if the Estate had not been Attached and were remaining in the possession of the Debtor; and in case the goods shall have been delivered up to the absconding or concealed Debtor or his Agent upon security, the Sheriff shall enforce the Bond taken for his benefit in the same manner as in the case of a Creditor suing out an Attachment: *Provided always,* that the amount of costs incurred by the suing out and Executing the Attachment, or such portion thereof as the Court in which the cause is pending, or a Judge thereof, shall think reasonable, shall be retained for the benefit of the person who has paid the same, or who is liable therefor, in consequence of his having taken out the Attachment: *And provided also,* that nothing in this Act contained, shall prevent the Court in which the action was brought, and Process served upon the person against whom an Attachment or Attachments shall afterwards issue, from setting aside the Judgment and Execution in such action as fraudulent, or staying proceedings therein, when such action shall appear to have been instituted or proceeded in, by collusion with the Debtor, or to have been otherwise fraudulently brought for the purpose of defeating the claims of others.

Any other Creditor may contest the Plaintiff's demand on Trial.

V. *And be it further enacted by the authority aforesaid;* That upon the trial of any action against an absconding or concealed Debtor, it shall be lawful for any other person who shall before such trial have sued

out an Attachment, to contest the Plaintiff's demand, in the same manner as the Defendant might, and to call evidence to disprove the same, or to establish a set off; *Provided*, he shall have given notice of such set off fifteen days exclusive before the trial. And establish a set off.

VI. *And be it further enacted by the authority aforesaid*, that when several Attachments shall be placed in the Sheriff's hands, against the same absconding or concealed Debtor, the proceeds of the Estate which shall have been Attached, shall not be paid over to such Attaching Creditor or Creditors according to priority, but they shall be ratably distributed among such of the Creditors suing out the said Attachments as shall obtain Judgment against the Debtor, in proportion to the amount of the sums really due upon such Judgments, and no distribution shall take place until reasonable time in the opinion of the Court has been allowed for the several Creditors to proceed to Judgment: *Provided always*, that when the Estate shall not be sufficient to satisfy the claims of all the Attaching Creditors, none shall be allowed to share, unless he shall have sued out his Attachment, and placed it in the hands of the Sheriff within six months from the issuing of the first Writ of Attachment. In case of several Attachments being issued, the proceeds to be applied ratably. Subsequent Attachment to be issued within six months of the first.

VII. *And be it further enacted by the authority aforesaid*, That before Execution shall be taken out in any action brought against an absconding or concealed Debtor, the Plaintiff shall make and file an affidavit which shall be kept among the papers in the cause, in which he shall swear that to the best of his knowledge and belief the sum which has been allowed to him by the Jury is justly and truly due to him by the Defendant, and that he has given credit for all payments made to him by the Defendant, and for every demand which the Defendant could rightly make against him, or if the Plaintiff shall in his affidavit acknowledge that the sum actually due to him is less than that which the Jury have awarded, then the Execution shall be endorsed accordingly, and no more shall be levied for the Plaintiff than is admitted to be due: *Provided always*, that if the affidavit of the Plaintiff cannot be obtained in due time by reason of his foreign residence, or from any other reason which shall be assigned, then an affidavit to the effect above mentioned may be received from the Attorney or Agent of such Plaintiff. Before Execution. Plaintiff to make oath of his debt, &c.

CHAP. VI.

AN ACT to provide for the Payment of Wages to the Members of the House of Assembly, who represent the different Towns in this Province.

[Passed 24th February, 1835.]

Preamble.

WHEREAS, an Act passed in the forty-third year of the Reign of His Majesty King George the Third, entitled, "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, entitled 'An Act to authorize and direct the levying and collecting of Assessments and Rates within this Province, and to provide for the Payment of Wages to the House of Assembly,'" does not make provision for an Assessment in the Towns which now do or hereafter may send Representatives for the compensation of such Representatives: *And whereas*, the said Act ought, in that respect, 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That after every prorogation and dissolution of the Assembly of this Province, it shall and may be lawful for every Member thereof, now representing, or hereafter to represent any Town, having attended, to receive from the Speaker of the House of Assembly, a Warrant under his hand and seal, signifying the time 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 such Town represented by such Member may be situated, 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 the place of his abode in going to or returning from his attendance; which sum it shall and may be lawful for the said Justices to levy by Assessment, to be made on each and every In-

Town Members entitled to wages, not exceeding 10s. per day.

To be raised by Assessment.

habitant house-holder in the several Towns now or hereafter to be represented by such Member within any District, in the same manner and form as by Law any Assessment may now or hereafter be levied for any public purpose, in any Town 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 their hands from the said Assessment upon any Town, now or hereafter to be represented.

Justice's order on Treasurer.

II. *And be it further enacted by the authority aforesaid,* That no Rate or Assessment shall be levied upon any inhabitant or house-holder in any Town, now or hereafter to be represented as aforesaid, for contribution to the payment of any Representative, for any County or Riding in which such Town shall be situate.

Inhabitants of Towns not liable to Assessments for the County.

II. *And be it further enacted by the authority aforesaid,* That this Act shall be in force in every respect for the payment of such Members, Representatives of Towns in this Province, as shall have attended the present Session of the Provincial Parliament, according to the Provisions of this Act.

Act to have effect in relation to present Session.

CHAP. VII.

AN ACT to establish a Standard Weight for the different kinds of Grain and Pulse in this Province.

[Passed 16th April, 1835.]

WHEREAS it is expedient and necessary that an uniform Standard Weight, equivalent to the Winchester Bushel, should be established for the different kinds of Grain and Pulse exposed to sale 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, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the following rates shall be and the same are hereby

Preamble.

declared to be the Standard Weight, which in all cases shall be allowed to be equal to the Winchester Bushel, namely :

Wheat,.....	Sixty pounds.
Indian Corn,.....	Fifty-six pounds.
Rye,.....	Fifty-six pounds.
Peas,.....	Sixty pounds.
Barley,.....	Forty-eight pounds
Oats,.....	Thirty-four pounds.
Beans,.....	Fifty pounds.
Timothy and Clover Seed,.....	Sixty pounds.

Previous contracts not affected by this Act.

Provided always, that the effect of any contract made before the passing of this Act shall not be varied by any thing herein contained.

Operation of this Act upon subsequent contracts.

II. *And be it further enacted by the authority aforesaid*, That upon every sale or delivery of any description of Grain or Pulse in this Act mentioned, which shall be made after the passing of this Act, and in every contract which shall be made after the passing of this Act, for the sale or delivery of any such Grain or Pulse, the bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a bushel in measure, or according to any greater or less weight, unless the contrary shall appear to have been agreed upon by the parties.

CHAP. VIII.

AN ACT to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter Twelve, entitled, "An Act to regulate Line Fences and Water Courses," and to repeal so much of an Act passed in the Thirty-third year of the Reign of His late Majesty King George the Third, entitled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads.

[Passed 16th April, 1835.]

Preamble.

WHEREAS it is expedient that the several Laws now in force relative to the appointment and duties of Township Officers, and the mode of notifying and holding Township Meetings, except an Act passed in the fourth year of the reign of William the Fourth, Chapter Twelve, entitled,

“An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,” as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads, should be repealed and reduced to one Act of Parliament, and that provision should be made for the appointment of certain other Township Officers not now authorised to be chosen : *Be it therefore enacted*, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That an Act passed in the thirty-third year of the reign of King George the Third, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,” except the tenth clause thereof, and also an Act passed in the thirty-fourth year of George the Third, entitled, “An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large;” and also the first, second and third clauses of an Act passed in the forty-third year of the reign of George the Third, entitled, “An Act to extend the provisions of an Act passed in the thirty-fourth of His Majesty’s reign, entitled, ‘An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large;’” and also an Act passed in the forty-fourth year of the reign of George the Third, entitled, “An Act to repeal so much of an Act passed in the thirty-fourth year of His Majesty’s reign, entitled, ‘An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large,” as relates to Sheep, and to restrain the owners of Rams from permitting them to run at large during a certain time of the year;” and also an Act passed in the forty-fifth year of the reign of George the Third, entitled, “An Act to make provision for further appointments of Parish and Town Officers throughout this Province;” and also an Act passed in the forty-sixth year of the reign of George the Third, entitled, “An Act to alter and amend an Act passed in the thirty-third year of His present Majesty’s reign, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers;’” and also to repeal certain parts of an Act passed in the thirty-third of His present Majesty’s reign, entitled, “An Act to authorise and direct the laying and collecting of Assessments and Rates in every District in this Province, and to pro-

33 Geo. 3. c.

34 Geo. 3. c.

43 Geo. 3. c. § 2, 3.

44 Geo. 3. c. 1

45 Geo. 3, c.

46 Geo. 3.

vide for payment of wages to the Members of the House of Assembly;” and also an Act passed in the forty-eighth year of George the Third, entitled, “An Act for the better regulation of Parish and Town Officers throughout this Province;” and also the sixth, seventh, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third Clauses of an Act passed in the fiftieth year of the reign of George the Third, entitled, “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;” and also an Act passed in the fifty-first year of George the Third, entitled, “An Act to repeal an Act passed in the forty-seventh year of His Majesty’s reign, entitled, ‘An Act to repeal the several Acts now in force in this Province relating 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 provisions for the same;” and also an Act passed in the fifty-third year of George the Third, entitled, “An Act to alter and amend an Act passed in the forty-eighth year of His Majesty’s reign, entitled, ‘An Act for the better regulation of Parish and Town Officers throughout this Province;” and also an Act passed in the fifty-sixth year of George the Third, entitled, “An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty’s reign, entitled, ‘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;” and also an Act passed in the fifty-seventh year of George the Third, entitled, “An Act to repeal part of, and alter and amend an Act passed in the thirty-third year of His Majesty’s reign, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers within this Province;” and also an Act passed in the fifty-ninth year of George the Third, entitled, “An Act further to extend the provisions of an Act passed in the fifty-fifth year of His Majesty’s reign, entitled, ‘An Act to make provision for the further appointment of Parish and Town Officers throughout this Province’; and also the third, sixth, ninth, tenth, eleventh, and sixteenth clauses of an Act passed in the fifty-ninth year of George the Third, entitled, “An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this Province”; and also the sixth, eighth, ninth, eleventh, and twelfth clauses of an Act passed in the

45 Geo. 3. c.

Various clauses of 50
Geo. 3. c.

53 Geo. 3. c.

56 Geo. 3. c.

57 Geo. 3. c.

59 Geo. 3. c.

Certain clauses of 59
Geo. 3. c.

And of 59 Geo. 3. c.

fifty-ninth year of the reign of George the Third, entitled, “An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair, the public Highways and Roads in this Province”; and also an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty’s reign, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, and to make more effectual provision for obtaining an accurate census of the Population of this Province”; and also the fourth, fifth, and eighth clauses of an Act passed in the fourth year of George the Fourth, entitled, “An Act to repeal part of, and amend an Act passed in the fiftieth year of His late Majesty’s reign, entitled, ‘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, and also to repeal part of, and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty’s reign, entitled, ‘An Act to repeal part of, and amend the Laws now in force for laying out, amending, and keeping in repair, the public Highways and Roads in this Province;’” and also an Act passed in the eleventh year of His late Majesty George the Fourth, entitled, “An Act to provide for an increase of the number of Overseers of Highways, Pounds, and Pound-Keepers, in the respective Townships throughout this Province;” and also an Act passed in the fourth year of William the Fourth, Chapter Eleventh, entitled, “An Act to repeal part of and amend the Laws now in force in this Province, respecting the appointment and duties of Township Officers,” be and the same are hereby repealed: *Provided always*, that any prior Acts or Enactments repealed by any of the Acts hereinbefore recited shall be and remain repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Township Clerk for the time being, in each and every Township within this Province, shall assemble the Inhabitants of said Township being Householders or Freeholders, and paying or liable to pay any public assessment or rate of such Township, on the first Monday in January, at the hour of ten o’clock in the forenoon, at such place as shall have been agreed upon by the inhabitant Householders and Freeholders at the previous Township Meeting, or if no place shall have been so agreed upon at such previous Meeting, then at the place where such previous Meeting was holden: *Provided, nevertheless*, that the general Township Meetings for the year next ensuing the passing of this Act, shall be holden at the respective places where they shall have been last before holden; and such Township Clerk shall affix a notice

⁴ Geo. 4. c.

⁴ Geo. 4. c. § 4, 5 & 8.

¹¹ Geo. 4. c.

⁴ W. 4. c. 11.

^{Township Meetings, how to be summoned.}

^{Place of Meeting.}

^{Notice of Township Meeting.}

of the time and place of such Township Meeting, for at least fifteen days previous thereto, in at least three of the most public places in the Township, and the inhabitant Householders and Freeholders when so assembled, shall choose a Chairman, whose duty it shall be to preside and keep order and declare the decision of the Meeting on all matters to be lawfully transacted thereat: *Provided always*, that until such Chairman be chosen, the said Township Clerk if present, shall preside and keep order.

Qualification to Vote.

III. *And be it further enacted by the authority aforesaid*, That no person shall be qualified to vote at any Township Meeting under the provisions of this Act, except he be a Householder or Freeholder in such Township, of the full age of twenty-one years; and that all matters and questions at such Township Meetings shall be decided by the majority of the said inhabitant Householders and Freeholders of the Township then and there present.

Penalty for Voting,
&c. not being duly
qualified.

IV. *And be it further enacted by the authority aforesaid*, That any person whatever voting or offering to vote at any such Township Meeting as aforesaid, not being duly qualified by Law to vote, shall be subject and liable to a penalty of not less than Five Shillings or more than Twenty Shillings, to be recovered in the manner directed by this Act for the recovery of other fines and penalties, and to be laid out in the like manner on the Roads and Highways; *Provided* the complaint shall be made to the Court having jurisdiction of similar offences within three months thereafter, unless it shall appear to the Court that the person so offending shall not have had his vote objected to at the time of his voting, and that the offence was committed through his ignorance of the Law upon this subject.

On neglect of Town-
ship Clerk to call
Meetings, Inhabitants
may assemble and
transact business.

V. *And be it further enacted by the authority aforesaid*, That in case the Township Clerk of any Township shall neglect or refuse to assemble the said inhabitant Householders and Freeholders, at the time and place and in the manner and form aforesaid, the said Householders and Freeholders may nevertheless lawfully meet and transact all such public business as is provided by this Act, at the time and place hereinbefore provided.

Choice of Township
Clerk, Commissioners
and other Officers.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said inhabitant Householders and Freeholders at such Township Meeting, to choose one proper person to be Clerk of the said Township; also to choose three proper persons to serve the office of Commissioners for the Township; also one proper person to serve the office of Assessor for the Township; also one proper person to serve the

office of Collector for the Township; also any number of persons to serve as Overseers of Highways Roads and Bridges for the Township; and also any number of persons to serve as Pound-Keepers for the Township, as they shall deem expedient for the year: *Provided always*, that no person shall be compelled or be liable to serve any Township Office above mentioned for two years in succession, except the inhabitant Householders and Freeholders neglect or refuse to assemble and appoint Officers, or in case they do assemble and from any cause whatever neglect or refuse to appoint particular Officer or Officers for the year as aforesaid, then and in such case the Officers of the Township for the preceding year, or such of them as shall not be relieved by the appointment of other Officers as their successors, shall continue and remain in office for the year, and shall have the same powers and be subject to the same responsibilities as if they had been legally appointed to such Office in the usual manner: *And provided also*, that no person shall be compelled to serve in any of the aforesaid offices for any Township in which he shall not reside.

On neglect of such choice Officers of preceding year to continue in office.

Person not resident not compelled to serve.

VII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the inhabitant Householders and Freeholders in any newly settled Township in which no regular Township Meetings have been by Law hitherto holden, to hold Township Meetings for the appointment of persons to serve the different offices for the Townships mentioned in this Act, so soon as such Townships shall contain thirty inhabitant Householders or Freeholders: *Provided always*, that where a Township does not contain thirty inhabitant Householders and Freeholders, such Householders and Freeholders shall be taken and reputed as inhabitants of the Township adjacent thereto containing the smallest number of inhabitants that is authorised to hold a Township Meeting, and may vote at its Township Meetings, and shall be subject to all the regulations made at the Meetings of such Townships, and all Officers legally appointed at such Township Meeting consisting or made up of two or more Townships shall and they are hereby declared to be the Officers of the several Townships composing such Meeting.

When newly settled Townships entitled to appoint Officers.

Union of Townships for certain purposes.

VIII. *And be it further enacted by the authority aforesaid*, That the following course may be adopted, which shall be lawful for convening a first Township Meeting on the first Monday in January, at the hour of ten o'clock, for the purposes of this Act in any Township which has not before legally held a Township Meeting, that is by affixing a public notice in at least three of the most conspicuous places in the Township, at least fifteen days previously, signed by a majority of the Inhabitant Householders and Freeholders of such Township, stating that a public meeting will be held

First Meeting in a new Township.

on the first Monday in the month of January ensuing, at some certain place in such Township, for the appointment of Township Officers for the year.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Inhabitant Householders and Freeholders of the several Townships in this Province, at such Township Meetings assembled, to determine and order in what manner, at what periods, and what description of Horned Cattle, Horses, Sheep and other animals, (not expressly provided for by law) shall be allowed to run at large, or be restrained from so doing, within their respective Townships for the year, and what shall be the fine or forfeiture upon the owner of any animals running at large contrary to such regulations; and also to make such rules and regulations as the majority may deem necessary relative to pits, precipices, and deep waters, or other places dangerous to travellers; or the destroying or suppressing the growth of such weeds as are detrimental to good husbandry; the height and description of lawful Fences, and such other matters connected with the same as may tend to promote the peace and welfare of their Township.

X. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk, appointed as aforesaid for any Township, to record all such matters as shall be lawfully transacted at such meeting, and all other matters relating to the Township which by virtue of his office it shall be his duty to record; which record, together with all other records, papers, monies unexpended, and property belonging to the Township which may come into his hands by virtue of his office, shall be faithfully kept and preserved by such Clerk, and by him delivered over to his successor duly appointed.

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every Township Clerk appointed agreeably to the provisions of this Act, to make out two copies from his record of the proceedings of the Meeting at which he was appointed as Clerk for the Township, within twenty days after his appointment, one of which he shall post up in a conspicuous manner at the place where such Meeting was held, and transmit or deliver the other copy to the Clerk of the Peace for the District, and it shall be the duty of the Clerk of the Peace to file in his office all such copies as may be transmitted or delivered to him by the respective Township Clerks in each and every year, which shall be and remain in his office as a record, and shall be open to the inspection of any person desiring it, on payment of One Shilling to the Clerk of the Peace as his fee for his trouble in making such search.

King's title to be
allowed to run at
large.

Dangerous roads;

noxious weeds, &c.

Duty of Township
Clerk to record pro-
ceedings.

One copy of Proceed-
ings to be posted in
public.

One to be filed by
Clerk of the Peace.

XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Clerk to cause the several Township Officers legally appointed or chosen for the year, to be served with a notice of their appointment to such offices, signed by his hand as Township Clerk, within the space of ten days from and after their appointment, requiring them to take the oath (or affirmation as the case may be) of office for their respective offices according to Law, which notice may be in the following form; Notice to the Officers of their appointment.

Sir,

You are hereby notified that you were appointed on the _____ day of _____ to the Office of _____ and you are required to take the oath or affirmation of office for the said office, according to Law. Form of notice.

(Signed)

A. B.

Township Clerk.

To C. D.

Dated, &c.

13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Township Clerk of any Township for the time being, and he is hereby authorised to administer any oath or affirmation of office (as the case may be) authorised or required by this Act, and which oath or affirmation may be as follows: Township Clerk may administer oath or affirmation.

You A. B. do solemnly swear or affirm (as the case may be) that you will faithfully and diligently perform the duties of the office of _____ for this present year, according to Law and the best of your abilities. So help you God.

14. *Provided always, and be it further enacted by the authority aforesaid,* That the Overseers of Highways shall severally take the following oath, a copy of which shall be given to the several Overseers by the Township Clerk: Oath to be taken by overseers of highways.

You A. B. do promise and swear (or affirm as the case may be) that you will faithfully, diligently and impartially, perform the duty of Overseer of Highways, and that you will require each and every person under your charge (not having compounded for his Statute Labour) faithfully and diligently to perform the same according to Law, either in person or by an able bodied substitute, and will report every defaulter to the Commissioners, and perform all other matters and things pertaining to your office as the Law directs.—So help you God.

Names of persons taking oaths to be recorded.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Clerk, and he is hereby authorised and required, to keep a record of the names of all such as take such oath or affirmation, and report to the Board of Commissioners at each and every meeting of such Board for the year, the names of all those persons in the Township who have been legally appointed to a Township office for the year, and notified as aforesaid, and have neglected or refused to take the oath or affirmation, by this Act.

Remuneration to Township Clerk.

XVI. *And be it further enacted by the authority aforesaid,* That the Township Clerk shall be entitled to demand and receive from the Treasurer of the District, as a compensation for performing the duties imposed upon him as Township Clerk by this Act, the sum of Five Shillings for every day that he may be necessarily employed in performing the duties of his office, which sum, together with all other fees allowed to him by this Act, the Treasurer is hereby authorised and required, (on demand made) and upon affidavit of such Township Clerk made before any Justice of the Peace, that such demand is just and true, to pay to the respective Township Clerks, out of any monies that may be in his hands, unappropriated, and applicable to the general uses of the District.

Affidavit of his services.

Township Clerk may administer oath, &c.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Township Clerk of any Township, and he is hereby authorised, during the continuance of his office, to administer any oath or affirmation authorised or required to be taken or administered by this Act.

Lists of ratable property to be furnished to Assessor.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Assessor of any Township, and he is hereby authorised and required, to demand and receive from every ratable Inhabitant resident within the Township, a list of all the ratable Personal Property in his, her, or their possession in the Province, and of all the Lands, Tenements, or other Real Estate, in his, her, or their possession in the Township, specifying the number of the Lot or Lots, the number of the Concession or Concessions in which the same is or are situated, or otherwise particularly describing the same; and also the number of acres cultivated or uncultivated in each lot or parcel of Land; which list shall be taken between the first Monday in February and the Court of General Quarter Sessions of the District which shall be holden next after the first day of March in every year, and shall make a return within the time aforesaid, duly attested under oath (or affirmation) before the Clerk of the Peace for the District, or Township Clerk, of all the ratable Inhabitants, with a true list of all their Ratable Property, speci-

Period for making return;

Return to be on oath;

fyng the particulars above mentioned, and shall in like manner insert his own Ratable Property therein, at the foot of which he shall subscribe his name, and shall cause the said return to be delivered to the Clerk of the Peace, to be by him laid before the Court of Quarter Sessions at its said sittings, and shall also, within the time aforesaid, put up a correct copy thereof for the inspection of the public, at the place where the last Township Meeting was held in his Township; and the said Assessor shall, and he is hereby required, to report to the Board of Commissioners the names of all such persons in the Township as he conceives to have either given in a false list or have refused or neglected to give any list, as the Law directs of their Ratable Property, in order that such offender may be dealt with according to Law, at least fourteen days previous to his returning such roll to the Clerk of the Peace.

To be delivered to
Clerk of the Peace

Names of defaulters

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every Assessor, and he is hereby required, to demand and receive from every Inhabitant Householder or head of a Family in his Township, a true and correct list of the number of persons composing such family, male and female, and their respective ages, also all deaf and dumb and insane persons, including therein all persons employed by or resident with such Householder or Head of a Family, which list shall or may be in the following form:—

Assessors to be
furnished with lists
of all persons within
each household;

Names of Heads of Families.	Number in each Family.				Deaf and Dumb.	Insane.
	Males.		Females.			
	Under 16.	Over 16.	Under 16.	Over 16.		

And if such Householder or head of a family shall refuse or neglect to give a true and correct list to the Assessor, he shall be liable to pay the same penalty as persons are liable to pay who neglect or refuse to give in a true list of their Ratable Property to the said Assessor, to be levied and collected and expended in the same way.

Penalty for neglect.

XX. *And be it further enacted by the authority aforesaid,* That every Assessor shall subscribe such list to be taken by him, and shall deliver or

Assessors to sub-
scribe lists.

transmit the same to the Clerk of the Peace for the District, before the said Sittings of the Quarter Sessions, verified upon oath or affirmation, before the Township Clerk, or Clerk of the Peace of the District, to be a true list.

Clerk of the Peace to
make general list of
population of District.

XXI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace in every District, to make out a general Return of the Population of his District, from the several Returns which he may receive from the Assessors for the year, and to transmit the same to the office of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, on or before the first day of July in each and every year; and if such Return shall not contain the whole Population of his District, he shall send in a Return of such Townships as may be deficient, as soon as practicable after he shall be enabled to do so by Returns of the Assessors of such Townships.

Remuneration to
Assessors.

XXII. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for each and every Assessor to demand and receive from the Treasurer of his respective District, the following fees, as a compensation for the duties imposed upon him by this Act, viz.:—If the Assessment of the rate of One Penny in the Pound, for the year, does not amount to Fifty Pounds, he shall receive a sum equal to Seven Pounds for every One Hundred Pounds; if above Fifty Pounds and under One Hundred Pounds, a sum equal to Six Pounds Ten Shillings for every One Hundred Pounds; if above One Hundred Pounds and under One Hundred and Fifty Pounds, a sum equal to Six Pounds, for every One Hundred Pounds; if above One Hundred and Fifty Pounds and under Two Hundred Pounds, a sum equal to Five Pounds Five Shillings for every One Hundred Pounds; if above Two Hundred Pounds and under Two Hundred and Fifty Pounds, a sum equal to Four Pounds Fifteen Shillings for every One Hundred Pounds; if above Two Hundred and Fifty Pounds and under Three Hundred Pounds, a sum equal to Four Pounds Five Shillings for every One Hundred Pounds; if above Three Hundred Pounds and under Three Hundred and Fifty Pounds, a sum equal to Four Pounds for every One Hundred Pounds; and if above Three Hundred and Fifty Pounds, a sum equal to Three Pounds Ten Shillings for every One Hundred Pounds.

Duty of Collector.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collector appointed for a Township, and he is hereby authorised and required, after first having received a certified copy from the Clerk of the Peace, of the Assessment Roll for the Township

for the previous year, which certified copy shall be to each and every Collector sufficient authority for collecting the same from time to time, to demand and receive from the Inhabitants of the Township, all such Rates and Assessments as may be due and payable on such Assessment List, and shall pay the same over to the Treasurer of the District on or before the said Sitings of the Court of Quarter Sessions: *Provided always*, Remuneration to Collector. that it shall and may be lawful for every such Collector to reserve for himself the following Fees, as a compensation for his services as such Collector, that is to say,—If the Assessment of the Township for which he is Collector does not amount to Fifty Pounds, he shall retain a sum equal to Eight Pounds for every One Hundred Pounds he collects; if above Fifty Pounds and under One Hundred Pounds, a sum equal to Seven Pounds Ten Shillings for every One Hundred Pounds; if above One Hundred Pounds and under One Hundred and Fifty Pounds, a sum equal to Seven Pounds Five Shillings for every One Hundred Pounds; if above One Hundred and Fifty Pounds and under Two Hundred Pounds, a sum equal to Seven Pounds for every One Hundred Pounds; if above Two Hundred Pounds and under Two Hundred and Fifty Pounds, a sum equal to Six Pounds Ten Shillings for every One Hundred Pounds; and that for all sums over Two Hundred and Fifty Pounds, a sum equal to Five Pounds for every One Hundred Pounds.

XXIV. *And be it further enacted by the authority aforesaid*, That if any person whose name is inserted upon such Assessment Roll, shall neglect or refuse 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, or his Agent duly appointed, the said Collector, upon oath before one of the said Commissioners of such demand and refusal of payment as aforesaid, shall be entitled to demand an execution for the amount of such Rate or Rates, which execution the said Commissioner is hereby authorised and required to grant; and upon the receipt of the same the said Collector shall, and he is hereby authorised and required to levy the same by distress and sale of the Goods and Chattels of the person so neglecting or refusing to pay, having eight days previous notice of such Sale in three public places in the Township, and render the overplus, if any there be, to the owner thereof, after deducting the amount of the rates Assessed and the legal charges of distress and sale. Rates may be recovered by Execution and Distress.

XXV. *And be it further enacted by the authority aforesaid*, That the following fee, and no more, shall and may by such Collectors be taken for every distress, advertising and sale, viz: Three Shillings and Nine Pence. Fee upon each Distress.

Security to be given
by Collector.

XXVI. *And be it further enacted by the authority aforesaid,* That each and every Collector shall, within eight days after his appointment, and before he shall collect any money by virtue of his office, enter into a Bond, jointly and severally with two sufficient Freeholders to be approved of by the Township Clerk, to the Treasurer of the District to the full amount of double the Assessment of the Township for the preceding year, which Bond may be in the following form :—

Form of Bond

Know all men by these presents that we, A. B., Collector of the Rates for the Township, or Townships, of ———, in the District of ———, and C. D. of ———, and E. F. of ———, are held and firmly bound to J. O. Treasurer of the District of ———, in the sum of ———, Currency, to be well and truly paid to the said J. O. Treasurer as aforesaid, or his successor in office, for which payment well and truly to be made to the said J. O., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these present : Sealed with our Seal.

The condition of the above Bond is such, that if the above bounden A. B. shall collect all the Rates and Assessments of the Township, or Townships, of ——— for the preceding year, ending the first Monday in January in this present year, so far as the Law may enable him to do, and shall pay all the monies which he may so collect (except his own percentage) to the Treasurer of the District, on or before the next ensuing sittings of the Court of Quarter Sessions which may be next after the first day of March, then this obligation to be void, or otherwise to remain in full force and virtue.

Collection of Rates
in arrears.

XXVII. *And be it further enacted by the authority aforesaid,* That if at any time it shall happen to be out of the power of any Collector of any Township to collect the Assessment due from any person, for want of assets to satisfy the same, or by reason of any person being out of the Township, or upon any other account, it shall and may be lawful for the Collector of such Township in any subsequent year to collect such Rates, in the same way and manner as if such Rate was due for the year for which he shall be appointed.

Security by Township
Clerk.

XXVIII. *And be it further enacted by the authority aforesaid,* That each and every Township Clerk shall, on or before the first meeting of the Township Commissioners after his appointment, enter into a Bond, jointly and severally with two sufficient Freeholders, the Freeholders and the amount of the Bond to be approved of by the Board of Commissioners, which Bond shall be to the Commissioners, and in the form pre-

scribed by this Act for Collectors, except the Condition, which may be in the form following:—

The condition of the above Bond is such, that if the above bounden A. B. shall well and truly pay over all monies coming into his hands by virtue of his office, and applicable to the general uses of the Township, and deliver the remainder, (if any there be) together with all books, records and papers, belonging to the Township, into the hands of his successors in office; as the Law directs, then this obligation to be void, or otherwise to remain in full force and virtue.

Condition of Bond.

XXIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Overseers of Highways of any Township, and they are hereby severally authorised and required, to superintend, make, and keep in repair, the Highways, Roads, Streets and Bridges, that may be allotted to them severally from time to time, and ordered by the Board of Commissioners for the Township; and every such Overseer shall, after having received such order, by giving at least three days notice of the day, hour and place, summon such persons within his division as are liable to perform Statute Labour that may be due, and order them to work within the time stated in such order, on such part of the Roads, Bridges or Highways, as they are directed to make, amend or repair, and shall or may direct all persons performing such labour to destroy as much as may be in their power, such weeds as are in his opinion hurtful to good husbandry, and shall give to every person who may have done his Statute Labour for the year, requiring the same, a certificate under his hand, of having performed his share of the Statute Labour in that Township for the year, in order to prevent such person from being called out again in any other Township to which he may remove.

Duties of Overseers of Highways.

XXX. *And be it further enacted by the authority aforesaid,* That when any Road or Highway passes any deep water, precipice, or other dangerous place, the Overseer in whose division such place may be situated, shall by Statute Labour cause good and sufficient guards, rails or fences, to be erected, in order to make such places safe, and shall also erect finger-posts at all such places within his Division as shall be necessary for the direction of travellers.

Fence to be erected where road borders on dangerous place.
Guide posts.

XXXI. *And be it further enacted by the authority aforesaid,* That any person liable to perform Statute Labour according to Law, may compound for such duty, if he or she shall think fit, on or before the first day of May, by paying to the Overseer acting for the Division in which he or she resides, the sum of Five Shillings for a team and driver for

Composition for Statute Labour.

every day that he or she may be required to work on the Road with such team and driver, and also by paying as aforesaid the sum of Two Shillings and Six Pence for every day he or she may be called on without such Team as aforesaid; and such Overseer is hereby authorised and required to accept the said sum in place of such Statute Labour, and shall and may lay out and expend the same in such manner as to him shall seem best for the improvement of the Roads or Bridges allotted to his Division, and render an account of the same, as is provided by this Act.

Repairs of Bridges.

XXXII. *And be it further enacted by the authority aforesaid,* That in order to provide materials for making and erecting any Bridges or Causeways, or making or repairing any Road, it shall and may be lawful for any Overseer of Highways, in the actual discharge of his duty, to direct the persons performing Statute Labor to cut down or make use of any tree or underwood standing upon any uninclosed and unimproved Lands, and also break up and make use of any stone upon any unimproved and uncultivated Land that such Overseer may think necessary for that purpose, and wilfully doing no unnecessary injury to the premises from whence they are taken.

Repairs of the Highways, and by whom.

XXXIII. *And be it further enacted by the authority aforesaid,* That the Roads and Highways in and through every Township, as also a just share of any Road actually required and necessarily running between the same and any other Township, shall be cleared, repaired and maintained, by the Inhabitants thereof; and that every person liable to perform Statute Labour, if not compounded for as aforesaid, shall either in person or by a sufficient and ablebodied man in his or her stead be obliged, under the direction of the Overseer acting for the Division, to work faithfully and diligently on the said Road, and shall bring with him one spade, axe, pickaxe, bar, or such other implement or instrument useful for the purpose aforesaid, as he may be owner of, and be directed by the Overseer 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 day's work, exclusive of the time of going to and from the place of work; and that every person within any Township keeping a Cart, Waggon, or Team of one or more Horses, Oxen or Beasts of burthen or draught, used to draw the same, shall send on every day to be appointed by the said Overseers, a Cart, or Waggon and Team, and one ablebodied man to drive the same, for such space of time as he shall be liable to work on the said Roads according to Law, allowing eight hours for each day's work, which said day's work shall be held equivalent to two days personal labour; and if any labourer or driver shall refuse or neglect to work faithfully, or to carry good sufficient loads during the time above mentioned,

Labourer &c. refusing to work.

it shall and may be lawful for the said Overseer, and he is hereby authorised and required to discharge such Labourer, and the person furnishing such Team 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 and Driver had not been sent, and shall not be allowed for the part or portion of the day which he may have laboured. Penalty.

XXXIV. *And be it further enacted by the authority aforesaid,* That the several Overseers of Highways in the several Townships shall cause all Statute Labour under their direction and control to be performed, and all monies coming into their hands in lieu of Statute Labour, to be expended between the first day of May and the fifteenth day of July in each and every year, except otherwise directed by the Township Commissioners for the said Township. Time limited for expenditure of monies.

XXXV. *And be it further enacted by the authority aforesaid,* That every person liable to perform Statute Labour in any Township or Division, and not having compounded for the same according to Law, who shall neglect or refuse, after having been duly notified as aforesaid, to attend himself or send a sufficient ablebodied man in his stead, with such Carriage, Team, Implement or Instrument, as may be by this Act required, and directed by the Overseer, at the time and place appointed, shall forfeit and pay the sum of Five Shillings for each day he shall so neglect or refuse; and every person who shall neglect or refuse after notice given as is provided by this Act, to view Fences and appraise Damages, and to deliver his determination within the time specified by this Act, shall forfeit and pay a sum not less than Five Shillings, nor more than Twenty Shillings, to be recovered by the Board of Commissioners, by confession or upon the oath of one credible Witness, and to be levied by Warrant under the hand and seal of the Commissioners, by distress and sale of the Goods and Chattels of the person so offending, rendering the overplus, if any there be, to the party, after deducting the penalty and legal charges attending such distress and sale; and the imposing of any such fine or penalty by the Commissioners on any person, shall not in any wise release such person from performing any duty required of him by this Act, but he shall be liable and subject to perform the same at any time within the current year, when called upon so to do by the proper Officer, as though no such fine or penalty had been imposed upon him. Penalty of five shillings each day for not doing statute labour; Penalty not exceeding 20s. on Fence Viewers for neglect or refusal.

XXXVI. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully stop up any Road or Roads in any Township, or shall pull down or destroy any Fence, Railing or Guard, that shall have Nuisances on the roads;

been erected along any Water, Bridge or Precipice, for the safety of Travellers, or any Guide or Finger-post, such person so offending shall forfeit and pay for every such offence a sum not less than Five Shillings nor more than Five Pounds, to be recovered in the manner provided by the preceding Clause of this Act; or in case any Tree or Trees shall be cut down in, or fall out of any enclosed Land, in such a way as to obstruct any Public Road or Highway, the Owner or Occupier of such enclosure shall remove the same within twenty-four hours after notice received of such obstruction, under the penalty of Ten Shillings for every day the obstruction shall continue: the penalty to be recovered in like manner.

Penalty not exceeding five pounds;

Trees;

Penalty.

XXXVII. *And be it further enacted by the authority aforesaid,* That the Overseers of each and every Township shall severally make out a true list or account of all persons within their respective Divisions, and also of all who own either a Sleigh, Cart, or Waggon and Team, and who are liable to work on the Highways, and of the labour done or unperformed by any person liable to perform or compound for the same, and also of all Monies that may have come into his hands by virtue of his office, and of the expenditure or payment of the same, which list or account shall be subscribed by such Overseer, and delivered verified upon oath or affirmation, if required, to the Board of Commissioners for the Township, at their Meeting on the second Saturday in November.

Overseers accounts.

XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of any Pound-Keeper appointed under the provisions of this Act, to provide himself with sufficient yards or enclosures for the safe keeping of all such Animals as it may be his duty to Impound, and he is hereby authorised and required to Impound all Animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any person resident within his Division taking up the same; and it shall be his duty to furnish the same with necessary food and drink, and if after the space of forty-eight hours the said Animals shall not be claimed and redeemed by the Owner, or some one in his behalf, paying the Pound-Keeper his lawful demand and charges, and the amount of damages awarded in the manner hereinafter mentioned to have been done by such Animals, to the person taking up the same, he shall cause a Notice in writing to be affixed in three public places in the Township, for at least fifteen days, which Notice shall give a description of such Animals, and also state the time and place at which he intends to expose the same to sale; and if the Owner of such Animals, or some one in his or her behalf, does not within the time specified in such notice as aforesaid, redeem the same, by paying to the said Pound-Keeper his legal

Pound-keepers to provide enclosures for impounded cattle;

Animals running at large may be impounded;

Notice.

Redemption by the Owner.

charges, and the damages awarded to the person taking up such Animals, the said Pound-Keeper shall proceed to sell the same to the highest bidder at the time and place mentioned in the Notice, which sale is hereby declared to be valid in Law; and the said Pound-Keeper shall, after deducting his own legal charges and the damages awarded to the person taking up the said Animals, provided he is the party injured, return the overplus (if any there be) to the original owner: *Provided always*, that if no person shall appear to claim the said Animals within the space of three months after public notice and sale as aforesaid, the said Pound-Keeper shall pay the overplus (if any) into the hands of the Township Clerk for the time being, to be laid out for the improvement of the Roads and Bridges within the Township.

XXXIX. *Provided always, and be it further enacted by the authority aforesaid*, That if any Ox or Oxen, Horse or Horses, shall be impounded as aforesaid, and not claimed before the expiration of fifteen days as aforesaid, and the owner thereof shall not be known by the said Pound-Keeper, then and in that case the Pound-Keeper shall not sell such Ox or Oxen, Horse or Horses, at the time stated in such notice, but shall postpone the sale thereof for the space of three months, at the expiration of which time such Pound-Keeper shall proceed to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding clause of this Act: *Provided always*, that the owner of the same may at any time before such sale, redeem such Animal or Animals, by paying demands as aforesaid.

XL. *Provided also, and be it further enacted by the authority aforesaid*, That it shall be the duty of all and every person taking any Animal or Animals to a Pound-Keeper to be impounded, at the same time, or within twenty-four hours, to state in writing to the said Pound-Keeper all demands he may have against the Owner of such Animal or Animals for damages done by them; and in case the Owner of such Animal or Animals shall tender to the Pound-Keeper the full sum which shall or may be awarded as damages to the party suffering the same, with the costs then incurred, such Owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

XLI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Pound-Keeper, and he is hereby authorised and required, within twenty-four hours after having impounded any Animal as aforesaid, to notify three disinterested Freeholders to appraise the damages done by the said Animals, and also to judge of the sufficiency

Sale.

Overplus.

Oxen and Horses impounded not to be sold under 3 months notice.

Tender of damages by the Owner within 24 hours.

Appraisal of the damages by three Freeholders;

To view the Fence.

of the Fence enclosing the ground wherein such Animals were found doing damage; and such Freeholders, or any two of them, shall, within twenty-four hours after the receipt of such notice, view such Fence, and determine whether the same is a lawful Fence according to the Resolutions of the Township Meeting on that subject, and if so, appraise the damage done, and having reduced their award to writing, shall deliver the same, subscribed with their names, to the Pound-Keeper, within the space of twenty-four hours after having been so notified: *Provided always*, that if the said Freeholders shall not award any damages to the person taking up such Animals, the Pound-Keeper shall, on demand, deliver the same to the owner thereof, and shall be entitled to recover his costs and charges from the person at whose instance such Animals were impounded.

Award in writing.

If no damages be awarded, the Cattle to be delivered to the Owner.

XLII. *And be it further enacted by the authority aforesaid*, That it shall not be necessary for the Pound-keeper to cause Fences to be viewed and damages to be appraised as aforesaid in cases where Animals are impounded by him that may be lawfully impounded without being found doing actual damage, as for instance Rams, and other Animals not free commoners, but shall otherwise proceed as the Law directs.

In what cases Fences need not be viewed.

XLIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any person whatsoever to take up any Ram, Bull or Boar, which he may find running at large contrary to the Regulations made in that respect for the year at the Township Meeting, and deliver the same to the Pound-Keeper, to be dealt with according to Law.

Rams, Bulls, &c.

XLIV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of any Pound-Keeper to impound any Ram, Bull or Boar as aforesaid, that may be delivered to him, and advertise the same at three public places in the Township, for the space of eight days, or such further time as shall be lawfully prescribed by any Regulation at the Township Meeting, and at the expiration of the said term publicly to sell the same to the highest bidder at the time and place stated in such advertisement, unless such Ram, Bull or Boar, shall be previously claimed and redeemed by the Owner thereof, by his paying to such Pound-Keeper his fees and such other sum as shall be imposed as a fine or penalty at the Township Meeting on the Owner of any Ram, Bull or Boar, which may be found running at large at certain seasons of the year; and such Pound-Keeper shall pay over all sums that he may so receive, except his fee, to the Township Clerk for the year.

Pound-Keeper's duty to impound Rams, Bulls, &c.

Advertisement:

Sale.

XLV. *And be it further enacted by the authority aforesaid,* That every Pound-Keeper appointed by virtue of this Act shall be authorised to take such and no greater fees for performing the duties imposed upon him, or for feeding Animals as aforesaid, as may be authorised and allowed by the Board of Commissioners for the year; and it shall be his duty to pay over without delay to the person entitled to receive the same, such sums awarded as damages as may come into his hands by virtue of his office.

Pound-Keeper's Fees.

XLVI. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed agreeably to the provisions of this Act shall be known by the name of the Board of Commissioners for the Township of ———, and as such shall be capable of performing, ordering and doing, all such matters and things as shall be authorised by this Act, and the majority of them shall be competent to transact any lawful business agreeably to this Act, for the benefit of their respective Townships.

Commissioners how styled.

XLVII. *And be it further enacted by the authority aforesaid,* That the Clerks of the respective Townships shall be, and are hereby declared to be the Clerks of and for the Board of Commissioners, and as such shall attend all their meetings, and record in a book to be by them kept for that purpose, all judgments, decisions or orders, that shall be made by such Board, and all other matters and things which it may be necessary to have recorded for reference, which records shall be considered and taken to be part of the records of the Township, and as such shall be delivered by them over to their successors in office.

Clerks to the Commissioners.

XLVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Board, and they are hereby required, to meet at the same place at which the Township meeting was last before holden, at the hour of ten of the clock in the forenoon, on the third Saturday in January, on the first Saturday in July, and on the third Saturday in October, and also at as many other times and places in the Township as they may deem expedient, for the purpose of performing the duties imposed upon them by this Act.

Meetings of the Board.

XLIX. *And be it further enacted by the authority aforesaid,* That the Board of Commissioners for any Township shall, and they are hereby authorised and required to take charge of, allot, and order to be made, repaired and kept in repair, in such manner as they may think expedient, all such Roads and Bridges as are now or shall be required to be kept in

May order repair of Roads and Bridges.

repair by the Inhabitants of such Township by any Act or Acts of the Legislature of this Province.

Divisions of Townships.

L. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Board, and they are hereby authorised and required, at their meeting on the third Saturday in January, or at some adjourned meeting before the third Saturday in April, to divide the Township into divisions, and to allot to the several Overseers their respective divisions, and to order the said Overseers to expend the Statute Labour on the Roads within the same, or they may order the whole or any part of such Statute Labour to be done on the road or roads in any particular part of such Township, or any adjacent Township, as to them shall seem expedient; and also to hear and determine upon all such matters as may come before them by virtue of this Act.

To regulate compensation of Pound-Keepers.

LI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Board to resolve what fees or compensation for Poundage or for feeding animals shall or may be taken by the several Pound-keepers in the Township for the year, and also the quantity of provender that shall be daily allowed to the several animals impounded, and also allot to said Pound-keepers their several precincts or divisions, a statement of which shall be transmitted to the several Pound-keepers for their guidance, and a true copy posted up in some public place in the Township within the respective precincts of the Pound-keepers.

Board to fill up vacant offices.

LII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Board, and they are hereby required at any of their meetings as aforesaid, to fill up all vacancies in the Township offices, by appointing other officers instead, that may occur by reason of death or removal from the Township, or by any person neglecting or refusing to take the oath or affirmation of office required by law, or by neglecting or refusing, after having taken such oath or affirmation, to perform the duties of the office; and the Township Clerk shall notify, and administer an oath or affirmation of office to such as may be appointed at Meetings of the Board, and report delinquents in the same manner as if they had been appointed at the Township Meeting, and such Officers so appointed by such Board, shall have the same power and authority and be liable to the same responsibilities and penalties that they would have been had they been appointed at the Township Meetings.

Exemptions from Statute Labour.

LIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act any person who is not assessed at more than twenty-five Pounds, and who, by reason of age, sickness, or numerous

family or misfortune, may be in poor and indigent circumstances, may apply to the Board of Commissioners for the Township in which such person resides, and the said Board on such application, having first notified the Overseer acting for the Division in which such person resides to appear on the part of the public, shall examine and inquire into the situation and circumstances of the person making such application, and if it shall appear to such Board that such person is really poor and indigent, and therefore desires to be released from a part or the whole of his or her Statute Labour, the said Board may in their discretion exempt such person from the performance of the whole or a part of his or her Statute Labour upon the Highways for the year, and give him a certificate to that effect which shall be an acquittance of the same.

LIV. *And be it further enacted by the authority aforesaid,* That if any person legally appointed to any Township office agreeably to the provisions of this Act shall neglect or refuse to take an oath or affirmation of office before the proper officer for administering the same within eight days after being duly notified, or after taking such oath or affirmation shall neglect or refuse to perform the duties of his office agreeably to the provisions of this Act, or shall take any greater fee or allowance than is authorised by this Act; or if any person shall neglect or refuse to deliver in a true list of his or her Ratable Property real or personal, as the Law directs in manner and form aforesaid, or shall wilfully mis-state such Ratable Property, such person shall forfeit and pay a sum not less than one pound nor more than five pounds, with costs, for every such neglect, refusal or violation of the Law, to be levied by distress and sale of the offenders Goods and Chattels, eight days previous notice of such sale being given, and the overplus, if any, being rendered to the owners.

Penalty for refusal to take oath of office:

Or exact larger Fees &c

LV. *And be it further enacted by the authority aforesaid,* That upon complaint of such neglect, refusal or violation of the Law, before the Board of Commissioners for the Township wherein the offence was committed, or if such neglect or refusal shall come to the knowledge of the said Commissioners, by returns as aforesaid, the said Board shall, after summoning the party or delinquent before them, (which Summons either of the Members of the said Board is hereby authorised to issue) hear and determine the same, and upon sufficient proof being made of such wilful neglect or refusal, or violation of the Law, or misstatement, by the confession of the party, or the oath of one credible Witness, shall issue such Warrant of distress and sale as aforesaid, to some Constable who is hereby authorised and required to execute the same, unless the sum or penalty be immediately satisfied, and such sums or penalties when collected, shall be paid into the hands of the Township Clerk.

How proceeded against.

Commissioners' wages.

LVI. *And be it further enacted by the authority aforesaid,* That the several Commissioners for the several Townships shall be entitled to demand and receive from the Treasurer of the District, as a compensation for performing their respective services and duties imposed upon them by the provisions of this Act, the sum of Five Shillings per day, for every day they are necessarily engaged in the said duties and services, the said days to be certified by the Township Clerk, which sum the Treasurer of the District is hereby authorised and required to pay, on demand and production of such Certificate, out of the public monies in his hands unappropriated and applicable to the general uses of the District; and the Commissioners aforesaid shall render an account to the Township Clerks respectively, of the amount of monies so received by them for their respective services, which account, together with all monies received by the said Clerk for his services, shall be by him laid before the next Township Meeting for inspection.

How paid.

Amount.

Constables' fees.

LVII. *And be it further enacted by the authority aforesaid,* That the Constable to whom any Warrant, Execution or Summons may be directed, authorised to be issued by this Act, shall be entitled to the following fees and no more, for executing such Warrant, Execution or Summons, viz.: Four Pence per mile for every mile he may have to travel to execute the same, which travel shall be verified upon oath if required, and for levying, advertising, selling and making returns, Two Shillings and Six Pence; for every Summons served, Eight Pence.

Board to examine Overseers returns;

LVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Board carefully to examine the returns of the several Overseers and of the Township Clerk, and also the Books, Accounts, and Papers of such Clerk, and when it shall appear from such returns and records that there has been a neglect of duty on the part of such Officer, or when it shall appear that any person has neglected or refused to give in a true list of his or her Ratable Property, or has refused or neglected to perform his or her Statute Labour, according to Law, such Board may and they are hereby authorised and required to summon such person to answer for such offence, and proceed against him as if complaint had been duly made of such neglect.

And summon defaulters.

Board may issue Summons.

LIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Board, or any one of them, to issue a Summons under his or their hands to any person in the Township, that may be required by any party; or if such Board shall think it necessary to require the attendance of any Witness to appear before the said Board, at any of their Meetings to be held as aforesaid, to give evidence or to

answer to a complaint, (as the case may be) which Summons may be in the following form:

To A. B.

You are hereby required to be and appear before the Board of Commissioners for the Township of _____ on the _____ day of _____ at _____ in the said Township, to give evidence respecting a complaint against C. D. and for (describing the complaint) or to answer to a complaint against you, (describing the complaint) as the case may be. Dated this _____ day of _____ 183 _____. Form of Summons.

E. F. Commissioner.

LX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Justices of the Peace to pay into the hands of the Town Clerk appointed under this Act, all Monies arising from fines, &c., under the Act passed in the fourth year of His Majesty's reign, entitled, "An Act to provide for the summary punishment of Petty Trespasses and other offences;" also the commutation in lieu of Militia Service, under the authority of a certain Act of the Parliament of this Province, passed in the fourth year of His Majesty's reign, entitled, "An Act for the relief of certain Religious Denominations of persons called Menonists, Tunkers and Quakers," which said monies shall be paid over to the Town Clerk of the Township in which said fines may be imposed and collected, any Law, usage or custom to the contrary notwithstanding. Application of fines &c.

LXI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Town Clerk to make out a full and detailed statement of all monies received and expended by virtue of this Act, during the current year, which statement shall be signed and certified by the said Clerk, and a copy thereof shall be by the said Clerk put up for public inspection at three of the most public places within said Township, one of which shall be the place at which the ensuing Township Meeting shall be ordered to be held, on or before the third Monday of December; and the said Clerk shall be allowed for each copy of said statements the sum of Ten Shillings. Township Clerk to make out an annual account.

LXII. *And be it further enacted by the authority aforesaid,* That all monies that shall come into the hands of any Township Clerk, by virtue of his office, shall and may be expended by the Board of Commissioners for the Township, in making or improving the Public Highways, Roads and Bridges of such Township, and such Township Clerk is hereby authorised and required to pay the sum, or any part thereof, that may be Monies received by the Clerk to be expended in improving roads, &c.

required, to the Order of such Board, and in case any such monies shall remain in his hands unexpended, at the expiration of his term of office, the same shall on demand be by him paid over to his successor, within, four days after the said termination of his office.

Wild lands assessments.

LXIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every Township Clerk to ask and receive from the Treasurer of the District in which the Township is situated for which he is Clerk, at any time after the holding the Quarter Sessions next after the first day of March in that year, all monies that have been paid into the Treasury for his Township, under the Wild Land Assessment Act, for the improvement of Roads and Bridges, and that have not been expended: *Provided always,* that the respective Township Clerks first appointed under the provisions of this Act, are hereby authorised to demand and receive from the Treasurer, all such money as aforesaid, as may be remaining in the Treasury and unappropriated, any law, usage or custom to the contrary in any wise notwithstanding.

Application of such assessments.

LXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Commissioners for any Township, to lay out and expend the money coming into the hands of the Clerk of the Township, arising from the Wild Land Assessment Law, in making or improving the Roads and Bridges in the Township in which the Lands are situated for which such Taxes are paid, and the said Commissioners shall make out a return of the amount so received, and the manner and place where the same has been expended, which return shall be handed to the Clerk, to be laid before the next Township Meeting, for their information.

Road Contract.

LXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of any Township, legally appointed according to the provisions of this Act, to compound or agree with any person or persons resident in the Township, for the making in a permanent and substantial manner, any part of any public Road within their Township, in lieu of his or their Statute Labour, which he or they may be by Law required to perform in the Township, for any number of years not exceeding five, which agreement shall be committed to writing and signed by the parties, and thereupon it shall be binding on the Commissioners and their successors, and the other person or persons being a party to such agreement, and upon the due performance and completion of such agreement, the person or persons performing the same shall be exempt from all Statute Labour in the Township, for the full term of time agreed upon as aforesaid.

LXVI. *Provided always, and be it further enacted by the authority aforesaid,* That in case any person or persons after having subscribed to any agreement as aforesaid, shall neglect or refuse to perform the same, in the manner and within the time specified in such agreement, he or they shall be liable to the like penalty that persons are by this Act who refuse or neglect to perform their Statute Labour.

Breach of road contract.

LXVII. *And be it further enacted by the authority aforesaid,* That if it shall happen that any person or persons shall enter into an agreement with the Township Commissioners as aforesaid, and in pursuance of such agreement make a part or the whole of the road required by such agreement, but upon which there shall arise a dispute between the Commissioners making the agreement, or their successors, and the other party thereto, touching the fulfilment of such agreement, such dispute shall and may be submitted to three Overseers of Highways acting in the Township for the year, and such three Overseers of Highways shall be drawn by a public and impartial ballot, from the whole list of Overseers of Highways acting in the Township for the year, which ballot shall be made by the Township Clerk, who shall give the two contending parties due notice of the time and place where such ballot shall take place; and it shall be the duty of such Clerk to appoint a time and place for the meeting of such Overseers of Highways so balloted, giving them, and also the parties to such dispute, at least eight days notice, and thereupon it shall be the duty of such Overseers of Highways to meet, and after having the said agreement submitted to them, and examining the premises, to make such award as to them shall appear just and right, which award shall be binding on the parties, and be final.

Disputes between Commissioners and road Contractors to be referred to three overseers.

To be chosen by ballot.

LXVIII. *And be it further enacted by the authority aforesaid,* That if any one to whom an oath or affirmation may be administered, under the provisions of this Act, except those of office, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished therefor as for wilful and corrupt perjury.

Perjury under this Act.

LXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the said Clerk, and he is hereby authorised and required to demand and procure the Bond to be given, as directed by this Act, by the Collector of the Township, and transmit the same to the Treasurer of the District; and in case it shall so happen that the Collector so appointed for the year, shall not procure two Freeholders for his sureties, as by this Act required, the circumstance shall be reported by the Clerk to the Board of Commissioners, at their next meeting, who may

Collector's bond.

hear and determine the matter in such manner as to them may appear just, and may either remove the said Collector from office and appoint another in his stead, or impose a penalty, in the same manner as if he had neglected or refused to perform the duties of his office.

Town Wardens.

LXX. *And be it further enacted by the authority aforesaid,* That the Commissioners to be chosen under this Act shall have power to discharge the duties incumbent upon Town Wardens under the Act passed in the thirty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to provide for the education and support of Orphan Children."

Examination of township records.

LXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person to examine any or all of the Books or Records of the Township, at all seasonable hours, upon the payment of One Shilling to the Township Clerk, as a fee for his trouble in making or assisting to make the same.

Mistake in assessment rolls.

LXXII. *And be it further enacted by the authority aforesaid,* That if through any inadvertency, or otherwise, the name of any person which should have been inserted in any Assessment Roll, shall be omitted, such person shall nevertheless be liable to work on the Highways in the Township or Division in which he may reside, in the same proportion as if no such omission had taken place.

Commencement of this act.

LXXIII. *And be it further enacted by the authority aforesaid,* That this Act shall go into effect on the first day of December next after the passing of the same, and no sooner.

Act to continue four years.

LXXIV. *And be it further enacted by the authority aforesaid,* That this Act shall be and remain in force for four years from the time of its going into operation, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Sudden breaches in the roads to be repaired.

LXXV. *Provided always, and be it further enacted by the authority aforesaid,* That in case it shall be necessary to repair any sudden breach which may be caused in any Public Highway, by reason of any Bridge or Causeway giving way, or from any other casualty; or to remove any obstruction on account of snow; or to fix or set up beacons or stakes as a guide for Travellers over any frozen waters, marsh, plain, or other place, it shall and may be lawful for the Overseer or Overseers of Highways in whose Division the same may occur, and they are hereby required, to repair, remove or establish, as aforesaid, or cause the same

to be done, by applying any money in their hands and applicable to the Roads, and unappropriated, or to direct the application (for that purpose) of any Statute Labor subject to their control; and in case it shall happen that such Overseer or Overseers shall not at the time have any money or Statute Labor under his direction which he may apply for the purposes aforesaid, it shall and may be lawful for such Overseer to direct any person in his Division, and liable to perform Statute Labor, to repair such breach, remove such obstruction, or erect such guides as aforesaid; and such Overseer shall keep an account of the number of days any person or persons may work on the Roads for the purposes aforesaid, which account such Overseer shall transmit to the Clerk of the Township, to be laid before the Commissioners of the Township; and the said Commissioners, after examining the said account, if it shall appear just and expedient, may exempt any person who may have worked as aforesaid from performing any part of his or her Statute Labor for the next year, and shall give such person as aforesaid a writing to that effect, which shall be taken and considered by the Overseer under whose direction such person may be liable to work, and credited to such person for so much of his Statute Labor; and any person who shall neglect or refuse to perform such Labor or obey the orders of the Overseer when required to work as aforesaid, shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner as is provided by this Act for neglecting to perform Statute Labor or disobeying the Overseers of Highways, except such person can make it appear that he had a reasonable excuse for so doing: *And provided also*, that the said Overseer shall, and he is hereby required, to proportion such Labor among the several persons within his Division liable to perform Statute Labor, as nearly equal as circumstances will permit.

LXXVI. *And be it further enacted by the authority aforesaid*, That the Commissioners appointed by this Act, for their respective Townships, and their Successors, duly appointed, shall be as a Corporation to represent the whole Inhabitants of the Township for which they are Commissioners, and as such may have and hold the Property of or belonging to the Township, and shall and may sue, prosecute or defend, in all presentments, indictments or actions, for and on the behalf of the said Township.

Commissioners to
act as Township
Corporation.

CHAP.

CHAP. IX.

AN ACT to prevent the Sale of Spirituous Liquors to Indians.

[Passed 16th April, 1835.]

Preamble:

WHEREAS the Indians residing at the Grand River, Credit, Muncey, and other places in this Province, have petitioned that the sale, barter, exchange or gift, of any distilled Spirituous Liquors by any person or persons whatsoever to any Indian Man, Woman or Child, shall be strictly prohibited by Law and summarily punished; *And whereas* it is expedient to promote the peace, comfort, prosperity and happiness, and for the better regulation of the Indians of this Province that the prayer of their petitions should be granted: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the fifth day of January next after the passage of this Act, it shall not be lawful for any person to sell, barter, exchange or give, to any Indian Man, Woman or Child, within this Province, any kind of Spirituous Liquors in any shape, manner or way, or cause or procure the same to be done for any purpose whatever, under the pains and penalties to be inflicted by the authority of this Act.

Sale of Spirituous
Liquors to the Indians
prohibited after 5th
January 1836

Penalty not exceed-
ing £5 recoverable
before any Justice

Application of Fines.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Justice of the Peace of any District where any offence against the provisions of this Act shall have been committed, upon the testimony of one or more credible witness or witnesses, to fine the offender for each and every offence so complained of in a sum not exceeding Five Pounds, which, together with the costs attending the same, shall be levied and collected and applied in the same manner as fines and penalties are now collected and applied under the Act for the summary punishment of Petty Trespasses, to be applied to the improvement of the Roads through the section of the country where the offence was committed; *Provided always,* that the penalty in this Act mentioned shall not be incurred by the furnishing to any Indian any Spirituous Liquor by a Medical man in case of sickness, or under the direction of any Medical man.

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

CHAP. X.

AN ACT to promote the Public Health, and to guard against Infectious Diseases in this Province.

[Passed 16th April, 1835.]

TO guard against the introduction of Malignant, Contagious and Infectious Diseases, and for the preservation of the Public Health of the Province—*Be it enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of His Majesty's Executive Council, from time to time to appoint three or more persons in each and every Town of this Province, and in such other places as may be deemed necessary, to act as Health Officers within the limits of the Town or place for which they shall be so appointed. Preamble. Lieutenant Governor and Council to appoint Boards of Health.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Health Officers, or any two of them, as often as they shall think necessary, in the day time, to enter into and upon the premises of the persons resident within the limits of the Town or place for which they shall have been so appointed, and to examine the same; and if upon such examination it shall be found that the said premises are in an unclean or filthy state, or that any matter or thing exists thereon, which in their opinion may endanger the Public Health, it shall and may be lawful for such Health Officers, or any two of them, to order and direct the proprietor or occupant of such premises, to cleanse the same, and to remove whatsoever shall or may be found thereon, which, Their power and duties.

in the opinion of the said Health Officers, or any two of them, may endanger the Public Health; and in case the proprietor or occupier of any such premises shall neglect or refuse to obey the orders and directions of such Health Officers, or any two of them, it shall and may be lawful for the said Health Officers, or any two of them, to call to their assistance all Constables and Peace Officers, and such other persons as they may think fit, and to enter on the said premises and to cleanse the same, and remove therefrom and destroy, whatsoever in their opinion it may be necessary to remove or destroy, for the preservation of the Public Health.

The Governor, &c.
may make Rules
respecting Vessels
entering Ports.

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, by and with the advice and consent of His Majesty's Executive Council, to make and declare such Rules and Regulations concerning the entry and departure of any Boats or Vessels, at the different Ports, or other places within this Province, and the landing and receiving Passengers and Cargoes on board the same, as shall be thought best calculated to preserve the Public Health.

Penalty for disobe-
dience.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully disobey or resist any lawful order of the Health Officers, duly appointed under and by virtue of this Act, or any two of them, or shall wilfully violate any Rule or Regulation made and declared by the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of His Majesty's Executive Council, in pursuance of the power vested in him by this Act, or shall wilfully resist or obstruct the said Health Officers in the execution of their duties, such person or persons, on being convicted of such wilful disobedience or violation of such Rules and Regulations, or of resistance to the said Health Officers, before two or more of His Majesty's Justices of the Peace for the District where such offender or offenders reside, shall forfeit and pay a fine not less than Twenty Shillings, nor more than Twenty Pounds, which said fine shall and may be levied and collected by seizure and sale of such offender or offenders' Goods and Chattels, under and by virtue of a Warrant issued under the hands and seals of the Justices before whom such offender or offenders shall or may have been convicted, and shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of the Province, and be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall be pleased to direct.

How recoverable.

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

VI. *And be it further enacted by the authority aforesaid,* That in all cases in which Disease of a malignant and fatal character shall be discovered to exist in any Dwelling-House, or Out-House, temporarily occupied as a Dwelling, in any City, Town or Village, within this Province, which said Dwelling-House or Out-House shall be situated in an unhealthy or crowded part of said City, Town or Village, or be in a neglected and filthy state, or inhabited by too many persons, it shall and may be lawful to and for the Board of Health of such City, Town or Village, or a majority thereof, in the exercise of a sound discretion, and at the proper costs and charges of the said Board of Health, to compel the Inhabitants of any such Dwelling-House or Out-House to remove therefrom, and to place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken by and under the direction and at the costs and charges of the said Board of Health, for the immediate cleansing, ventilation, purification, and disinfection of the said Dwelling-House or Out-House: *Provided always,* and be it understood, that this provision shall apply and relate to all Dwelling-Houses and Out-Houses situated within one mile of any City, Town or Village in this Province. Proceedings in case of malignant diseases in crowded or unhealthy places.

CHAP. XI.

AN ACT to amend and continue for a limited time an Act passed in the eleventh year of His late Majesty's Reign, entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province."

[Passed 16th April, 1835.]

WHEREAS an Act passed in the eleventh year of His late Majesty's Reign, entitled, "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province," will expire at the end of the present Session of the Provincial Parliament; *And whereas* it is expedient that the said Act should be continued: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and con-

sent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act shall be and the same is hereby continued, for and during the term of one year from the passing of this Act.

Continuation of 11.
Sec. 4. c. 10.

Previous grants of
money to be ac-
counted for.

II. *And be it further enacted by the authority aforesaid,* That no monies shall be paid to any such Society under the provisions of this Act, until its Officers shall have accounted for all sums previously granted and paid to such Society from the Public Funds, nor until such Society shall have shewn that it had complied with the requisitions of the Law in other respects; as also, that an account of the expenditure of the monies that may be paid under the authority of this Act shall be laid before the Legislature.

CHAP. XII.

AN ACT to provide for the Support of the several Light Houses in this Province at present unprovided for.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is necessary that further aid than is now afforded should be granted for the support of the several Light-houses in this Province now unprovided for; We therefore beseech Your Majesty that it may be enacted, *And be it enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the rates and dues now levied and collected, or hereafter to

Ensemble.

be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of One Thousand Pounds, to be applied and expended in the support of such Light-Houses in this Province as are not at present provided for.

Appropriation of
£1,000 for support
of Light Houses.

II. *And be it further enacted by the authority aforesaid,* That the monies hereby granted shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may be issued for that purpose in favor of the Inspector General of this Province, by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

How to be accounted
for.

CHAP. XIII.

AN ACT to continue the Road Acts of 1833, and 1834.

[Passed 16th April, 1835.]

WHEREAS it is necessary and expedient, in consequence of certain monies granted for the purpose of making and repairing Roads and Bridges in this Province, remaining unexpended by the Commissioners appointed for that purpose, that the provisions of an Act passed at the last Session of the Provincial Parliament, entitled, “An Act to repeal part of, and to extend the provisions of an Act passed in the third year of His Majesty’s reign, entitled, ‘An Act granting a sum of money for the improvement of Roads and Bridges in the several Districts of this Province, and for other purposes therein mentioned;’ and also of an Act passed in the same Session, entitled, “An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts in this Province,” should 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, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That the Commissioners appointed in or by virtue of any of the said recited Acts, shall have full power and autho-

Preamble.

Commissioners authorised to lay out monies remaining unexpended.

ity and they are hereby required to lay out and expend the several sums of money now remaining unexpended, (except as may be herein otherwise provided) according to the provisions of the said recited Acts, and that the same shall be accounted for by the said Commissioners, and returns thereof transmitted to the Governor, Lieutenant Governor, or person administering the Government of this Province, on or before the first day of September next after the passing of this Act, to be laid before both Houses of the Legislature.

CHAP. XIV.

AN ACT to Incorporate a Joint Stock Company for the construction of a Harbour at the Mouth of Stoney Creek, on Lake Ontario.

[Passed 16th April, 1835.]

Preamble.

Petitioners' names.

WHEREAS, the construction of a safe and commodious Harbour at the mouth of Stoney Creek, in the Township of Saltfleet, in the District of Gore, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario; *And whereas* Ephraim Hopkins, and others, have petitioned to be by Law incorporated for the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Ephraim Hopkins and Andrew Miller, John Simons, Joseph Hopkins, Abner Everitt, Daniel Everitt, Richard Arnold, Thomas Waddel, Thomas Bingle, John McCrimmon, Charles Pettit, Gilbert Sweazie, Alexander Campbell, and George Smith, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and they are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact and in Law, by and under the name and style of the President, Directors, and Company of the Stoney Creek Harbour, and that by this name they and their Successors shall and may have continued succession, and by such name shall be

Incorporation.

capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever, in all manner of Suits, Actions and Complaints, matters and causes whatsoever; and that they and their successors may and shall have a Common Seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President, Directors, and Company of the Stoney Creek Harbour, shall be in Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided* *alwaays*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of Banking.

Common seal.

May hold lands, &c.

Proviso against Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company be, and they are hereby authorised and empowered, at their own costs and charges, to construct a Harbour at the mouth of Stoney Creek, in the Township of Saltfleet, in the District of Gore aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and number of Vessels as commonly navigate the said Lake; and also to erect and build all such needful Moles, Piers, Wharves, Buildings and Erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Power to construct a Harbour.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the Owners and Occupiers of any Land through or upon which they may determine to cut and construct the said intended Harbour; with all necessary and convenient Roads, Streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company, in consequence of the said Harbour, Roads and Streets, and approaches thereto being cut and made, and constructed in and upon his, her or their respective Lands; and in case of any disagreement between the said Directors and the Owners or Occupiers aforesaid, it shall and may be lawful for the Directors, from time to time, as often as the said Directors shall think fit, for each Owner or Occupier so disagreeing with

Company may contract with owners of land, &c.

Differences to be referred to arbitration

the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot, by the persons so named, shall be the Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall and are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days previous notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said Meeting for that purpose, well and truly to Assess the damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators as hereinbefore provided; and that the said Company shall in no case take possession of any Land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested, and shall not in any manner obstruct or interfere with the Highway now passing the mouth of the said Stoney Creek, and shall construct and maintain a good and sufficient Bridge across the same, without any charge to the public.

Arbitrators to be sworn:

To Assess the damages.

Possession of the land not to be taken until payment made.

Nor highway to be obstructed

Tolls may be taken.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand and receive, recover and take as toll, to and for their own proper use and benefit and behoof, on all Goods and Merchandise shipped on board, or landed out of any Vessel or Boat or other Craft, from or upon any part of the Lake Shore, between one-half mile East and one-half mile West of the mouth of the said Creek, in the Township of Saltfleet, in the said District of Gore, and upon all Vessels and Boats entering the said Harbour, according to the rates following, that is to say:

Pot and Pearl Ashes, per barrel,	Six Pence.
Pork, Whiskey, Salt, Beef and Lard, per barrel,	Four Pence Halfpenny.
Flour, per barrel,	Two Pence.
Lard and Butter, in barrels,	Three Pence.
Lard and Butter, in kegs,	One Penny.
Wheat, per sixty pounds, and all other Grain for Exportation,	One Penny.
Merchandise, per barrel bulk,	Six Pence.
Merchandise, per hundred weight,	Two Pence.
Boards and Lumber, per thousand feet, board measure,	One Shilling and Three Pence.
Pipe Staves, per M.	Seven Shillings and Six Pence.
West India Staves, per M.	Two Shillings and Six Pence.
Boats under twelve tons,	One Shilling and Three Pence.
Boats and Vessels over twelve tons, and under fifty tons,	Five Shillings.
Boats and Vessels, from fifty tons and upwards,	Seven Shillings and Six Pence.

Scale of Tolls.

And all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless*, that the said Directors shall have power to reduce the said rates of Tolls, should they see fit.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, Moles, Piers, Wharves, Buildings, Erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls on Goods, Wares and Merchandise, as hereinbefore mentioned, shall be, and they are hereby vested in the said Company and their successors, for ever. Harbour, &c. to be vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant duly appointed, to seize and detain the Goods, Vessels, Boats or other Craft, on which the same were due and payable, until such Tolls are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant aforesaid, may sell or dispose of the said Goods, Vessels, Boats or other Craft, or such parts thereof as may be necessary to pay the said Tolls by Public Auction, giving ten days notice thereof, and to return the overplus, if any, to the Owner or Owners thereof. Power to distrain on non-payment of Tolls.

Affairs of the Com-
pany to be managed
by Directors.

When and how
chosen.

President.

Vacancies how filled.

Number of votes in
proportion to shares.

Corporation not dis-
solved if election of
Directors not within
the time.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs, and concerns of the said Company, shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders, to the amount of at least four Shares, as well as inhabitants of this Province; and be elected on the second Monday in May in every year, at or near the said Harbour, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the District of Gore, and in not less than three conspicuous places in the neighbourhood of the said Harbour, at least thirty days previous to the time of holding the said Election, and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy; and all Elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of Votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of Votes, in such manner that a greater number of persons than seven shall, by a plurality of Votes, appear to be chosen Directors, then the said Stockholders herein before authorised to hold such Election, shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of Votes shall be a Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, as soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their own number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of Votes, proportioned to the number of Shares which he, she or they as aforesaid, shall have held in his, her or their own name, at least one month prior to the time of voting, according to the following rate, viz: One vote for every Share not exceeding Four; Five votes for Six Shares; Six votes for Eight Shares; Seven votes for Ten Shares; and One vote for every Five Shares above Ten.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made,

the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to make and hold an Election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and prescribe such Rules and Regulations as to them shall appear needful and proper touching the management and disposition of the Stock, property, estate, and effects of the said Corporation, and touching the duties of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many Officers, Clerks and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem fit.

Directors may make by-laws.

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in June, after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same manner as hereinbefore provided, shall proceed to elect Seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who, during such continuance, shall discharge the duties of Directors in the same way and manner as if they had been elected at the annual election; *Provided always,* that if Shares to the amount of three thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice given in any Newspaper or Newspapers that may be published in the said District of Gore, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour as before directed by this Act.

First meeting of the Stockholders.

Meeting not to be held until £3,000 subscribed.

And 30 days notice given.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock of the said Company, inclusive of any real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Seven Thousand Five Hundred Pounds, to be held in Six Hundred Shares, of Twelve Pounds Ten Shillings each; and that the Shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital not to exceed £7,500.

600 shares of £12 10s. each.

Directors may call on
Stockholders for £10
per cent.

Residue, how pay-
able.

XIII. *And be it further enacted by the authority aforesaid,* That as soon as the Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof, in the manner before mentioned, for an instalment of ten per cent, upon each Share which they or any of them may subscribe, and that the residue of the Sum or Shares of the Stockholders shall be payable by Instalments, at such time and in such proportion as a majority of the Stockholders, at a Meeting to be expressly convened for that purpose, shall agree upon, so as that no such Instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Forfeiture of shares.

Such shares may be
sold.

Forfeited shares re-
deemable at any time
before sale.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon; and that the said Share or Shares shall be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the Purchaser or Purchasers shall pay the said Company the amount of the Instalment required, over and above the Purchase Money of the Share or Shares so purchased by him, her or them as aforesaid, immediately after the Sale and before they shall be entitled to the Certificate of the transfer of such Share or Shares, so purchased as aforesaid: *Provided also,* that thirty days notice of the Sale of such forfeited Share or Shares shall be given in the manner hereinbefore directed, and that the Instalment due may be received in redemption of any such forfeited Share or Shares, at any time before the day appointed for the Sale thereof.

Annual dividends.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make Annual Dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement, in detail, shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books, and to be open to the perusal of any Stockholder or Stockholders, at his, her or their reasonable request.

XVI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said Harbour, His Majesty, His heirs and successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company for the use of the Stockholders thereof, the full amount of their respective Share or Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Harbour, together with such further sum as will amount to Twenty-five per Cent, upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to any Act of the Legislature of this Province, that may be passed for or respecting the same: *Provided always,* that it shall not be lawful for His Majesty, his heirs or successors, at any time after the expiration of the said Fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the Accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the Sum of Twelve Pounds Ten Shillings for every One Hundred Pounds they shall be possessed of in the said Company.

Terms on which His Majesty may assume the Harbour after 50 years.

XVII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property in and to the said Harbour shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorised, all Tolls and Profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and 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 graciously pleased to direct: *Provided always,* that the said Harbour shall be commenced within three years and completed within seven years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

Tolls arising afterwards to be paid to Receiver General.

XVIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall give the said Company, or be construed to give to the said Company, the exclusive right of Fishing within the said Harbour or Lake Shore, within the limits hereinbefore mentioned;

Act not to give an exclusive right of fishing.

Not lawful to fish by
torch-light within 100
yards of the works.

and that it shall not be lawful for any person or persons to take, catch or kill, or to attempt to take, catch or kill any Fish, by torch or fire light, within one hundred yards of any work erected by the said Company.

Penalty for so fishing.

XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be duly convicted by the oath of one or more credible Witness or Witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill any Fish in manner aforesaid, such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings, for every offence so committed, with all reasonable Costs both before and after Conviction, or in default of payment to be committed to the Common Gaol of such District as aforesaid, for a term of not more than Thirty Days nor less than Two Days, unless the Fine and Costs are sooner paid.

Commitment in de-
fault of payment.

Authority to alter this
Act.

XX. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred upon the said Company, the Legislature may at any time hereafter make such addition to this Act, or such alteration in any of its provisions as they may think proper, for affording just protection to the public, or to any person or persons, in respect to their Estate or Property, or any interest therein, or advantage, or privilege, or convenience connected therewith, or in respect of any way or right of way along the said Lake or elsewhere, or any right or privilege of fishing that may be affected by any of the powers given by this Act.

CHAP. XV.

AN ACT to Incorporate a Joint Stock Company for the Manufacture of Salt, in the Township of Saltfleet, in the District of Gore.

[Passed 16th April, 1835.]

Preamble.

Petitions.

WHEREAS the establishment of Salt Works at Saltfleet, in the District of Gore, would greatly conduce to the advantage of the Inhabitants of this Province; *And whereas* William Kent, Ebenezer E. Griffin, Reuben A. Parker, John G. Parker, Edward Jackson, George Bostwick, Silas Vandecar and Jeremiah Shoot, by their Petition presented to the Legislature, have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative

Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That the said William Kent, Ebenezer E. Griffin, Reuben A. Parker, John G. Parker, Edward Jackson, George Bostwick, Silas Vandecar and Jeremiah Shoot, and all such other persons as hereafter shall become Stockholders of the said Salt Works, shall be and are hereby ordained, constituted and declared to be, a Body Corporate and Politic in fact, by the name of the Saltfleet Salt Company, and that by this name they and their Successors shall and may have perpetual succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the Saltfleet Salt Company, shall be in Law capable of purchasing, having and holding, to them and their successors any Estate, real personal or mixed, to and for the use of the said Company: *Provided always*, that the said Corporation shall not have power to hold any more or other real Estate than may be required by them for the Site of their Works, or for the Machinery connected therewith, or for such Stores, Warehouses or other Buildings, as may be requisite for carrying on the proper business of the said Corporation: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of Banking.

Incorporation of the Company.

Common seal.

May hold lands.

Proviso against banking.

II. *And be it further enacted by the authority aforesaid*, That a Share in the said Stock of the said Salt Company shall be Twenty-five Pounds, and the number of Shares not exceed One Thousand, and that the whole amount of the Stock, Estate and Property, which the said Corporation shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value Twenty-five Thousand Pounds.

One thousand shares at £25 each.

III. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her name at least three months prior to the time of voting according to the following ratios, that is to say: at the rate of one vote for each Share not exceed-

Number of votes.

ing Four ; Five votes for six shares ; Six votes for eight shares ; Seven votes for ten shares, and one vote for every five shares above ten.

Affairs of Company
to be managed by Di-
rectors.

When and how
chosen.

IV. *And be it further enacted by the authority aforesaid,* That the Stock, property, affairs and concerns, of the said Company shall be managed and conducted by three Directors, one of whom to be the President, who shall hold their offices for one year, which Directors shall be Stockholders to the amount of at least four Shares, and be elected on the first Monday in May in each and every year, public notice of which shall be given in one Newspaper published in the District of Gore, not less than thirty days previous to the election ; and all elections of Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election of Directors, except as hereinafter directed, shall be Directors, and if it should happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than three shall, by a plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors so as to complete the whole number of three ; and in case any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons qualified to be Director or Directors, as the remaining Directors or Director may appoint.

Vacancies how filled.

Directors may make
by-laws.

V. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants employed therein, and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided* that such Rules and Regulations be not repugnant to the Laws of this Province.

Annual dividends.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make yearly dividends of so much of the profits of the said Corporation as to them or a majority of them shall appear advisable.

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

Shares to be transferable.

VIII. *And be it further enacted by the authority aforesaid,* That the Directors hereinafter to be appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in Instalments upon the Capital Stock, as they shall deem expedient: *Provided* no Instalment shall be called for or become payable in less than thirty days after public notice shall have been given in some Paper published in the District of Gore: *Provided always,* that if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay to the said Directors, the Instalment due upon any Share or Shares held by him, her or them, at any time when he shall be required by law so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Shares as aforesaid, with the amount previously paid thereon, if the Directors shall so order and direct; and such Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Corporation.

Directors may call for £10 per cent.

Forfeiture of shares.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Company not dissolved by non-election of Directors on day appointed.

X. *And be it further enacted by the authority aforesaid,* That the first election of Directors shall take place on the first Monday in May next after the passing of this Act.

First election.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Legislature of this Province at any time hereafter to amend or alter the provisions of this Act; and that the Charter hereby granted shall not be held to be forfeited by non-user before the first day of January One Thousand Eight Hundred and Thirty-seven.

Alteration of this Act.

CHAP. XVI.

AN ACT to Incorporate certain persons therein mentioned under the style and title of the President, Directors and Company, of the Grimsby Breakwater, Pier and Harbour Company.

[Passed 16th April, 1835.]

Preamble.

Petitioners.

Incorporation of
Stockholders.

Common seal.

WHEREAS, the construction of a safe and commodious Harbour by means of a Breakwater and Piers on the West side of the mouth of the Forty Mile Creek, in the District of Niagara, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario; *And whereas* Henry W. Nelles, William Nelles, John Adolphus Nelles, Amos Merritt, Peter B. Nelles, John S. Merritt, William Hixon, Henry F. Hixon, Asa Howard, Jacob Kitchen, Samuel Kitchen, John Terriberry, senior, and others, have petitioned to be by Law Incorporated for the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Henry W. Nelles, William Nelles, John Adolphus Nelles, Amos Merritt, Peter B. Nelles, John S. Merritt, William Hixon, Henry F. Hixon, Asa Howard, Jacob Kitchen, Samuel Kitchen, and John Terriberry, senior, together with all such persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and they are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact and in Law, by and under the name and style of the President, Directors and Company, of the Grimsby Breakwater, Pier and Harbour Company, and by this name they and their Successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, and that they and their successors may and shall have a Common Seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President,

Directors, and Company of the Grimsby Breakwater Pier and Harbour Company, shall be in Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of Banking.

May hold lands.

Proviso against Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company be, and they are hereby authorised and empowered, at their own costs and charge, to construct a Breakwater Pier and Harbour on the west side of the mouth of the Forty Mile Creek, in the Township of Grimsby, in the Niagara District aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and number of Vessels as commonly navigate the said Lake; and also to erect and build all such needful Moles, Piers, Wharves, Buildings and Erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Pier and Harbour to be constructed.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the Owners or Occupiers of any Lands for the use of the said Company to build thereon, any Store-houses or Dwelling-houses for the use of the said Company, with all the necessary and convenient Roads, Streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company, in consequence of the said Harbour, Roads and Streets, and approaches thereto being cut and made, and constructed in and upon his, her or their respective Lands; and in case of any disagreement between the said Directors and the Owners and Occupiers aforesaid, it shall and may be lawful for the Directors, from time to time, as often as the Directors may think fit, for each Owner or Occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to no-

Company may contract for lands.

In case of disagreement.

Arbitrators to be named, and their award to be final.

Arbitrators to be sworn ;

Award subject to the K. B. as in ordinary cases.

Possession not to be taken until payment made.

When Tolls may be taken.

Scale of Tolls.

minate an equal number of indifferent persons, who, together with one other person to be elected by ballot, by the persons so named, shall be the Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final ; and the said Arbitrators shall and are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days previous notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested ; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said Meeting for that purpose, well and truly to Assess the damages between the parties, according to the best of his judgment : *Provided always*, that any award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators as hereinbefore provided ; and that the said Company shall in no case take possession of any Land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand and receive, recover and take as toll, to and for their own proper use and benefit and behoof, on all Goods and Merchandise shipped on board, or landed out of any Vessel or Boat or other Craft, from or upon a part of the Lake Shore, between one-half mile East and one-half mile West of the Harbor in the Township of Grimsby, in the said Niagara District ; and upon all Vessels and Boats entering the said Harbour, according to rates following, that is to say :

Pot and Pearl Ashes, per barrel, Six Pence.
 Pork, Whiskey, Salt, Beef and Lard,
 per barrel, Four Pence Halfpenny.
 Flour, per barrel, Two Pence.
 Lard and Butter, in barrels, Three Pence.
 Lard and Butter, in kegs, One Penny.
 Wheat, per sixty pounds, and all other
 Grain for Exportation, One Penny.

Merchandise, per barrel bulk,.....Six Pence.
 Merchandise, per hundred weight,.....Two Pence.
 Boards and Lumber, per thousand feet,
 board measure,.....One Shilling and Three Pence.
 Pipe Staves, per thousand,.....Seven Shillings and Six Pence.
 West India Staves, per thousand,.....Two Shillings and Six Pence.
 Boats under twelve tons,.....One Shilling and Three Pence.
 Boats and Vessels over twelve tons, and
 under fifty tons,.....Five Shillings.
 Boats and Vessels, from fifty tons and
 upwards,.....Seven Shillings and Six Pence.

And all articles not enumerated, to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless*, that the said Directors shall have power to reduce the said Tolls, should they see fit.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, Moles, Piers, Wharves, Buildings, Erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls on Goods, Wares and Merchandise, as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors, for ever.

Harbour, &c. to be vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant duly appointed, to seize and detain the Goods, Vessels, Boats or other Craft, on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant aforesaid, may sell or dispose of the said Goods, Vessels, Boats or other Craft, or such parts thereof as may be necessary to pay the said Tolls, by Public Auction, giving ten days notice thereof, and to return the overplus, if any, to the Owner or Owners thereof.

Power to distrain on non-payment of Tolls.

Sale of Distress.

VII. *And be it further enacted by the authority aforesaid*, That the property, affairs, and concerns of the said Company, shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders, to the amount of at least four Shares, as well as inhabitants of this Province; and be elected on the second Monday in May in

Affairs of Company to be managed by seven Directors.

When and how to be chosen.

every year, at or near the said Harbour, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said Niagara District, and in not less than three conspicuous places in the neighbourhood of the said Harbour, at least thirty days previous to the time of holding the said Election, and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy; and all Elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of Votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of Votes, in such manner that a greater number of persons than seven shall, by plurality of Votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election, shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of Votes shall be a Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their own number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

President.

Vacancies in direction.

Number of votes.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of Votes, proportioned to the number of Shares which he, she or they as aforesaid, shall have held in his, her or their own name, at least one month prior to the time of voting, according to the following rate, viz: One vote for every Share not exceeding Four; Five votes for Six Shares; Six votes for Eight Shares; Seven votes for Ten Shares; and One vote for every Five Shares above Ten.

Company not to be dissolved by non-election of Directors on day specified.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to make and hold an Election of Directors, in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and prescribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duties of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem fit.

Directors may make by-laws.

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in May, after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same manner as hereinbefore provided, shall proceed to elect Seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; *Provided always,* that if Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice given in any Newspaper or Newspapers that may be published in the said Niagara District, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour as before directed by this Act.

First meeting.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital Stock of the said Company, inclusive of any Real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Three Thousand Pounds, to be held in four hundred and eighty Shares, of Six Pounds Five Shillings each; and that the Shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital not to exceed £3,000.
480 shares of £6 5s. each.

XIII. *And be it further enacted by the authority aforesaid,* That as soon as the Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof, in the manner before mentioned, for an instalment of ten per centum upon each Share which they or any of them

Directors on their appointment may call for £10 per cent.

may subscribe, and that the residue of the Sum or Shares of the Stockholders shall be payable by Instalments, at such time and in such proportion as a majority of the Stockholders, at a Meeting to be expressly convened for that purpose, shall agree upon, so as that no such Instalment shall exceed ten per centum, or become payable in less than thirty days after public notice as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Forfeiture of shares.

XIV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon; and that the said Share or Shares shall be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always*, that the Purchaser or Purchasers shall pay the said Company the amount of the Instalment required, over and above the Purchase Money of the Share or Shares so purchased by him, her or them as aforesaid, immediately after the Sale and before they shall be entitled to the Certificate of the transfer of such Share or Shares, so purchased as aforesaid: *Provided also*, that thirty days notice of the Sale of such forfeited Share or Shares shall be given in the manner hereinbefore directed, and that the Instalment due may be received in redemption of any such forfeited Share or Shares, at any time before the day appointed for the Sale thereof.

Forfeited shares redeemable before sale.

Annual dividends to be made.

XV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make Annual Dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement, in detail, shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books, and to be open to the perusal of any Stockholder or Stockholders, at his, her or their reasonable request.

Terms on which His Majesty may after 50 years assume the Harbour.

XVI. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company for the use of the

Stockholders thereof, the full amount of their respective Share or Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Harbour, together with such further sum as will amount to Twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to any Act of the Legislature of this Province, that may be passed for or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said Fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the Accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the Sum of Twelve Pounds Ten Shillings for every One Hundred Pounds they shall be possessed of in the said Company.

XVII. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property in and to the said Harbour shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorised, all Tolls and Profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and 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 graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within three years, and completed within seven years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

Tolls afterwards taken to be paid to Receiver General.

Harbour to be commenced within 3 years.

XVIII. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall give the said Company, or be construed to give to the said Company, the exclusive right of Fishing within the said Harbour or Lake Shore, within the limits hereinbefore mentioned; and that it shall not be lawful for any person or persons to take, catch or kill, or attempt to take, catch or kill, any fish by torch or fire-light within one hundred yards of any work erected by the said Company.

Act not to give an exclusive right of fishing.

Fishing by torch light.

Penalty.

XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be duly convicted by the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill, any fish in manner aforesaid, such person or persons respectively, on conviction as aforesaid, shall forfeit and pay a sum not exceeding five Pounds nor less than five Shillings for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment to be committed to the common Gaol of such District as aforesaid for a term not more than thirty days nor less than two days, unless the fine and costs are sooner paid.

Commitment in default of payment.

Alteration of this Act.

XX. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred upon the said Company, the Legislature may at any time hereafter make such addition to this Act, or such alteration in any of its provisions, as they may think proper for affording just protection to the public or to any person or persons in respect to their estate or property, or any interest therein, or advantage or privilege or convenience connected therewith, or in respect of any way or right of way along the said Lake, or elsewhere, or any right or privilege of Fishing that may be affected by any of the powers given by this Act.

CHAP. XVII.

AN ACT to Incorporate sundry persons under the Style and Title of the Hamilton and Port Dover Rail Road Company.

[Passed 16th April, 1835.]

Preamble.

WHEREAS certain Inhabitants of the Gore and London Districts have Petitioned for the passing of a Law Incorporating a Joint Stock Company for the purpose of constructing a single or double Track, Wooden, or Iron Rail-road or Way, commencing at the Town of Hamilton, in the District of Gore, and extending to the Harbour of Port Dover, in the District of London: *And whereas* it is expedient to Incorporate a Joint Stock Company for such purpose: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision

for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That Colin McNeilledge, Philip Austin, John Decow, Joseph VanNorman, Duncan McCall, Lemon Sovereign, George Salmon, Peter M. Rapelje, J. W. Powell, John Willson, John Williamson, Edmund Ritchie, James Ritchie, Matthew B. Whyte, Colin C. Ferrie, John Law, George Hamilton, Michael Aikman, R. H. Prentiss, Daniel K. Servos, George S. Tiffany, E. Stinson, Miles O'Reilly, Robert Land, J. McDermid, John Bradley, Joseph Lister, Andrew Miller, Tho's. Taylor, Allan Napier Macnab, Thomas Choat, David Kearns, Edward Henly, with all such persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic in fact, by and under the name and style of the Hamilton and Port Dover Rail Road Company, and by that name, they and their successors, shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Hamilton and Port Dover Rail Road Company, shall be by Law capable of purchasing, having and holding to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary and expedient: *Provided always, nevertheless*, that the real Estate to be held by the said Company, shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road, and for objects immediately connected therewith.

Incorporation of
Stockholders.

Common seal.

May hold lands.

II. *And be it further enacted by the authority aforesaid*, That the said Company and their Agents and Servants shall have full power under this Act to lay out, construct, make and finish, a double or single Iron or Wooden Rail Road or Way, at their own costs and charges, on and over any part of the Country lying between the Town of Hamilton in the District of Gore, and Port Dover in the District of London, and to take, carry and transport thereon, passengers, goods and property, either in carriages used and propelled by the force of Steam, or by the power of Animals, or by any Mechanical or other power, or by any combination of power which the said Company may choose to employ.

Power to construct
rail-road.

Between Hamilton
and Port Dover.

Company may contract for land.

Disagreement to be settled by arbitration.

Award to be final.

Arbitrators to be sworn.

Award to be subject to the K. B. as in ordinary cases.

Compensation awarded to be paid in three months.

III. *And be it further enacted by the authority aforesaid,* That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same; the award of the majority of whom shall be final, and the said Arbitrators shall be, and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company, after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for either of the said Districts of Gore or London, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitration as herein before provided.

IV. *And be it further enacted by the authority aforesaid,* That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property,

or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

V. *And be it further enacted by the authority aforesaid,* That the said Gore and London Rail Road Company shall have full power and authority to explore the Country lying between the Town of Hamilton in the District of Gore, and Port Dover in the District of London, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary Railways, to connect the Town of Hamilton in the District of Gore and the Harbour of Port Dover in the District of London, and for the purposes aforesaid, the said Company and their Agents, Servants and Workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, Bodies Politic or Corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, on the said intended Rail Road; and also to make, build, erect, set up in and upon the route of the said Rail Road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniencies, as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniencies above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and for the said Rail Road, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging, the works of or belonging to the said Rail Road; and also place, lay, work and manufacture, the said materials on the ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter, any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect and keep in repair, any piers, arches or other works, in and upon and across any rivers or brooks for making, using, maintaining and repairing, the said Rail Road and side

Authority to explore
and take levels &c.

Erection of works.

paths ; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using, the said Rail Road in pursuance and within the true intent and meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained, by the owners or occupiers of such lands tenements and hereditaments.

President and Directors to fix Tolls.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive, the Tolls and charges to be received for transportation of property or persons on the single or double Rail Road or Way aforesaid hereby authorised to be constructed, erected, built, made and used.

Rail Road to be vested in the Company.

VII. *And be it further enacted by the authority aforesaid,* That the said double or single Rail-Road or Way, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls on Goods, Wares and Merchandize, or Passengers, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors, for ever.

Tolls, when payable.

VIII. *And be it further enacted by the authority aforesaid,* That so soon as the double or single Iron or Wooden Rail-Road or Way shall be so far completed as to be capable of being used for transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said double or single Iron or Wooden Rail-Road or Way, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have full power to erect and maintain such Toll-Houses and other Buildings for the accommodation and proper transaction of their business, as to them may seem necessary.

Water Courses not to be obstructed.

IX. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their single or double Rail-Road or Way to intersect or cross any stream of water or water-

course, or any road or highway lying on the route of the said Rail Road or Way between the Town of Hamilton in the District of Gore, and Port Dover in the District of London, it shall and may be lawful for the Corporation to construct their single or double Rail Road or Way across or upon the same; *Provided* that the Corporation shall restore the stream or water course or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness, and shall moreover erect and maintain during the continuance of this Corporation sufficient fences upon the line of the route of their single or double Rail Road or Way.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of the said Corporation, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Corporation by action of debt to be brought in any Court of record in this Province.

Persons damaging the property of the Corporation, liable to an Action of Debt.

XI. *And be it further enacted by the authority aforesaid,* That the said Company, or their Agents or Servants, at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect and build, and furnish a double or single Iron or Wooden Rail Road or Way as aforesaid on any part or portion of the Country lying between the Town of Hamilton in the District of Gore, and Port Dover in the District of London; and also that the said Rail Road or Way contemplated by this Act shall not in any degree interfere with or encroach on any fee simple right, or private easement or privilege, of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained, either by the consent of the owner thereof, or by virtue of reference authorised by this Act.

Construction of Rail Road.

XII. *And be it further enacted by the authority aforesaid,* That the property, affairs, and concerns of the said Company, shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders, to the amount of at least ten Shares, and be elected on the first Monday in June in each and every year, at the Town of Hamilton, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said District of Gore and

Affairs of the Company to be managed by seven Directors, one of whom to be President.

London, at least one month previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons, or by proxy; and all Elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, as soon as may be after said Election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Mode of Election.

Choice of President.

Vacancies in Direction.

Number of votes.

XIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of Shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—one vote for each Share, not exceeding four; five votes for six Shares; six votes for eight Shares; seven votes for ten Shares; and one vote for every five Shares above ten.

Corporation not dissolved by non-election of Directors on day specified

XIV. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any day to hold and make an Election of Directors, in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

Directors may make by-laws.

XV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Company, and touching the duty of the Officers, Clerks and Servants, and all such other matters and things as appertain to the business of the said Corporation, and

shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

XVI. *And be it further enacted by the authority aforesaid,* That on the first Monday in month of June next, a meeting of the Stockholders shall be held in the Town of Hamilton, who in the same manner as hereinbefore provided shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their Election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election : *Provided always,* that if Shares to the amount of Ten Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice thereof given in any paper or papers published in the Districts of Gore or London.

First meeting.

XVII. *And be it further enacted by the authority aforesaid,* That the whole Capital Stock of the said Company, inclusive of any Real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Forty Thousand Pounds, with a privilege to the said Company of extending the amount of such Capital to the amount of One Hundred Thousand Pounds, and that the Shares of the Capital Stock may, after the first Instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same, to any other person or persons, and such transfer shall be entered and registered in a Book or Books, to be kept for that purpose by the said Company : *Provided always,* that nothing herein contained shall extend to authorise the said Company to carry on the business of Banking.

Amount of capital.

XVIII. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any Newspaper published in the aforesaid Districts of Gore and London, for an instalment of five per cent upon each Share which they or any of them may respectively subscribe, and that the residue of the sums or Shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders at a meeting expressly convened for that purpose, shall agree upon, so that no such instalments shall exceed five per cent, nor become payable in less than thirty days after public notice in the Newspaper or Newspapers as aforesaid : *Provided always,*

Directors on their appointment may call for £5 per cent.

that the said Directors shall not commence the construction of the said Rail Road or Way until the first instalment shall be paid in.

XIX. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay, at the time required, any Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the Purchaser or Purchasers shall pay the said Company the amount of the Instalment required, over and above the purchase money of the Share or Shares so purchased by him her or them as aforesaid, immediately after the Sale and before they shall be entitled to the Certificate of the transfer of such Shares so purchased as aforesaid: *Provided always,* that thirty days notice of the Sale of such forfeited Shares shall be given in any Newspaper or Newspapers published in the Districts of Gore and London, and that the Instalments due may be received in redemption of of any such forfeited Share, at any time before the day appointed for the sale thereof.

XX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books and to be open to the perusal of any Stockholder at his or her reasonable request.

XXI. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

XXII. *And be it further enacted by the authority aforesaid,* That at any time after forty years after the making and completing the said Rail Road or Way, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares,

Forfeiture of shares.

Notice of sale.

Annual dividends.

Public act.

After 40 years His Majesty may assume the works.

Terms.

or of the sums furnished and advanced by each Subscriber towards the making and completing the said double or single Iron or Wooden Rail Road or Way, together with such further sum as will amount to twenty per cent upon the monies so advanced and paid as a full indemnification to such Company, and the said double or single Iron or Wooden Rail Road or Way shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same; *Provided always* that it shall not be lawful for His Majesty, His Heirs and Successors, at any time after the expiration of the said forty years to assume the possession and property of the said Rail Road or Way, with their appurtenances aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average the sum of twelve Pounds ten Shillings for every one hundred Pounds they shall be possessed of in the said concern.

XXIII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said double or single Iron or Wooden Rail Road or Way shall have been assumed by His Majesty, His Heirs and Successors, as herein before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province at the disposal of the Legislature thereof, and 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 graciously pleased to direct: *Provided always,* that the said double or single Iron or Wooden Rail Road or Way shall be commenced within four years after the passing of this Act and finished in ten years, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

All future Tolls to be paid to the Receiver General.

Rail Road to be commenced within four years.

XXIV. *And be it further enacted by the authority aforesaid,* That this Act shall not be construed to give any power to the said Company to erect ways or works of any description upon or over the Grand River, so as to interfere in any manner with the free use and navigation thereof.

Works over the Grand River not to affect the Navigation

XXV. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any

Alteration of this Act.

time hereafter make such addition to this Act, or such alteration of any of its provisions, as they may think proper for affording just protection to the public, or to any person or persons, Body Politic or Corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience, connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

Limitation of actions. XXVI. *And be it further enacted by the authority aforesaid, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.*

CHAP. XVIII.

AN ACT for Incorporating certain Persons therein named, and their Associates, under the Style and Title of the Cayuga Glass Manufacturing Company.

[Passed 16th April, 1835.]

Preamble.

Petitioners.

Incorporation.

WHEREAS the establishment of Glass Works in this Province would greatly conduce to the advantage of the Inhabitants thereof; *And whereas* John De Cow, Samuel Wood, Jacob Upper, George Rowe, William Hepburne and others, by their Petition have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said John De Cow, Samuel Wood, Jacob Upper, George Rowe, William Hepburn, together with all such other persons as hereafter shall become Stockholders of the said Glass Works, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact and by the name of the Cay-

uga Glass Manufacturing Company, and by this name they and their successors shall and may have perpetual succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a **Common Seal**, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Cayuga Glass Manufacturing Company, shall be in Law capable of purchasing, having and holding any **Estate, Real, Personal or Mixed**, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary. Common Seal; May hol' Lands.

II. *And be it further enacted by the authority aforesaid,* That a Share in the said Glass Manufacturing Company shall be Six Pounds Five Shillings, and the number of Shares shall not exceed One Thousand Six Hundred, and that the whole amount of the Stock, Estate and Property, which the said Company shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value Ten Thousand Pounds. Shares not to exceed 1600, at £6 5s. each.

III. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened within one month after the passing of this Act, in the District of Niagara, by such person or persons as a majority of the Petitioners, at a Meeting to be held in the District of Niagara for that purpose, shall appoint. Subscription.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the sum of One Thousand Pounds shall have been subscribed, it shall and may be lawful for the Subscribers, or any two or more of them, to call a Meeting, to be held at some place in the District of Niagara, for the purpose of proceeding to the Election of the number of Directors hereafter mentioned, and such Election shall then and there be made by a majority of Shares, voted for in a manner hereinafter described in respect to the annual Election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in the month of May following such Election. First meeting for the election of Directors.

V. *And be it further enacted by the authority aforesaid,* That the Stock, Property, Affairs and Concerns of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year, which Directors shall Affairs of the Company to be managed by three Directors, one of whom to be President.

Time and place of Election.

be Stockholders to the amount of at least two Shares, and be elected on the first Monday in May in each and every year, at such time of the day and at such place at or near the intended site of the works of the said Company as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in some one Newspaper published in the District of Niagara of such time and place, not more than sixty nor less than thirty days previous to the said election as they shall think fit, and such election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons, or by proxy, and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter provided; and if it shall at any election appear that any two or more persons have an equal number of votes in such a manner that a greater number of persons than three shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorised to hold such Election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors for the ensuing year so as to complete the whole number of three; and the said Directors, immediately after the said Election, shall proceed in like manner to Elect by Ballot one of their number to be President; and if any Director shall absent himself from the Province and cease to be an Inhabitant thereof for the space of Six Months, his Office shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company shall become vacant, by death, resignation or removal from the Province, the same shall be filled for the remainder of the year, by such person or persons as the Director or Directors may appoint.

President.

Vacancies in Direction.

Number of votes.

VI. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of Votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least one month previous to the time of voting, being one Vote for each Share.

Company not dissolved by non-election of Directors on appointed day.

VII. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made, when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an Election, in such a manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make yearly or half yearly dividends of the profits of the said Company, as to them or a majority of them shall appear advisable. Dividends.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons His Majesty's Subjects, or others, to subscribe for any number of Shares, not exceeding in the first instance twenty Shares, the amount whereof shall be due and payable as follows, that is to say—Ten per Cent on each Share so subscribed shall be payable to the said Company, immediately after the Stockholders shall Elect the number of Directors hereinbefore mentioned, and the remainder by Instalments of not more than Twenty per Cent, at such period as the President and Directors shall from time to time appoint: *Provided* that no Instalment shall be called for in less than thirty days after public notice shall have been given in such Papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the Instalments due on any Share or Shares held by him, her or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such Share or Shares as aforesaid, together with the amount previously paid thereon, and the Share or Shares so forfeited shall be sold by the Directors at Public Auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company: *And provided also,* that nothing herein contained shall extend to prevent the purchaser or purchasers from paying up the residue of the Instalments on back Shares so purchased as aforesaid before he, she or they, shall be entitled to a Certificate for such Shares. No person to hold more than 20 shares in the first instance.
Subscription, how payable.
Forfeiture of shares.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said Books of Subscription shall be opened the whole number of Shares shall not be taken up and subscribed for, then it shall be lawful for any former Subscriber to increase his her or their Subscriptions, and that after the first Instalments shall have been paid to the said Company the said Shares shall become transferable on the books of the said Company. Increase of Subscribers Shares.

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Company, and touching Directors may make by-laws.

the security to be given by, and the duties and conduct of the Officers, Clerks and Servants, employ by the said Company, and all such other matters as appertain to the business of the said Company, and shall have power to appoint such Officers, Clerks and Servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit: *Provided* that such Rules and Regulations be not repugnant to the Laws of this Province.

Public act.

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

General issue may be pleaded.

XIII. *And be it further enacted by the authority aforesaid*, That in all actions to be hereafter brought against the said Company at any time, it shall and may be lawful for them to plead the general issue, and to give the special matter in evidence under it.

Shares to be transferable.

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

Act of Incorporation not affected by non-user.

XV. *And be it further enacted by the authority aforesaid*, That this Act of Incorporation shall in nowise be forfeited by any non-user at any time before the first day of January which will be in the year of our Lord One Thousand Eight Hundred and Thirty-eight.

Commencement of operations.

XVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Directors to commence the operations of the said Company as soon as Five per Cent shall be paid in on the Capital Stock subscribed as aforesaid.

Glass works where to be erected.

XVII. *And be it further enacted by the authority aforesaid*, That the said Company may construct the said Glass Works on Lot number Forty Two, on the North side of Talbot Road, in the Township of Cayuga, and County of Haldimand.

Alteration of this act.

XVIII. *And be it further enacted by the authority aforesaid*, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration in any of its provisions, as they may think proper, for affording just protec-

tion to the Public, or to any person or persons, Body Politic or Corporate, in respect to their Estate, Property or Rights, or any interest therein, or any advantage, privilege or convenience connected therewith, that may be affected by any of the powers given by this Act.

CHAP. XIX.

AN ACT to Incorporate certain persons therein mentioned, under the Name and Style of the Erie and Ontario Rail Road Company.

[Passed 16th April, 1835.]

WHEREAS Thomas Clark, Humphrey J. Tench, David Thornburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant and others, of the District of Niagara, have, by Petition, prayed to be Incorporated as a Joint Stock Company for the purpose of constructing a double or single Iron or Wooden Rail Road or Way, commencing at the River Welland, at any point, and extending to the Niagara River, at or below Queenston, with the privilege of extending the same to Lake Erie or Ontario, or both, at any future period: *And whereas* it is expedient to Incorporate the said Petitioners, for the purposes herein before mentioned: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Thomas Clarke, Humphrey J. Tench, David Thornburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact, by and under the name and style of the Erie and Ontario Rail Road Company, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters

Preamble.

Incorporation

Common seal:

Power to hold lands.

and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may alter the same at their will and pleasure; and also, that they and their successors by the same name of the Erie and Ontario Rail Road Company, shall be by Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always, nevertheless*, that the Real Estate to be held by the said Company, shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road, and for objects immediately connected therewith.

Authority to construct Rail Road.

II. *And be it further enacted by the authority aforesaid*, That the said Company and their Agents or Servants shall have full power under this Act to lay out, construct, make and finish, a double or single Iron or Wooden Rail Road or Way, at their own costs and charges, on and over any part of the Country, lying between the River Welland and the Niagara River, at or below Queenston; and to take, carry and transport thereon, Passengers, Goods and Property, either in Carriages used and propelled by the force of Steam, or by the power of Animals, or by any Mechanical or other power, or by any combination of power which the said Company may choose to employ; and that the said Company shall in like manner and for the like purposes, have power to make and use a double or single Rail Road or Way of Iron or Wood, to lead from the River Welland to Lake Erie, or to the Niagara River below Lake Erie, and also to continue their Rail Road or Way from Queenston to Lake Ontario, if they shall undertake and contract for the making of the said last mention Rail Road before any other Company shall be Chartered by the Legislature for that purpose.

To purchase Lands.

III. *And be it further enacted by the authority aforesaid*, That the Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the

In case of disagreement Arbitrators to be named.

value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same; the award of the majority of whom shall be final; and the said Arbitrators shall be, and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company, after eight days notice given them for that purpose by the said Company, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitration as herein before provided.

Their award to be final.

Arbitrators to be sworn.

IV. *And be it further enacted by the authority aforesaid*, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference of the said Company.

Amount awarded to be paid within three months,

Or owner may resume the property.

V. *And be it further enacted by the authority aforesaid*, That the said Erie and Ontario Rail Road Company shall have full power and authority to explore the Country lying between the River Welland in the District of Niagara, and Lake Ontario, and between the said River Welland and Lake Erie, and to designate and establish, and for the said Company

Authority to explore and take levels;

to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary Rail-ways and Side-walks, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with Lake Eric, on or near the route laid down in the plan surveyed by Mr. Jarvis, Civil Engineer, and accompanying his Report; and for the purposes aforesaid, the said Company and their Agents, Servants and Workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, Bodies Politic or Corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, on the said intended Rail Road; and also to make, build, erect, and set up in and upon the route of the said Rail Road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniencies, as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also from time to time to alter, repair, amend, widen or enlarge the same, or any other of the conveniencies above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and from the said Rail Road, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging, the works of and belonging to the said Rail Road; and also place, lay, work and manufacture, the said materials on the grounds near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter, any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect and keep in repair, any piers, arches or other works, in and upon and across any rivers or brooks for making, using, maintaining and repairing, the said Rail Road and side paths; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using, the said Rail Road in pursuance and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained, by the owner or occupier of such lands, tenements or hereditaments.

To erect works.

VI. *And be it further enacted by the authority aforesaid, That it shall* and may be lawful for the President and Directors of the said Company President and Directors to establish Tolls. from time to time to fix, regulate and receive, the Tolls and charges to be received for transportation of property or persons on the single or double Rail Road or Way aforesaid hereby authorised to be constructed, erected, built, made and used.

VII. *And be it further enacted by the authority aforesaid, That the* said double or single Rail-Road or Way, and all materials which shall be from time to time got or provided for constructing, building, main- Rail Road to be vested in the Company. taining or repairing the same, and the said Tolls on Goods, Wares or Merchandize, or Passengers, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors, for ever.

VIII. *And be it further enacted by the authority aforesaid, That so* soon as the said double or single Iron or Wooden Rail-Road or Way shall be so far completed as to be capable of being used for the transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover and take the tolls and dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said double or single Iron or Wooden Rail Road or Way, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such Toll-Houses and other Buildings for the accommodation and proper transaction of their business, as to them may seem necessary. Tolls when payable.

IX. *And be it further enacted by the authority aforesaid, That when-* ever it shall be necessary for the construction of their single or double Rail-Road or Way to intersect or cross any stream of water or water- Water Courses not to be obstructed. course, or any road or highway lying on the route of the said Rail-way, between Lakes Erie and Ontario as aforesaid, it shall be lawful for the Corporation to construct their single or double Rail Road or Way across or upon the same; *Provided* that the Corporation shall restore the stream or water courses, or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness, and shall moreover erect and maintain during the continuation of this Corporation sufficient fences upon the line of the route of their single or double Rail Road or Way.

Injuries to the property how punishable.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of the said Corporation, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Corporation, with Costs of Suit, by action of debt to be brought in any Court of record in this Province.

Affairs of the Company to be managed by seven Directors,

Time and mode of election.

XI. *And be it further enacted by the authority aforesaid,* That the property, affairs, and concerns of the said Company, shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their office for one year, which said Directors shall be Stockholders, to the amount of at least four Shares, and be elected on the first Monday in June in every year, at Stamford, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said District of Niagara, at least thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own persons, or by proxy; and all Elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Vacancies how supplied.

Number of votes.

XII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of Shares which he or she shall have held in his or her own name

at least one month prior to the time of voting, according to the following rates, that is to say—one vote for each Share, not exceeding four; five votes for six Shares; six votes for eight Shares; seven votes for ten Shares; and one vote for every five Shares over ten.

XIII. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any day to hold and make an Election of Directors, in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

Corporation not dissolved by Directors not being elected on day prescribed.

XIV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duty of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Corporation; and shall also have power to appoint as many Officers, Clerks and Servants, for the carrying on the said business, with such salaries and allowances as to them shall seem fit.

Directors may make by-laws.

XV. *And be it further enacted by the authority aforesaid,* That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Stamford, who in the same manner as herein before provided shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in such office until the first Monday in June next after their Election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual Election: *Provided always,* that if Shares to the amount of ten thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until the amount of Stock shall have been taken up, and at least thirty days notice thereof given in any paper or papers published in the said District of Niagara.

First meeting of Stockholders.

XVI. *And be it further enacted by the authority aforesaid,* That the whole Capital Stock of the said Company, inclusive of any Real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Seventy-five Thousand Pounds, with a privilege to the said Company of extending the amount of such Capital to the sum

Capital not to exceed £75,000:

Power of extending capital;

Number and value
of shares :

of One Hundred and Fifty Thousand Pounds, in the event of the extension of the Works as aforesaid to Lakes Erie and Ontario, and that such Capital or Stock of Seventy-five Thousand Pounds, or One Hundred and Fifty Thousand Pounds (if increased) be held in Six Thousand, or Twelve Thousand Shares, of Twelve Pounds and Ten Shillings each, and that the Shares of the Capital Stock may, after the first Instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same, to any other person or persons, and such transfer shall be entered or registered in a Book or Books, to be kept for that purpose by the said Company: *Provided always*, that nothing herein contained shall extend to authorise the said Company to carry on the business of Banking.

Proviso against banking.

Directors may call
for £10 per cent.

XVII. *And be it further enacted by the authority aforesaid*, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any Paper or Papers published in the said District of Niagara, for an instalment of ten per cent upon each Share which they or any of them may respectively subscribe, and that the residue of the sum or Shares of the Stockholders shall be payable by Instalments in such time and in such proportions as a majority of the Stockholders at a meeting to be expressly convened for that purpose, shall agree upon, so as no such Instalments shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Paper or Papers as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Rail Road or Way until the first Instalment shall be paid in.

Forfeiture of shares :

XVIII. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay, at the time required, any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have previously been paid thereon, and that the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always*, that the Purchaser or Purchasers shall pay the said Company the amount of the Instalment required, over and above the purchase money of the Share or Shares so purchased by him her or them as aforesaid, immediately after the Sale and before they shall be entitled to the Certificate of the transfer of such Shares so purchased as aforesaid: *Provided always*, that

thirty days notice of the Sale of such forfeited Shares shall be given in any Newspaper or Newspapers published in the District of Niagara; and that the Instalments due may be received in redemption of any such forfeited Share, at any time before the day appointed for the sale thereof.

Notice of sale.

XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company, as to them or the majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books and to be open to the perusal of any Stockholder at his or her reasonable request.

Annual dividends.

XX. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

Public act.

XXI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said Rail Road or Way, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said double or single Iron or Wooden Rail Road or Way, together with such further sum as will amount to twenty-five per cent upon the monies so advanced and paid, as a full indemnification to such Company, and the said double or single Iron or Wooden Rail Road or Way shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same; *Provided always* that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years to assume the possession and property of the said Rail Road or Way, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average the sum of twelve Pounds ten Shillings for every hundred Pounds they shall be possessed of in the said concern.

After 50 years His Majesty may assume the property ;

Conditions.

Future tolls to be payable to the Receiver General.

Commencement of the works.

XXII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said double or single Iron or Wooden Rail Road or Way shall have been assumed by His Majesty, His Heirs and Successors, as herein before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province at the disposal of the Legislature thereof, and 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 graciously pleased to direct: *Provided always,* that the said double or single Iron or Wooden Rail Road or Way between the Welland River and the River Niagara, at or below Queenston, shall be commenced within one year and completed within five years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void; and that nothing in this Act contained shall extend to prevent the Legislature from granting a Charter at any time hereafter to any Company or Companies, for constructing any Rail Road or Way in any other part of the Country between the Lakes Erie and Ontario, so as the same shall not impede the completion of any Rail Road or Way actually begun and in progress under the direction of the Company hereby Incorporated, within three years after the passing of this Act.

Company not to interfere with the navigation of the Welland.

XXIII. *And be it further enacted by the authority aforesaid,* That this Act shall not be construed to give any power to the said Company to erect ways or works of any description upon or over the River Welland, so as to interfere in any manner with the free use and navigation thereof.

Alteration of this Act.

XXIV. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions as they may think proper, for affording just protection to the Public, or to any person or persons, Body Politic or Corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

Limitation of actions:

XXV. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and

not afterwards, and that the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial. General issue.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, their Agents and Servants, or any of them, at any time or times to enter into and upon, have, hold, use or enjoy, for the purposes of this Act, or for any other purpose, any part or parts of the lands or grounds of or belonging to the King's Majesty, and which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands, or Lands reserved for Military purposes, without the license and consent of His said Majesty, His Heirs or Successors, for such purpose being first had and obtained, signified under the hand and seal of the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, any thing in this Act to the contrary notwithstanding. Company not to enter on Crown Reserves without license from the Governor, &c.

CHAP. XX.

AN ACT to authorise a new Survey in the Township of King.

[Passed 16th April, 1835.]

WHEREAS it appears from a representation made during the present Session that the Line between the Eighth and Ninth Concessions of the Township of King, in the Home District, has been very incorrectly run, so that some of the Lots in the Eighth Concession contain more and some of the Ninth Concession less than their due quantities of land, and such Line, if not altered, may hereafter occasion endless litigation and expense: *And whereas* Alexander Lang, and others, by Petition prayed that the [said line may be corrected: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Surveyor General of this Province, and he is hereby required, so soon Preamble.

M New Survey to be made under the authority of the Surveyor General.

as may be after the passing of this Act, to direct a Deputy Surveyor carefully to examine the said Concession Line between the Eighth and Ninth Concessions of the Township of King aforesaid, and to correct the same by running a right Line from the South East angle of Lot number One in the Ninth Concession, to the North East angle of Lot number Thirty-five in the said Ninth Concession, which Line, when so corrected, shall be and the same is hereby declared to be the true and unalterable Boundary between the said Concessions.

Extent of fronts in 9th concession to be the same as in original survey.

II. *And be it further enacted by the authority aforesaid,* That all Lots or Parcels of Land in the Ninth Concession of said Township of King, shall contain the same width in front as in the Original Survey of said Concession Line, and that such Monuments as are planted on the said new Line shall coincide in width with the Stakes planted on the Line done in the first Survey of said Concession Line.

Provision in case of monuments being lost.

III. *And be it further enacted by the authority aforesaid,* That if any Monument so set in the Original Survey of said Concession Line is lost, such Deputy Surveyor shall proceed and measure the true distance between the nearest undisputed Posts or Monuments, into the same number of Lots contained in the Original Survey of such Concession Line, having due respect to any allowance for Road or Roads, Common or Commons, as were contained in such Original Survey, and such limit so found is hereby declared to be the true and unalterable Boundary or Limit between such Lots, any Law or usage to the contrary thereof in anywise notwithstanding.

Diagram of new Survey to be lodged in Surveyor General's Office.

IV. *And be it further enacted by the authority aforesaid,* That a diagram of the correction made in the said Line by the Deputy Surveyor employed, be lodged in the office of the Surveyor General of the Province, to be referred to in case of any dispute hereafter arising between any persons interested in the same.

CHAP. XXI.

AN ACT to establish the Boundary Lines of the Township of Wolford, in the District of Johnstown.

[Passed 16th April, 1835.]

Preamble.

WHEREAS by the third Clause of an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in

the Twenty-fifth year of His Majesty's Reign, entitled, 'An Ordinance concerning Land Surveyors, and the Admeasurement of Lands,' and also to extend the provisions of an Act passed in the Thirty-eighth year of His Majesty's Reign, entitled, "An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed," it is enacted, that the Boundary Line of each and every Township on that side from which the Lots are numbered shall be the course or courses of the respective division or Side Lines throughout the several Townships and Concessions of this Province respectively: *And whereas* the Side Lines of Lots in the Township of Wolford, in the Johnstown District, were not originally run parallel to the Eastern Boundary of the said Township from which the Lots are numbered, and great difficulty and inconvenience would arise to the Inhabitants of the said Township by having their Side Lines, or limits between Lots, run pursuant to the said Act: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Western Boundary Line of the said Township shall be and the same is hereby declared to be the course or courses of the respective Division or Side Lines of Lots or parcels of Land in the aforesaid Township; and all Surveyors shall be and are hereby required to run all such Division or Side Lines of any such Lots or parcels of Land which they may be called upon to Survey, to correspond with and be parallel to the aforesaid Western Boundary Line.

Side-lines to be run parallel to western boundary line.

II. *And be it further enacted by the authority aforesaid*, That every licensed Surveyor, when and as often as he may be employed to run any Side Line or limit between Lots or lines in the said Township, required to go the same course as the aforesaid Western Boundary Line, shall, if it has not been done before, or if it has been done but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles on the Western Boundary of the said Township in that Concession in which the Land to be Surveyed may be, and shall run such Line or Lines as aforesaid truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be, the

Course to be pursued by licensed Surveyors in future Surveys.

true course of such Lines, any law, usage or custom, to the contrary notwithstanding.

CHAP. XXII.

AN ACT to alter the times of holding the Court of Quarter Sessions in the District of Niagara.

[Passed 16th April, 1835.]

Preamble.

WHEREAS it is expedient to repeal an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled, "An Act to alter the times of sitting of the General Quarter Sessions in the Niagara District: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of 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; and that from and after the passing of this Act the Court of General Quarter Sessions of the Peace, in the Niagara District, shall assemble and sit at the Town of Niagara, in the Niagara District, as the place now fixed by law for holding the same, on the Second Tuesdays in January, April, July and October, in each and every year.

11 Geo. 4. chap. 8.
repealed.

Times for holding
Quarter Sessions

CHAP. XXIII.

AN ACT to continue and amend an Act passed in the second year of His Majesty's Reign, entitled, "An Act for Incorporating a Joint Stock Company under the style and title of the President, Directors and Company, of the Port Dover Harbour."

[Passed 16th April, 1835.]

Preamble.

WHEREAS William Wilson, and Colin McNeilledge, Esquires, and others, by their Petition have set forth that the Act of the Legislature of this Province, passed in the second year of the Reign of His Majesty

King William the Fourth, entitled, “An Act for Incorporating a Joint Stock Company under the style and title of the President Directors and Company of the Port Dover Harbour,” has not been acted upon in consequence of the difficulties heretofore experienced, but which the petitioners consider now to be removed, and that it is stipulated in the said Act that the said Harbour shall be commenced within two years after the passing thereof, which period of time has expired, also that the establishment of said Harbour will be attended with advantage to the Province generally, and to the London and Western Districts particularly, and praying for a renewal of the said Charter or Act of Incorporation, and that the time for commencing the said Harbour may be extended; *And whereas* it is expedient that the prayer of the said petition should be acceded to, and that the said Act should remain and be in force: *Be it therefore enacted*, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That the said Act entitled, “An Act for Incorporating a Joint Stock Company under the style and title of the President, Directors and Company, of the Port Dover Harbour,” as aforesaid, be and the same is hereby continued from and after the passing of this Act, except in so far as the same may be varied or altered by this Act.

Continuation of
the Charter.

II. *And be it further enacted by the authority aforesaid*, That on the second Monday in the month of May next after the passing of this Act a meeting of the Stockholders of the said Company shall and may be held at Port Dover aforesaid, who, in manner provided in the said Act hereby continued as aforesaid, shall and may proceed to elect Seven persons to be Directors for the purposes of said Act, who shall continue in office until the first Monday in May next after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at an annual election according to the provisions of said Act.

Meeting of the
Stockholders for
the election of
Directors.

III. *Provided always, and be it further enacted by the authority aforesaid*, That it shall not be lawful for the said Company to commence the construction of the said Harbour until Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall have

Commencement of
the works.

been taken ; *And provided likewise*, that the said Harbour shall be commenced within two years and completed within seven years after the passing of this Act, otherwise this Act shall cease and be utterly null and void.

CHAP. XXIV.

AN ACT to explain and amend an Act Incorporating the Welland Canal Company, and for appointing Arbitrators for certain purposes therein mentioned.

[Passed 16th April 1835.]

Preamble, reciting
the 4 Geo. 4. c. 17.

WHEREAS it was provided by the tenth Section of the Act granting a Charter to the Welland Canal Company, passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled, "An Act to Incorporate certain persons therein mentioned, under the Style and Title of the Welland Canal Company;" That when and so often as it shall be necessary to cut into any Highway, in order to conduct the said Canal through the same, the said Company of Proprietors shall, within one month, cause to be constructed a secure, sufficient, and commodious Bridge, for the passing of Carriages, in order to re-establish the communication between the several parts of such Highways, under the Penalty of Four Pounds Currency for each and every day after the expiration of the said time, which the said Company shall neglect to construct such secure, sufficient and commodious Bridge as aforesaid ; *And whereas* no doubt can be entertained, that the intention of the Legislature at the time of passing the Act of Incorporation, although not so expressed in the Tenth Section of the Act, was that the said Welland Canal Company should not only construct the necessary Bridges over such Highways as the Canal might intersect, but also that such Bridges should be thereafter maintained and kept in repair by the said Company, for the safety and convenience of His Majesty's Subjects, who might have occasion to use the said Highways ; *And whereas* there are certain Roads passing the said Canal, within a short distance, which by erecting Bridges on each, would materially injure the Navigation of the said Canal, without producing a corresponding benefit : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled,

‘ An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That it shall and may be lawful for the said Welland Canal Company to erect and keep in repair all Bridges over the Canal on Highways heretofore used and travelled as Public Roads, the number, places and situation, to be determined by the Directors who may be appointed by the House of Assembly during the present Session.

Company authorised to erect Bridges.

II. *And be it further enacted by the authority aforesaid,* That the President and Directors of the said Welland Canal Company, shall hereafter keep and maintain the Bridges so erected, or to be erected by them on the line of the Canal, in a safe and sufficient state of repair, and shall within seven days after the passing of this Act, complete the repair of such Bridge or Bridges as may require to be repaired, under the Penalty of One Pound for every day they shall neglect or refuse to repair the same, after the expiration of that time.

Repairs of Bridges.

Penalty for neglect.

III. *And be it further enacted by the authority aforesaid,* That whenever any of the said Bridges shall be in an insecure state, the same may be represented to the Overseer of Roads for the Division in which the said Bridge is situate, whose duty it shall be, within twenty-four hours, to examine the same personally, and to notify the same in writing within three days to the Secretary of the Welland Canal Company, and the said Company shall within six days from the day of such notification cause the same to be properly repaired, under the Penalty of One Pound for every day the same shall be neglected after that time.

Overseers of the roads may notify repairs wanting.

IV. *And be it further enacted by the authority aforesaid,* That in case the said Company shall neglect to repair such Bridge or Bridges for twenty days after such Notice, it shall and may be lawful for the Overseer of Roads for the Division in which the said Bridge or Bridges is or are situated to repair the same, and upon the completion of such repairs to make out an Account of the Cost thereof against the District, and to swear to the correctness of such Account before any Justice of the Peace for the said District, which Justice is hereby authorised to administer such oath, and upon the production of such Accounts, so sworn to, to the Treasurer of the District, to demand the amount thereof; and the Treasurer of the said District upon such demand is hereby required to pay the amount of such Account out of the funds in his hands, or thereafter to come into his hands, of the said District.

After twenty days notice Overseer may repair;

Account to be made out against the District;

Payment by the Treasurer.

Treasurer to be re-
paid from the first
Tolls received;

V. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said District, after having paid any such Account, is hereby required to give immediate notice thereof in writing to any or all of the Toll-gatherers employed to collect Tolls upon the said Canal for the said Company, and that from and after such notice so to be given as aforesaid, the Tolls received by such Toll-gatherers shall be held liable for the payment of the amount of such Accounts to the said Treasurer; and such Toll-grtherers shall, and they are hereby required, out of the first monies coming into their hands on account of the said Company after such notice, to liquidate and discharge the amount of such Accounts to the said Treasurer, under a penalty of double the amount of such Account, to be recovered by the said Treasurer on account of the District against such Toll-gatherers, or their Sureties to the said Company, by action of debt in his own name as Treasurer, in any of His Majesty's Courts of Record in this Province.

Penalty on Toll
Gatherers refusing to
pay.

Indemnity to the
Overseer and Trea-
surer.

VI. *And be it further enacted by the authority aforesaid,* That the said Company shall be and they are hereby disabled and precluded from taking any proceedings, either in Law or Equity, against the Overseer of Roads, the Treasurer of the said District, or the Toll-gatherer upon the said Canal, for any thing done by them or either of them under the authority of this Act, any thing in any law usage or custom contained to the contrary thereof notwithstanding.

Recital of 1 W. 4.
c. 18. sec. 7.

VII. *And whereas* by the seventh Section of an Act passed in the first year of His present Majesty's Reign, entitled, "An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the laws now in force relating to the said Company," John Warren, Samuel Street and David Thorburn, Esquires, were appointed Arbitrators to settle and award the damages sustained by individuals from the operations of the said Welland Canal Company; *And whereas* from the circumstance of the decease of one of the Commissioners, John Warren, Esq. during that year, the two remaining Arbitrators were unable to come to any decision: *And whereas* by the Fifth Section of an Act passed in the Third year of His Majesty's Reign, entitled, "An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned," Absolom Shade, William B. Robinson, and John Macaulay, Esquires, Commissioners for the affairs of the said Canal, were appointed Arbitrators in conjunction with the aforesaid remaining Arbitrators, Samuel Street and David Thorburn, Esquires, to arbitrate and determine the amount of damages due by the Company to the different individuals on the Line of the said Canal, to be determined by a majority of the said Arbitrators; but from the remote residence of the

3 W. 4. c. 55, sec. 5.

said Commissioners from the Niagara District, or other causes, it has not been found practicable to procure the attendance of a majority of the said Arbitrators so appointed, to decide thereon; and it is just and expedient that the claims of the parties who have sustained damage should be satisfied, *Be it therefore enacted by the authority aforesaid*, That so much of the said Act passed in the third year of His Majesty's Reign as constitutes and appoints the said Absolom Shade, William B. Robinson and John McAulay, Esquires, Arbitrators in conjunction with Samuel Street, and David Thorburn, Esquires, be and the same is hereby repealed.

So much of 3 W. 4. c. 55. as relates to Arbitrators named repealed.

VIII. *And be it further enacted by the authority aforesaid*, That Samuel Street, David Thorburn, Robert Grant, John Willson and Smith Griffin, Esquires, shall be and they are hereby appointed Arbitrators to settle and determine all questions of Damages which may be submitted to them, or to a majority of them, by persons who may have sustained injury from the operations of the Welland Canal Company, or whose Property shall have been or may hereafter be taken by the said Company.

Other Arbitrators appointed.

IX. *And whereas* from the conflicting evidence likely to arise, by reason of individual interest biasing the minds of the Witnesses to be brought before the said Arbitrators, or a majority of them, in regard to the facts to be related, it is expedient that a discretionary power be allowed to the said Arbitrators to judge under all the circumstances of the case, and to frame their award accordingly; *Be it therefore enacted by the authority aforesaid*, That the said Arbitrators, or a majority of them, in making their awards, shall have power to exercise their own judgment and discretion, on view of the premises or any other the best information they can obtain, any laws to the contrary thereof in anywise notwithstanding.

Arbitrators to have a discretionary power in forming their judgment.

X. *And be it further enacted by the authority aforesaid*, That the said Arbitrators shall severally be allowed the sum of Twenty Shillings Currency for every day they shall be engaged in the duties of such Arbitration, to be paid by the said Welland Canal Company, unless the said Arbitrators, or a majority of them, believe that the said Welland Canal Company have offered the individual the full value of the property left to their decision, in which case they can make either party pay the expenses as they may deem just and equitable.

Allowance to the Arbitrators.

XI. *And be it further enacted by the authority aforesaid*, That the said Arbitrators shall be sworn before some one of His Majesty's Justices of the Peace well and truly to hear and determine all matters submitted

Arbitrators to be sworn:

to them respecting claims for damages against the Welland Canal Company according to the best of their knowledge and belief.

CHAP. XXV.

AN ACT to authorise the Levying an increased Tax on the Inhabitants of the District of Prince Edward, for the term of Three Years.

[Passed 16th April, 1835.]

Preamble.

WHEREAS certain Inhabitants of the District of Prince Edward have by their Petition set forth, that the said District is in debt to the amount of Fifteen Hundred Pounds, and have prayed that an increased Tax of One Halfpenny in the Pound should be imposed upon the Inhabitants of the said District, for the space of three years: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Magistrates of the said District in General Quarter Sessions assembled, to order the sum of One Halfpenny in the Pound to be levied on all Ratable Property within the said District of Prince Edward, in addition to the sum by Law now authorised to be raised, levied and collected, for the space of three years and no longer.

Additional rate of one half-penny in the pound may be levied.

Application thereof.

II. *And be it further enacted by the authority aforesaid,* That the monies so raised shall be applied by the Magistrates of the said District towards the liquidation of the debt of said District, and for other public purposes of the District.

To be added to the assessment roll.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace for the District, in making out the Assessment Rolls for the several Townships, to make and add the additional Halfpenny in the Pound to the Property of each individual whose name may appear on the Assessment Roll; and it shall be the duty of the Collector of each and every Township within the said District, to collect the monies authorised to be raised by the provisions of this Act,

in the same manner as he is authorised by Law to collect the Ordinary Assessment of the District.

IV. *And be it further enacted by the authority aforesaid,* That no per centage shall be allowed to the Treasurer nor any Assessor or Collector within said District, upon the monies raised, levied and collected under the authority of this Act. No per centage to be allowed.

CHAP. XXVI.

AN ACT to appoint Commissioners to settle disputes respecting certain Roads and Lines in the Township of Norwich, in the District of London, and to establish the said Lines and Roads.

[Passed 16th April, 1835.]

WHEREAS the late Peter Lossing, of the Township of Norwich, County of Oxford, District of London, and Province of Upper Canada, Yeoman, and Peter Delong of the same place, Yeoman, did on the Seventh day of July, in the year of our Lord one thousand eight hundred and ten, purchase of and from William Wilcox, of the Town of York, in the Home District, Fifteen Thousand acres of Land, in the said Township of Norwich aforesaid, being Lots numbers eight, nine, eleven, thirteen and fourteen, in the first and third Concessions; and Lots numbers eight, ten, eleven, twelve and fourteen, in the Second Concession, in Block number two; and Lots numbers one, three, four, five, seven, eight, ten, eleven, twelve and fourteen, in the Fourth and Sixth Concessions; and Lots numbers one, two, four, six, seven, eight, nine, eleven and fourteen, in the Fifth Concession, in Blocks numbers five and six; and Lots numbers one, two, four, six and seven, in the seventh, ninth and eleventh Concessions; and Lots numbers one, three, four, five and seven, in the eighth, tenth and twelfth Concessions, in Blocks numbers nine and thirteen; various parts of which said Fifteen Thousand Acres the said late Peter Lossing sold and conveyed as hereinafter stated; *And whereas* the said late Peter Lossing did, by and with the advice and consent of all parties at that time interested or concerned in the same, survey the said tract of Land in the said Township of Norwich, he the said Peter Lossing not being a licensed Surveyor in this Province; *And whereas* in accordance with the said Survey so made, the said late Peter Lossing did make and execute Deeds and Titles of Conveyance to various parcels of the said tract of Land; *And whereas* disputes and difficulties have arisen among the Inhabitants of the said Township of Norwich, owing to various

inaccuracies in the early Surveys of the said Township of Norwich, as well the Survey of the said Peter Lossing as other early Government Surveys; *And whereas* sundry Inhabitants of the said Township of Norwich, and resident upon the said tract of Land so purchased and surveyed as aforesaid, and others, have Petitioned the Parliament of this Province, praying to have some plan devised and some Law passed by which disputes, difficulties and Law Suits, and Law Costs may be prevented, and peace, harmony and concord restored to the neighbourhood, as well as certainty as to where the Roads and Lines are in future, shall be and continue to be established: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That George Rykert, David Gibson, and John Bailey, be and are hereby authorised and appointed Commissioners for the purposes of this Act, whose duty it shall be, within three months after the first day of June next, to proceed to the said Township of Norwich aforesaid, and personally to examine, if they shall deem it necessary, the Boundaries, Stakes, Monuments, Concessions and Concession Lines, and Side Lines, Roads and Road Lines, and allowances for Roads, in all and every such part or parts of the said tract or parcel of Land so Surveyed by the said late Peter Lossing, aforesaid, in the said Township of Norwich aforesaid.

Commissioners appointed to examine the survey made by P. Lossing.

II. *And be it further enacted by the authority aforesaid*, That if the said Commissioners shall deem it necessary and expedient, for the more perfectly settling the disputes and difficulties arising out of the said Survey of the said late Peter Lossing aforesaid, it shall be lawful for them to appoint one or more Deputy Surveyor or Surveyors, Chain Bearers and other Assistants, subject to their controul and under their direction, to Survey so much and so many of the disputed Lines and Roads in the said tract aforesaid, as to them shall appear necessary to an equitable and just settlement of all the differences and disputes of the Inhabitants of the said Township of Norwich aforesaid, and to require the attendance of all such persons as may be necessary as Witnesses, with all papers, parchments, Deeds and Conveyances, relating to the cause of the said difficulty and dispute aforesaid.

Commissioners to direct a new survey if necessary;

Attendance of witnesses.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners, after having duly examined such Witnesses, Deeds, Conveyances, Papers and Parchments, as they may deem necessary and expedient, upon the subject matter and dispute, shall confirm and continue, or alter, annul and disallow any and all, or part or parts of the said Survey of the said tract of Land so Surveyed or intended to be Surveyed by the said late Peter Lossing aforesaid, and to Re-survey, plant Posts, and establish such Lines, either with or without regard to any Posts now planted or Lines now run, as to them shall appear to be necessary and just between the contending parties, always regarding the equitable intention of the parties at the time of their making their contracts; and such Lines so run, and such Posts so planted by the authority of the Commissioners aforesaid, shall be, and be taken to be the Lines and Posts governing and establishing the Lines and Roads of the said tract aforesaid.

Final adjustment
of boundaries.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners, or a majority of them, for the purposes aforesaid, with their Surveyor or Surveyors, and for those persons employed by them, to make entry on any or all of the Farms or Lands within the said Township of Norwich, whenever it may be necessary to Survey the said Lines, or Concessions, or Roads, for the purpose of ascertaining and determining the same, and to place any Marks or Monuments thereon for the purposes of this Act, without being considered as liable to any Action at Law as Trespassers.

Commissioners, &c.
authorised to enter
upon lands for the
purposes of this
Act.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, and they are hereby required well and truly to inquire into all matters of fact necessary for directing their judgment, as to their determination, by all lawful ways and means as are incident to a Court of Civil Jurisdiction, to compel the attendance of Witnesses necessary in the investigation, and the production before them of all or any Deeds, Books, Maps, Diagrams, or other Documents or Evidence, in any way relating to the better and more completely ascertaining the true, just and equitable interest of the parties; and also to tender such Witness or Witnesses such Oath or Oaths, Affirmation or Affirmations, pertinent to the question in dispute; and in case of any false swearing by any Witness or Witnesses, such Witness or Witnesses upon conviction thereof, shall be liable to the pains and penalties of being guilty of wilful and corrupt perjury.

Nature and jurisdic-
tion of the Commis-
sioners Court;

False swearing under
this Act perjury.

Commissioners
award;

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall within a reasonable time thereafter, make out their award or determination of and concerning the matters and things hereby submitted to their impartial decision, by an Instrument under their hands and seals in duplicate, one of which shall be transmitted by them to the Court of King's Bench, in this Province, and the other to the Chairman of the General Court of Quarter Sessions of the Peace for the District of London, there to be and remain as a matter of Record, and to be pleadable and available in all Courts of this Province having competent Jurisdiction of any matters in such decision contained: *Provided, nevertheless,* that such award, or any part thereof, shall not be set aside unless the said Court of King's Bench shall be moved by any of the parties interested, to alter or set aside such award, within twelve months from the execution of such award.

Award not to be
set aside after 12
months.

Public act.

VII. *And be it further enacted by the authority aforesaid,* That this Act shall be a Public Act, without being specially pleaded, and any decision, decree or order, under the hands and seals of the said Commissioners, or a majority of them, shall extend to and be in force in the Province of Upper Canada, subject to the revision and controul of His Majesty's Court of King's Bench therein.

Appointment of
Commissioners.

VIII. *And be it further enacted by the authority aforesaid,* That in case of the death, removal, or refusal to serve, or becoming incapable of serving and acting, of any Commissioner or Commissioners, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint, under his sign manual, another or others to act in the place and in the stead of such Commissioner or Commissioners.

Commissioners
allowance.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to receive, for each and every day they may be so employed in carrying the provisions of this Act into execution, the sum of Twenty Shillings, Currency; the said Surveyor the sum of Ten Shillings, and each and every other person or persons employed for the purposes aforesaid, the sum of Three Shillings and Nine Pence, to be paid to each of them, out of the Funds of the District, by an order under the hand and seal of the Chairman of the Quarter Sessions for the time being.

CHAP. XXVII.

AN ACT to revive and continue an Act passed in the Tenth year of His late Majesty's Reign, entitled, "An Act the better to protect the Mississagua Tribes living on the Indian Reserve at the River Credit, in their Exclusive Right of Fishing and Hunting therein.

[Passed 16th April, 1835.]

WHEREAS an Act passed in the Tenth year of his late Majesty's Reign, entitled, "An Act the better to protect the Mississagua Tribes living on the Indian Reserve at the River Credit, in their exclusive right of Fishing and Hunting therein," expired at the end of the last Session of the Provincial Parliament; *And whereas* it is expedient that the said recited Act should be revived: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That said Act be and the same is hereby revived and continued, any thing therein contained to the contrary thereof in anywise notwithstanding.

Preamble.

10 Geo. 4. c. 3. continued.

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 four years from the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, and no longer

Act limited to four years.

CHAP.

CHAP. XXVIII.

AN ACT to make good certain Monies advanced for the Contingent expenses of the last Session of the Legislature of this Province ; and also to make good certain Monies advanced in compliance with an Address of the House of Assembly during the present Session.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS in pursuance of an Address of Your Commons House of Assembly at its last Session, to His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of Your Majesty's Province of Upper Canada, the sum of Seven Thousand One Hundred and Seven Pounds, Four Shillings, has been issued and advanced by Your Majesty, through Your said Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent expenses of the last Session of the Provincial Legislature ; *And whereas* in pursuance of another Address of the Assembly, passed during the present Session, the further sum of One Thousand Pounds has been issued and advanced by Your said Lieutenant Governor to the Speaker of the House of Assembly, towards defraying in part the Contingent expenses of the said House of Assembly during the present 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 entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General and unappropriated, there shall be issued and applied the sum of Eight Thousand One Hundred and Seven Pounds, Four Shillings, to make good the several sums which have been issued and advanced as aforesaid.

Eight thousand one hundred and seven pounds, four shillings, granted to defray contingent expenses.

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

CHAP. XXIX.

AN ACT to provide additional aid in support of Common Schools in the several Districts in this Province.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to grant a sum of Money for the support of Common Schools in the several Districts of this Province, may it therefore please Your Majesty that it may be enacted, *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, in the hands of the Receiver General, unappropriated, there be granted to His Majesty, for the use of Common Schools in this Province for the year one thousand eight hundred and thirty-five, the sum of Five Thousand Six Hundred and Fifty Pounds, in addition to the sums now appropriated by law, to be applied in the same way and manner, and in conjunction with the present sums for Common Schools granted by Act of Parliament, which said sum of Five Thousand Six Hundred and Fifty Pounds shall be apportioned among the several Districts of this Province as follows, that is to say :

Preamble.

£5,650 granted for the support of Common Schools for the year 1835.

- To the Ottawa District, the sum of One Hundred Pounds.
- To the Eastern District, the sum of Five Hundred Pounds.
- To the Johnstown District, the sum of Five Hundred Pounds.
- To the Bathurst District, the sum of Five Hundred Pounds.
- To the Midland District, the sum of Five Hundred and Fifty Pounds.

Appropriation.

O

To the Prince Edward District, the sum of Two Hundred Pounds.
 To the Newcastle District, the sum of Five Hundred Pounds.
 To the Home District, the sum of Seven Hundred and Fifty Pounds.
 To the Gore District, the sum of Six Hundred Pounds.
 To the Niagara District, the sum of Five Hundred Pounds.
 To the London District, the sum of Six Hundred Pounds.
 To the Western District, the sum of Three Hundred and fifty Pounds.

To be paid upon
 Warrants to the
 Receiver General:

And accounted for.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Five Thousand Six Hundred and Fifty Pounds, shall be paid by the Receiver General of this Province in discharge of such Warrants as may for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Payment of Teachers.

III. *And be it further enacted by the authority aforesaid,* That during the year aforesaid, it shall not be lawful for the Board of Education in each District of this Province to pay to any Teacher of a Common School the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the Board of Education that they have made provision for his support, so as to secure him for his services in a sum at least equal to double the amount which may be allotted by the Board of Education from the public money, any thing to the contrary in anywise notwithstanding.

Additional Salary to
 Clerks of the Boards.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Board of Education in each and every District to allow the Clerks of their respective Boards, in addition to the sum they are now by law authorised to receive, the further sum of Five Pounds annually during the continuance of this Act.

CHAP. XXX.

AN ACT granting to His Majesty a Sum of Money for the purpose of a Steam Dredging Machine.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is necessary that there be granted to Your Majesty the sum of Two Thousand Pounds, to be expended in the purchase of a Steam Dredging Machine, to be used in the further prosecution of the improvements of Burlington Bay, and such other Public Works as are or may be undertaken by the Government of this Province under the authority of any Act and Acts of the Legislature thereof; we therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now levied and collected, or which may hereafter be raised, levied and collected, and in the hands of the Receiver General of this Province, and unappropriated, there be granted to His Majesty the sum of Two Thousand Pounds, to be expended in the purchase of a Steam Dredging Machine, to be used in the further prosecution of the improvements of Burlington Bay, and other Public Works.

Preamble.

£2,000 granted for the purposes of this Act.

II. *And be it further enacted by the authority aforesaid,* That Doctor Charles Duncombe, David Thorburn, and Manual Overfield, be Commissioners for the purpose of procuring the said Dredging Machine, and taking charge of the same.

Appointment of Commissioners.

III. *And be it further enacted by the authority aforesaid,* That the Money hereby granted shall be paid by the Receiver General to the Commissioners hereby appointed, in discharge of such Warrant or Warrants as shall be issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, His Heirs and Successors, through the

Sum granted to be paid on Warrants to Receiver General;

And accounted for.

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.

Commissioners to
account to Lieut.
Governor.

IV. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall transmit an account of the Monies that may be expended under the authority of this Act, with the Vouchers, to the Lieutenant Governor, in order that they may be laid before the Legislature within fifteen days of the commencement of its then next ensuing Session, and that similar annual reports shall be thereafter made to the Lieutenant Governor for the information of the Legislature.

CHAP. XXXI.

AN ACT to authorise a Loan to be raised in the manner therein mentioned.

[Passed 16th April, 1835.]

Preamble.

WHEREAS it is important to the Public interests of this Province that the Debentures still outstanding and payable as well as those which may hereafter become due should be redeemed, and for successfully prosecuting the various Public Works and Improvements now or that may be in operation, it is therefore advantageous and expedient to negotiate a further Loan in Great Britain for those purposes : *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for His Majesty's Receiver General of this Province to treat with any person or persons, or with any Body Politic or Corporate, in London or elsewhere in Great Britain, for the raising by Loan on the Credit of this Province, a sum not exceeding Four Hundred Thousand Pounds Sterling Money of Great Britain, or for raising by Loan so many and such sums, not less than Fifty Thousand Pounds each, of Sterling Money as aforesaid, as shall not exceed in the whole the said sum of Four Hundred Thousand Pounds ; *Provided* that such Loan or Loans can be

Authority to Receiver
General to raise by
loan a sum not ex-
ceeding £400,000,
Sterling:

obtained at a rate of Interest not greater than Five per centum per annum, payable in London, and on condition that the Principal shall be redeemed at the expiration of twenty years.

Interest not to exceed
5 per cent. payable
in London;
Period of redemption.

II. *And be it further enacted by the authority aforesaid,* That for the money so borrowed His Majesty's Receiver General of the Province, for the time being, shall issue Debentures in such sums, not less than One Hundred Pounds Sterling each, as may be desired by the Lenders thereof, which Debentures shall be prepared and made out in such manner and form as the said Receiver General shall think most safe and convenient: *Provided always,* that every such Debenture shall be signed by the Receiver General of this Province, and shall be made payable to the Order of the Inspector General of this Province for the time being, who shall endorse the same in Blank, and shall on or immediately after the First day of January, and the First day of July, in every year, make a Return to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the Debentures endorsed by him under this Act.

Debentures may be
issued;

To be signed by
Receiver General:

Annual return to
be made.

III. *And be it further enacted by the authority aforesaid,* That each Debenture shall express on the face of it the Principal Sum in Sterling Money of Great Britain, and the rate of Interest payable thereon, and the time at which such Debenture shall be redeemable; and that a place in London shall be named by the Receiver General in the said Debenture, at which the Principal Monies and the Interest accruing thereon shall be paid on behalf of the Government of this Province.

Form of Debentures.

IV. *And be it further enacted by the authority aforesaid,* That all such Debentures and the Interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General of this Province, to and for the public uses of this Province, on account of the proportion payable to this Province of Duties which already have been or hereafter may be levied and received in the Province of Lower Canada, upon Goods imported into the said Province, or from any other source whatever.

Charges of such
Debentures to be
paid out of the
Public Funds.

V. *And be it further enacted by the authority aforesaid,* That the Debentures which shall be lawfully issued by the authority of this Act, which may remain undischarged and uncanceled at the period therein appointed for the payment thereof, shall and may thereafter be received and taken, and shall pass and be current to all and every the Receivers and Collectors in this Province of the Customs, of any Revenue or Tax

Debentures may be
received in payment
by Collectors of
Customs, &c.

whatsoever, granted, due or payable, or which may hereafter be granted, due, or payable to His Majesty, His Heirs and Successors, under or by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament, or otherwise, and also at the Office of the Receiver General of this Province from the said Collectors and Receivers, or from any person making any payment there to His Majesty, His Heirs, or Successors, upon any account or for any cause whatsoever; and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be deemed and taken as Cash, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver General aforesaid, respectively, in their accounts with each other, and with His Majesty, His Heirs and Successors.

Interest upon such Debentures.

VI. *And be it further enacted by the authority aforesaid,* That the Interest which shall from time to time be due upon any Debenture which may be so issued, shall be allowed to all persons, Bodies Politic or Corporate, paying the same to any Receiver or Collector of any of His Majesty's Revenues in this Province, to the respective days whereupon such Debentures shall be so paid: *Provided always,* that no Interest shall run or be paid upon or for any such Debenture during the time such Debentures so paid shall remain in the hands of any of the said Receivers or Collectors, but for such term the Interest on every such Debenture shall cease.

Time of receiving such Debentures to be noted.

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

Forging Debentures to be felony.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act and un-

cancelled, or any stamp, endorsement or writing thereto or therein, or tender in payment any such forged or counterfeit Debenture, or any Debentures with such counterfeit endorsement or writing thereon, or shall demand to have such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or demanded to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall be liable to the punishment provided ^{Punishment.} in the Twenty-fifth Section of an Act passed by the Parliament of this Province, in the Third year of His Majesty's Reign, entitled, "An Act to reduce the number of cases in which Capital Punishment may be inflicted, to provide other punishments for offences which shall no longer be Capital after the passing of this Act, to abolish the privilege called 'Benefit of Clergy,' and to make other alterations in certain Criminal proceedings before and after Conviction."

IX. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, for the time being, shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a correct account of the numbers, amount and dates, of the different Debentures which he may have issued under the authority of this Act; of the amount of the Debentures redeemed by him, and the Interest paid thereon respectively; and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the Premium or other Profits received, and the expenses attending the issuing the same, and of carrying this Act into execution, to be laid before the Legislature of this Province. ^{Annual account to be laid before the Legislature.}

X. *And be it further enacted by the authority aforesaid,* That the Interest growing due upon the said Debentures shall and may be demandable in half yearly periods computing from the date thereof; and shall and may be paid on demand by or through the Receiver General of this Province, for the time being, whose duty it shall be to deposite at the places specified in the said Debentures the half yearly Interest which may from time to time be due and payable thereon; and that the Governor, Lieutenant Governor, or Person Administering the Government of this ^{Interest payable half yearly.}

Province, shall, after the thirtieth day of June and the thirty-first day of December in each year, issue Warrants to the Receiver General for the payment of the amount of Interest that shall have been advanced.

Payment of Debentures when due.

XI. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due and payable according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to order and direct His Majesty's Receiver General, for the time being, to pay off cancel and discharge the same in London according to the terms of the said Loan; and if the said Debentures shall not be presented at the place named by the said Receiver General in London within Six months after the same may become due and payable, the Interest shall cease and be no further payable in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Until such Loan obtained in Great Britain provisional Debentures may be issued in this Province not exceeding £100,000.

Interest Six per Cent.

Redeemable in five years.

To be repaid out of the Loan raised in England.

XII. *And be it further enacted by the authority aforesaid,* That until the Receiver General shall have negotiated such Loan under the provisions of this Act in Great Britain, he is hereby authorised to treat with any person or persons, Bodies Politic or Corporate, in this Province, who may be willing to advance such monies as may be required for such Public Works as are now or may be in progress, not exceeding the sum of One Hundred Thousand Pounds on the credit of Government Bills or Debentures, secured on the public Revenues coming into the hands of His Majesty's Receiver General, under the controul of the Legislature, such Bills or Debentures to be made out in such manner and form as His Majesty's Receiver General shall think most safe and convenient, not bearing a higher Interest than Six per Centum per Annum, payable half yearly in this Province, and redeemable at a period not exceeding five years, and that the Interest growing due upon said Debentures, as well as for the redemption thereof, shall be paid by the Receiver General, in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, under the provisions of this Act; and that the said sum of One Hundred Thousand Pounds, or so much thereof as may be raised in this Province, shall be paid off by the Receiver General, out of the sum of Four Hundred Thousand Pounds authorised to be borrowed in England, and shall not constitute an additional Loan.

Debentures may be paid off at any time

XIII. *And be it further enacted by the authority aforesaid,* That the Bills or Debentures which may be issued under the authority of this Act, within this Province, shall or may be collected in and paid off at any time

after Six months notice inserted in the Upper Canada Gazette, and no further Interest to be claimed after the expiration of the said six months by the holders of the said Bills or Debentures. After six months notice.

XIV. *And be it further enacted by the authority aforesaid,* That the third Clause of an Act passed in the last Session of the Legislature, entitled "An Act to repeal part of amend and extend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled 'An Act granting to His Majesty a sum of money to be raised by Debenture for the improvement of the Navigation of the River Saint Lawrence,'" is hereby repealed. 4 W. 4, c. 40, sec. 3. repealed.

XV. *And be it further enacted by the authority aforesaid,* That each Debenture shall express on the face of it the principal sum in Sterling money of Great Britain, and the rate of Interest payable thereon, and the time at which such Debentures shall be redeemable, and that a place in London shall be named by the Receiver General in the said Debenture at which the Principal monies and the Interest accruing thereon shall be paid on behalf of the Government of this Province. Sterling money to be expressed in the Debentures.

XVI. *And be it further enacted by the authority aforesaid,* That all monies required to be paid by the Receiver General under the authority of this Act shall be so paid by him in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct. Monies how payable And accounted for.

CHAP. XXXII.

AN ACT to make good certain Monies advanced by His Excellency to defray the expenses incurred by the Cholera in 1834.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN.

WHEREAS His Excellency Sir John Colborne did, during the year one thousand eight hundred and thirty-four, advance upon his own re- Preamble.

P

sponsibility, the sum of Two Thousand One Hundred and Fifty Pounds, to enable the different Boards of Health in the several Districts of this Province to mitigate, as far as lay in their power, the sufferings of its Inhabitants, occasioned by the Asiatic Cholera; *And whereas* it is expedient to make good to His Excellency the said sum so advanced by him; we beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the rates and duties now levied and collected, or which may hereafter be levied and collected, and in the hands of the Receiver General and unappropriated, there be granted to His Majesty the sum of Two Thousand One Hundred and Fifty Pounds, to make good to His Excellency Sir John Colborne, the like sum of Two Thousand One Hundred and Fifty Pounds so advanced by him as aforesaid.

£2150 granted to repay expenses incurred on account of the Cholera.

To be paid upon Warrants to Receiver General,

And accounted for

II. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants issued for that purpose by the Governor, Lieutenant Governor, or person administering the Government of the same, and shall be accounted for to His Majesty's, through the Lords Commissioners of his Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct.

CHAP. XXXIII.

AN ACT to provide for the payment of certain Sums therein mentioned.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN.

Preamble.

WHEREAS it is expedient to provide for defraying the charges for the several Services hereinafter mentioned: We Your Majesty's dutiful

and loyal Subjects the Commons of Upper Canada in Provincial Parliament Assembled, therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament [of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and out of the duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, there be granted to His Majesty, his Heirs and Successors, such sum, not exceeding Seven Thousand Six Hundred and Fifty-eight Pounds, as will enable His Majesty to make the following payments :

£7658 granted for
payment of Officers
of the Civil Govern-
ment.

Government Office.

Private Secretary to His Excellency the Lieutenant Governor—Two Hundred and Eight Pounds.
Chief Clerk—Three Hundred Pounds.
Second Clerk—Two Hundred Pounds.
Junior Clerk—One Hundred and Seventy-five Pounds.
Contingencies—Seven Hundred Pounds.

Executive Council Office.

First Clerk—Two Hundred and Fifty Pounds.
Second Clerk—One Hundred and Seventy Pounds.
Contingencies—One Hundred and Twenty-five Pounds.

Receiver General's Office.

First Clerk—Three Hundred Pounds.
Second Clerk—Two Hundred Pounds.
Contingencies—Fifty Pounds.

Inspector General's Office.

First Clerk—Two Hundred and Fifty Pounds.
Second Clerk—One Hundred and Seventy Pounds.
Contingencies—Fifty Pounds.

Surveyor General's Office.

First Clerk—Three Hundred Pounds.

Senior Surveyor and Draftsman—Three Hundred Pounds.

Second Clerk—Two Hundred and Fifty Pounds.

Two Junior Clerks, at One Hundred and Seventy Pounds each—Three Hundred and Forty Pounds.

Contingencies for the East and West Wings of the Public Buildings—Four Hundred Pounds.

Printing the Statutes—One Thousand Pounds.

Repairs to Government House—Two Hundred Pounds.

Casual and extraordinary expenses—Six Hundred Pounds.

Further grant for
payment of Crown
Officers;

Attorney General;

Solicitor General;

II. *And be it further enacted by the authority aforesaid,* That there be granted to His Majesty, to enable him to pay his Attorney General of this Province for the year one thousand eight hundred and thirty-five, such sum, as together with his Salary and with his allowance in lieu of all Fees as an Officer of the Land Granting Department, and such other sum or sums as he may receive on Fiats and other Instruments, as will be equal to Seven Hundred and Fifty Pounds, which sum shall be in lieu of all Fees, Travelling Expenses and Contingencies; *And also* to His Majesty's Solicitor General for the present year, including his Salary, which shall be in lieu of all Fees, Travelling Expenses, Contingencies, or other charges for Public Services, the sum of Three Hundred and Seventy-five Pounds.

To be paid upon
Warrants to the
Receiver General,

And accounted for.

III. *And be it further enacted by the authority aforesaid,* That the sums of money hereby granted shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, through the Lords Commissioners of his Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

CHAP. XXXIV.

AN ACT authorising a Loan to the President and Directors of the Desjardin's Canal Company.

[Passed 16th April, 1835.]

WHEREAS the President and Directors of the Desjardin's Canal Company, as well as a number of the Inhabitants of the District of Gore, have by their Petition represented that they are desirous that a sum of money should be advanced by way of Loan to the said Company by the Government of this Province to enable them to complete the said Canal ; *And whereas* it is expedient to afford public aid in furtherance of the said undertaking, upon security of the said Company as hereinafter mentioned : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, ' An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That whenever the said Desjardin's Canal Company shall have executed a Bond in due form of Law, conditioned for the punctual payment of the Interest and Principal of such Debentures as shall by the authority of this Act be issued for their benefit ; and shall also have executed a Mortgage upon the Canal and the Tolls thereon as collateral security for the payment of the said condition, and shall have procured such real and personal security as the Lieutenant Governor for the time being, by and with the advice of His Majesty's Executive Council for the time being, shall deem sufficient to ensure the punctual payment of the Interest annually, and the ultimate payment of the Principal secured by such Debentures at such time as the Loan thereof shall be contracted by the Government to be redeemed, then it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province to issue and deliver to the President and Directors of the said Company the Debentures of this Province to the amount of Seven Thousand Pounds, in sums of not less than Two Hundred Pounds each, as may be required by the said Directors, payable to the order of the said Company at the expira-

Preamble.

Upon certain Securities being given Lieutenant Governor authorised to direct Receiver General to issue Debentures

To the amount of £7000;

To be repaid in ten years :
With Interest at six per Cent, half yearly.

tion of ten years from the passing of this Act, with Interest at the rate of six per cent per annum, payable half yearly at such place as shall from time to time be named by the President of the said Company for the time being.

Debentures to be chargeable on the Public Revenue.

II. *And be it further enacted by the authority aforesaid,* That all such Debentures as are hereby authorised to be issued, and the Interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General to and for the Public uses of this Province and at the disposal of the Legislature thereof.

One years Interest in advance to be appropriated out of the Tolls, before Dividend made.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, in the appropriation of their Tolls, to make provision for the payment of the Interest of the aforesaid Debentures pursuant to their Loan, sufficient for one year in advance, and to have that sum always at their command before any dividend of profits to the Stockholders shall be declared.

Debentures, Interest and expenses to be charged on the Securities given.

If satisfactory provision not made for payment of Interest Receiver General authorised to take possession of Canal, &c.

IV. *And be it further enacted by the authority aforesaid,* That all such Debentures with the Interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon the fund provided by the securities given for the repayment thereof by the said Desjardin's Canal Company ; and if at any time satisfactory provision shall not have been made in the manner named in the preceding Clause for the payment of the Interest and Principal when due, it shall and may be lawful for His Majesty's Receiver General of this Province, for the time being, and he is hereby required, in the name and on behalf of His Majesty, to take possession of the said Canal, and appoint such Agent, Collectors and other Officers, as may be required to manage the same, and deposite and apply the proceeds thereof to the payment of the Interest and Principal aforesaid.

CHAP. XXXV.

AN ACT for the remuneration of Dean S. Howard, for Extra Work performed by him in the erection of the Trent Bridge.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to grant to Your Majesty a sum of money ^{Preamble.} to compensate Dean S. Howard, the Contractor for building the River Trent Bridge, for extra work performed by him in erecting said Bridge: may it therefore please Your Majesty that it may be enacted: *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General unappropriated, there be granted to His Majesty, his Heirs and Successors, the sum of Five Hundred and Seventy-five Pounds Currency, to be paid to the said Dean S. Howard, as a recompense for his said Services. ^{£575 granted to D. S. Howard.}

II. *And be it further enacted by the authority aforesaid*, That the money hereby granted shall be paid by the Receiver General, in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, for that purpose, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be pleased to direct. ^{To be paid on Warrants to Receiver General.} ^{And accounted for.}

CHAP.

CHAP XXXVI.

AN ACT to amend and continue the Act granting Militia Pensions.

[Passed 16th April, 1835.]

Preamble.
Recites 7 Geo. 4, c. 6.

Petitioners praying
to be allowed pensions
in respect of wounds
received.

Act 7 Geo. 4, c. 6.
continued for four
years.

Surgeons to be
appointed for the
examination of the
Petitioners.

WHEREAS an Act passed in the Seventh year of His late Majesty's Reign, entitled, "An Act to repeal part of, amend and continue the Laws now in force for the payment of Militia Pensions, as revived and continued by an Act passed in the Eleventh year of His said Majesty's Reign, entitled, 'An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time the Law for that purpose, which has recently expired,'" will expire at the end of the present Session of the Provincial Legislature; *And whereas* Donald McDermid, Lieutenant in the Glengarry Militia, now of Charlottenburgh, in the Eastern District, Nathaniel S. Cohoof, of the London District, Private in the first Regiment of the Lincoln Militia, and Artemas W. Cushman of Fredericksburgh, in the Midland District, have by their several Petitions, during the present Session of Parliament, prayed to be entered on the Pension List of this Province, on account of disability occasioned by Wounds received during the late War with the United States; and it is expedient to continue the said first recited Act, to afford the said Petitioners relief in the premises: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Act passed in the Seventh year of His late Majesty's Reign be, and the same is hereby continued for and during the term of four years from the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer, any thing in the said recited Acts to the contrary in anywise notwithstanding.

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 nominate and appoint any three Surgeons resident in the several Districts in which the said Petitioners respectively reside, and authorised by the Laws of this Province

to practise Physic and Surgery, to examine the said Petitioners respectively, and the decision of the Surgeons so appointed, or any two of them, shall be final; and if the said Surgeons, or any two of them, shall be satisfied, on such examination, that the said Petitioners, or either of them, are or is actually disabled from Wounds received during the late War with the United States, and shall give a Certificate to that effect, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to cause the name of the said Petitioners, or such of them as may appear by such Certificate to have been disabled, to be inserted on the Pension List of this Province; and the person or persons whose name shall be so inserted shall from thenceforth be entitled to receive a Pension of Twenty Pounds per annum in the same manner as the other Militia Pensioners.

Surgeons Certificates.

Pension of £20.
per annum to each
Petitioner.

CHAP. XXXVII.

AN ACT to increase the Salary of the Keeper of the False Ducks Light-House.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

WHEREAS the Salary of the Light-House Keeper on the False Ducks Island is insufficient to repay his services in that capacity; *And whereas* it is expedient to remunerate him for such services for the two past years, and also to make a provision for the next three years in addition to his Salary, as by Law allowed; may it therefore please Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be granted to His Majesty, to be paid to the said Light-house Keeper, the sum of Seventy-five Pounds, for the two past years, exclusive of such sum or sums of money as he may have received for Salary, as

Preamble.

£75 granted for the
Keeper of the Light-
House for the last two
years, exclusive of
salary received;

Q

And £37 10 per
annum additional,
for next three years.

allowed by law; and that the further sum of Thirty-seven Pounds Ten Shillings per Annum, in addition to such Salary, be allowed the said Light-house Keeper for the three years next ensuing.

It is to be paid;

II. *And be it further enacted by the authority aforesaid,* That the said several sums of Seventy-five Pounds, and Thirty-seven Pounds Ten Shillings as aforesaid, shall be paid by the Receiver General of this Province for the time being, out of the rates and duties now levied and collected, or hereafter to be levied and collected, and unappropriated, in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

And accounted for.

CHAP. XXXVIII.

AN ACT for the promotion of Science by enabling the Mechanics Institute of the City of Toronto to procure certain Apparatus.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN:

MAY IT PLEASE YOUR MAJESTY.

Preamble.

WHEREAS it is of importance to the welfare of this Province that the Mechanics should be encouraged in useful Arts, We, Your Majesty's most dutiful and loyal Subjects, the Commons of this Province in Parliament assembled do 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, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That

from and out of the rates and duties already raised 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 Two 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 Two 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 the Mechanics Institute of the City of Toronto, in such manner as the President with any two of the Vice-Presidents of the said Mechanics Institute shall think proper to direct.

£200 granted for the purchase of Philosophical Instruments.

II. *And be it further enacted by the authority aforesaid,* That the President of the said Mechanics Institute, with the concurrence of the Vice-Presidents thereof, is hereby authorised and empowered to deposite the said Instruments in the hands of some person resident in the City of Toronto, for the use and benefit of the said Mechanics Institute.

Instruments to be deposited at Toronto.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province shall account to His Majesty, his Heirs and Successors, for the said sum of Two Hundred Pounds, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be pleased to direct.

Money granted to be accounted for by Receiver General.

CHAP. XXXIX.

AN ACT for the erection of a Light-House on Heartley's Point, on Lake Erie.

[Passed 16th April, 1835.]

WHEREAS it would greatly tend to the safety and convenience of the Navigation on Lake Erie, if a Light-House should be constructed on or near Heartley's Point, on said Lake, in the County of Essex; we therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His

Preamble.

Light House to be erected on Heartley's Point.

Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful, immediately after the passing of this Act, for the Commissioners hereinafter named to erect a good and sufficient Light-House on or near to Heartley's or Bar Point, on Lake Erie, in the County of Essex, as they shall judge most proper, and for providing the necessary apparatus for lighting the same, as also to erect a Keepers' House for the same.

Commissioners.

II. *And be it further enacted by the authority aforesaid,* That Charles Berczy, Robert Reynolds, and Charles Fortier, Esquires, be Commissioners for the purposes of this Act.

Grant of £800 for the purposes of this Act.

III. *And be it further enacted by the authority aforesaid,* That from and out of the rates and duties now raised, levied and collected, or which may be hereafter raised, levied and collected, and remaining in the hands of the Receiver General, of this Province and unappropriated, there be granted to His Majesty the sum of Eight Hundred Pounds, to enable His Majesty to defray the expense of erecting the said Light-House and Keepers' House, and furnishing the same; and that such sum shall be paid by Warrant of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to be issued in favor of the aforesaid Commissioners, or any two of them, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

How to be paid;

And accounted for.

Commissioners to render account to Lieut. Governor.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners hereinbefore appointed for the purposes of this Act, shall, on or before the first day of January, One Thousand Eight Hundred and Thirty-six, render an Account to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the monies expended under this Act.

Commissioners not to exceed sum granted.

Contracts to be advertised for.

Lowest Tender to be accepted.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall not in any contract or contracts exceed the sum hereby granted for the erection and completion of the said Light-House and Keeper's House; and that public notice by advertisement shall be given for the tender of Contracts, accompanied by two good and sufficient Sureties for the due performance of the same; and further, that the said Commissioners shall contract with the person or persons who shall submit the lowest Tender, with two such good and sufficient Sureties;

and also, that no greater sum shall be allowed for superintending the erection of the said buildings than Three per Cent. on the amount expended, over and above the Superintendent's absolute and reasonable expenses.

Three per cent for superintending the erection.

CHAP. XL.

AN ACT granting a sum of Money to the Kingston Mechanics Institute.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient, for the encouragement of the Mechanics Institute, to grant a sum of Money for the purchase of Mathematical Instruments and Books for the use of its Members, we therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties already raised 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, a sum not exceeding One 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 One Hundred Pounds shall be appropriated and applied in purchasing a collection of Books and Instruments suitable and proper for illustrating the principles of Natural Philosophy, Geography, Astronomy and the Mathematics, for the use of the Mechanics Institute of the Town of Kingston, in such manner as the President with any two of the Vice-Presidents of the said Mechanics Institute shall think proper to direct.

Preamble.

£100 granted for purchase of Books and Instruments.

II. *And be it further enacted by the authority aforesaid*, That the President of the said Mechanics Institute, with the concurrence of the Vice-Presidents thereof, is hereby authorised and empowered to deposite the said Books and Instruments in the hands of some person resident in the

To be deposited at Kingston.

said Town of Kingston, for the use and benefit of the said Mechanics Institute.

Sum granted to be accounted for by Receiver General.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province shall account to His Majesty, his Heirs and Successors, for the said sum of One Hundred Pounds, through the Lords Commissioners of his Treasury, for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be pleased to direct.

CHAP. XLI.

AN ACT granting a sum of Money for the erection of a Light-House on Gull Island, or such other place as the Commissioners may select.

[Passed 16th April, 1835.]

Preamble.

WHEREAS it would tend greatly to the safety and convenience of the Navigation on Lake Ontario, if a Light House were erected on Gull Island, or Green Point, between Port Hope and Cobourg, in the District of Newcastle: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful, immediately after the passing of this Act, for the Commissioners hereinafter named to erect a good and sufficient Light-House on the said Island, commonly called Gull Island, or Green Point, on such part as they or a majority of them shall determine.

Light-House to be erected upon Gull Island.

Commissioners.

II. *And be it further enacted by the authority aforesaid,* That John D. Smith, William Kingsmill, and Ebenezer Perry, Esquires, be Commissioners for the purposes of this Act.

£1,000 granted for the purposes of this Act.

III. *And be it further enacted by the authority aforesaid,* That from and out of the rates and duties now raised, levied and collected, or which may hereafter be raised, levied and collected, and remaining in the hands of the Receiver General unappropriated, there be granted to His Majesty

the sum of One Thousand Pounds, to enable His Majesty to defray the expense of erecting the said Light-House and furnishing the same, which sum shall be paid by Warrant from the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to be issued in favor of the aforesaid Commissioners, or any of them, and shall be accounted for to His Majesty, through the Lords Commissioners of his Treasury, in such manner and form as His Majesty may be pleased to direct.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners hereinbefore appointed for the purposes of this Act, shall on or before the first day of January, One Thousand Eight Hundred and Thirty-six, render an Account to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the monies expended by them under this Act, and shall at the same time report what Tonnage or other duties, upon Vessels of all descriptions navigating Lake Ontario, will, in their opinion, be sufficient to defray the charge of maintaining the said Light-house, and to repay the said sum of One Thousand Pounds, with the Interest accruing thereon, and in what manner and at what place the said duties can be most conveniently collected, which Account and Report shall be laid before the Legislature at its next Session.

Commissioners to account for the expenditure by 1st January, 1836;

And report their opinion as to amount of tonnage necessary to be levied for repayment of Grant, &c.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall not in any contract or contracts exceed the sum hereby granted for the erection and completion of the said Light-House, and that Public Notice by Advertisement shall be given for the tender of contracts, accompanied by two good and sufficient Sureties for the due performance of the same; and farther, that the said Commissioners shall contract with the person or persons who shall submit the lowest tender or tenders, with two good and sufficient Sureties; and also that no further sum shall be allowed any Superintendant than Three per Cent upon the amount expended, over and above his absolute and reasonable expenses.

Commissioners not to exceed sum granted.

Tenders to be advertised for.

Lowest Tender to be accepted.

Allowance for superintendance.

CHAP. XLII.

AN ACT granting a sum of Money for the further completion of the Kingston Penitentiary, and for other purposes therein mentioned.

[Passed 16th April, 1835.]

WHEREAS it is expedient to proceed with the construction of the Penitentiary which has been commenced near Kingston, so far as may

Preamble.

be requisite for the safe keeping of the Convicts that may be sentenced during the present year to imprisonment therein, and for the accommodation of the Officers and Keepers, and the due enforcement of discipline; *And whereas* it is also necessary to provide Funds for the clothing, lodging and maintenance of the Convicts, and for the payment of the Officers, Watchmen and other persons employed in the guarding and government and police of the said Penitentiary: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for His Majesty's Receiver General for this Province, and he is hereby required, from and out of the rates and duties now levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the said Receiver General unappropriated, to discharge such Warrant or Warrants as shall from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, in favor of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such Warrant or Warrants shall be applied in completing and furnishing as many Cells as may be required, before the next Session of the Legislature, for the confinement of Convicts; in clothing, feeding, lodging and furnishing employment for Convicts; in paying the Salaries and Wages of Officers, Keepers and Watchmen; in building the Walls and roofing the North Wing of the said Penitentiary, and so far completing the Hospital, Mess-Room, Kitchen and Offices therein, as may be found immediately necessary, and in enclosing the Prison Yard with a temporary wooden fence: *Provided always, and be it further enacted by the authority aforesaid,* That the said money shall not exceed in amount the sum of Three Thousand Pounds.

£3,000 granted for the purposes of the Penitentiary.

Duties of Commissioners under 3 W. 4. c. 44. to be performed by the Board of Inspectors and Wardens.

II. *And be it further enacted by the authority aforesaid,* That the duties hitherto performed by the Commissioners appointed by the Act passed in the Third year of His Majesty's Reign, entitled, "An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province, and for other purposes therein mentioned," be hereby transferred to, and be assumed and in future performed by the Board of Inspectors and Warden, appointed or to be appointed, in conformity to an Act passed during the last Session of the Provincial Parliament, en-

titled, "An Act to provide for the Maintenance and Government of the Provincial Penitentiary, erected near Kingston, in the Midland District."

III. *And be it further enacted by the authority aforesaid,* That an account in detail of the expenditure which may be incurred under this Act, shall be submitted to the Governor, Lieutenant Governor, or person administering the Government of this Province, at the next Session of the Legislature, and the monies paid by the Receiver General on such Warrant or Warrants as shall be issued under the authority of this Act, shall be accounted for to the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

Detailed account of expenditure to be rendered to the Lieut. Governor &c.;

And the monies to be accounted for by the Receiver General.

CHAP. XLIII.

AN ACT granting a Loan to the Cobourg Harbour Company.

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient that a further Loan should be granted to the Cobourg Harbour Company, to enable them to complete the said Harbour; we therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for His Excellency the Lieutenant Governor, or person administering the Government of this Province for the time being, to direct His Majesty's Receiver General to loan to the President and Directors of the Cobourg Harbour Company the sum of One Thousand Pounds, for four years, at an Interest of Six per Centum per annum: *Provided always,* that before the said sum of One Thousand Pounds hereby authorised to

Preamble.

Loan of £1,000 to the Company for four years, at six per cent.

R

Security by Bond
for £2,000 to be
first given.

be loaned to the said Company shall be advanced by the Receiver General, the said Company shall lodge in his hands a Bond, with a penalty of Two Thousand Pounds for the payment of the Interest accruing on the said sum of One Thousand Pounds, half yearly, from the period of making said Loan, and for the payment of the Principal in four years.

Loan to be paid
upon warrant to the
Receiver General ;

And accounted for ;

£500 to be advanced
in 1835, and remain-
der 1836.

II. *And be it further enacted by the authority aforesaid,* That the Loan hereby authorised to the said Company shall be paid in discharge of any Warrant issued by His Excellency the Lieutenant Governor, or person administering the Government for the time being, for that purpose, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct: *Provided always,* that no greater sum than Five Hundred Pounds shall be loaned to the said Company during the year one thousand eight hundred and thirty-five, and the remainder during the year one thousand eight hundred and thirty-six.

Time for completing
Harbour extended
to ten years from
passing of Act of
incorporation.

III. *And whereas* it is expedient to extend the time allowed in the Charter of the said Company for finishing the contemplated Harbour, to the period of Ten Years from the passing of their Act of Incorporation: *Be it therefore enacted by the authority aforesaid,* That the period allowed by Law for the completing the said Harbour, according to the Act of Incorporation, be extended to Ten Years from the passing of said Act, any thing therein contained to the contrary thereof in anywise notwithstanding.

Tolls after payment
of expense of collect-
ing to be paid to
Receiver General on
account of loan from
Government.

IV. *And be it further enacted by the authority aforesaid,* That in addition to Security to be given by the said Company to the Government, all the Tolls annually collected by the said Company, after paying the expense of collecting the same, shall be paid by the said Company into the hands of the Receiver General, in satisfaction of the payment of the Interest and Principal thus loaned to the said Company.

CHAP. XLIV.

AN ACT to extend to certain persons the Civil and Political Rights of Natural Born Subjects.

[His Majesty's Assent to this Bill communicated to the Legislative Council and House of Assembly, by Message from His Excellency Sir John Colborne, the Eleventh day of March, 1835.]

WHEREAS Marcus Merrick and John Winer, in the Town of Hamilton, in the Gore District, and also Barent Staats, Samuel Stevens, and Henry Averill, the younger, of the Town of Belleville, in the Midland District, have by their several Petitions set forth that they have come into this Province with the intention of becoming subjects thereof; *And whereas* it is expedient to secure the Petitioners in their Titles to their Lands, and to confer upon them the rights and privileges of Subjects of this Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Titles of the said Marcus Merrick, John Winer, Barent Staats, Samuel Stevens, and Henry Averill, the younger, or either of them, or their Heir or Heirs, or either of them, respectively, to any Real Estate in this Province, shall not be impeached or held invalid, or such Estate held liable to be resumed by His Majesty, his Heirs or Successors, on account of his or their being an alien or aliens, but all and every of them the said Marcus Merrick, John Winer, Barent Staats, Samuel Stevens, and Henry Averill, the younger, shall be deemed, adjudged and taken, so far as respects their capacity at any time heretofore, or now or hereafter, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any Real Estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to be and to have been Natural-born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in this Province.

Preamble.

Petitioners names.

Their titles to real estate not to be impeached on account of their being aliens;

May hold and convey real estate, &c. as if natural born Subjects.

After seven years residence and taking the oath of allegiance their rights as British Subjects to be held confirmed.

II. *And be it further enacted by the authority aforesaid,* That after a residence of Seven years within this Province, without being absent therefrom more than two months at any one time during the said Seven years, so soon as the said Marcus Merrick, and John Winer, Barent Staats, Samuel Stevens, and Henry Averill, the younger, shall respectively have taken and subscribed the Oath hereinafter inserted, or being of the persons allowed to affirm, have made the affirmation hereinafter mentioned, before some person duly authorised to administer the Oath contained in an Act of the Parliament of this Province, passed in the Ninth year of His late Majesty's Reign, entitled, "An Act to secure and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural-born British Subjects," they the said Marcus Merrick, John Winer, Barent Staats, Samuel Stevens, and Henry Averill, the younger, shall be and are hereby admitted and confirmed in all the privileges of British Birth within this Province.

Form of oath of allegiance.

III. *And be it further enacted by the authority aforesaid,* That the persons hereinbefore mentioned shall severally take and subscribe the following Oath or Affirmation. "I, A. B. do sincerely promise and swear (or affirm, as the case may be) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependant thereon. So help me God."

CHAP. XLV.

AN ACT to form certain Townships in the London District into a County, and to attach certain Townships to the Counties of Middlesex and Kent, in the London and Western Districts.

[The Royal Assent to this Bill promulgated by Proclamation bearing date fifth day of May, 1835.]

Preamble.

WHEREAS a certain tract of Land situate in the Western and London Districts, hath been lately Surveyed and laid off into Townships, and many Emigrants and others settled thereon; and it is expedient to provide by Law for the administration of Justice 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, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year

of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the Townships of Williams, McGillivray, Stephen, Hay, Stanley, Goderich, Colborne, Hullet, McKillop, Tuckersmith, Hibbert, Logan, Fullarton, Osborne, Biddulph, Blanchard, Downie, Ellice, North Easthope, and South Easthope, do constitute and form the County of Huron in the London District.

Townships forming the county of Huron.

II. *And be it further enacted by the authority aforesaid,* That the Township of Adelaide be attached to and form part of the County of Middlesex, in the London District.

Township of Adelaide to form part of Middlesex.

III. *And be it further enacted by the authority aforesaid,* That the Townships of Moore and Sarnia, (formerly Saint Clair) Plympton, Enniskillen, Warwick, Brooke and Bosanquet, be attached to and form part of the County of Kent, in the Western District.

Moore, Sarnia, and other Townships, to be attached to Kent.

CHAP XLVI.

AN ACT to extend the time of holding the next Election in the County of Leeds.

[Passed 24th February, 1835.]

(Expired.)

WHEREAS it is apprehended that at an approaching Election for Members to represent the County of Leeds in the House of Assembly, it may not be found convenient to poll all the persons entitled to Vote, within the period prescribed by Law, and it is expedient, in consequence of recent occurrences, to extend the period for that purpose: *Be it therefore enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" Preamble.

Time for polling
extended to twelve
days.

and by the authority of the same, That it shall and may be lawful for the Returning Officer legally appointed, to hold an Election for the return of Members to represent the said County of Leeds in the House of Assembly of this Province, to hold and continue the same for a space of time not exceeding Twelve successive days, Sunday excepted, any Law, usage or custom, to the contrary in anywise notwithstanding: *Provided always*, that in case the Election for the said County shall be continued the Twelfth day, the Returning Officer, in such case, shall not continue to hold the said Election, or receive votes, after the hour of three o'clock in the afternoon of that day: *And provided always*, that this Act shall not extend to any Election for the said County, except that which shall be holden next after the passing of this Act.

This Act applies to
next election only.

INDEX.

	PAGE.
Absconding Debtors—Act continued.	13
Agricultural Societies—Act continued.	49
Bills of Exchange, Notes &c.—To prevent Suits and Costs on.	3
Cayuga Glass Company—Incorporated.	82
Common Schools—Aid in support of.	113
Cholera, 1834—To defray expenses.	121
Cobourg Harbour—Loan to.	137
District Courts—To procure attendance of Witnesses.	12
Dredging Machine—Grant to purchase.	115
Desjardin's Canal—Loan to.	125
Error, Writs of—To issue from King's Bench.	6
Erie and Ontario Rail Road Company—Incorporated.	87
Grain—Standard Weight established.	17
Grimsby Harbour Company—Incorporated.	64
Howard, Dean S.—To remunerate.	127
Huron County—Established.	140
Imprisonment for Debt—To mitigate the Law for.	7
King—To authorise new Survey in.	97
Light Houses—For Support of.	50
Legislature—To make good advances for Contingencies.	112
Loan—By. Debenture, authorised.	116
Light House, False Ducks—Keeper's Salary increased.	129
Do. Heartley's Point—For erection of.	131
Do. Gull Island, do.	134
Leeds Election—To regulate.	141
Mississagua Indians—To protect Fishery at Credit.	111
Militia Pensions—Act continued.	128
Mechanics Institute, Toronto—Grant to.	130
Do. Kingston, do.	133

INDEX.

	PAGE.
Norwich—For establishing Lines and Roads in.....	107
Naturalization—of certain persons named.....	139
Public Health—To promote the.....	47
Port Dover Rail Road Company—Incorporated.....	72
Do. Harbour—Amending Act of Incorporation.....	100
Prince Edward—Increased Tax in District of.....	108
Penitentiary—For completion and support of.....	135
Quarter Session—To alter time of holding in the Niagara District.....	100
Road Acts, of 1833-4—continued.....	51
Spirituos Liquors—To prevent Sale to Indians.....	46
Stoney Creek Harbour Company—Incorporated.....	52
Saltfleet Salt Company—Incorporated.....	60
Supply Bill—1835.....	122
Town Members—For paying Wages to.....	16
Township Officers—Appointment and Duties of reduced to one Act.....	18
Wolford—To establish Boundary Lines in.....	98
Welland Canal—Appointing Arbitrators.....	102