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

OF

UPPER CANADA,

PASSED IN THE

FOURTH SESSION OF THE ELEVENTH PROVINCIAL PARLIAMENT

OF UPPER CANADA.

—:◆:—
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 FOURTH SESSION OF THE ELEVENTH PROVINCIAL
PARLIAMENT.

MET AT YORK ON THE NINETEENTH DAY OF NOVEMBER 1833, AND PROROGUED ON THE
SIXTH DAY OF MARCH 1834, IN THE FOURTH YEAR OF THE REIGN OF
WILLIAM IV.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

ANNO DOMINI 1834.

CHAP. I.

*AN ACT to amend the Law respecting Real Property, and to render
the proceedings for recovering possession thereof in certain cases, less
difficult and expensive.*

[Passed, 6th March, 1834.]

WHEREAS it is expedient to amend the Law relating to Real Es-
tates, by making certain alterations in the Law of Inheritance, and re-
specting the conveyance of Real Property by Devise and by Deed, and
in regard to Dower, and the limitation of actions and suits relating to
Real Property, and for simplifying the remedies for trying the rights
thereto; *Be it therefore enacted* by the King's Most Excellent Majesty,
by and with the advice and consent of the Legislative Council and As-
sembly of the Province of Upper Canada, constituted and assembled by
virtue of and under the authority of an Act passed in the Parliament of

Preamble.

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

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 in every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried farther back than the circumstances of the case and the nature of the Title shall require, the person last entitled to the Land shall for the purposes of this Act be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case, the person from whom he inherited the same, shall be considered to have been the purchaser, unless it shall be proved that he inherited the same; and in like manner, the last person from whom the land shall be proved to have been inherited, shall in every case be considered to have been the Purchaser, unless it shall be proved that he inherited the same.

Heir entitled under a will shall take as devisee, and a limitation to the grantor or his heirs shall create an Estate by purchase.

II. *And be it further enacted by the authority aforesaid,* That when any Land shall have been devised by any Testator, who shall die after the first day of July, one thousand eight hundred and thirty-four, to the heir or to the person who shall be the heir of such Testator, such heir shall be considered to have acquired the Land as a Devisee and not by descent; and when any Land shall have been limited by any assurance, executed after the said first day of July, one thousand eight hundred and thirty-four, to the person, or to the heirs of the person who shall thereby have conveyed the same Land, such person shall be considered to have acquired the same as a purchaser, by virtue of such assurance, and shall not be considered to be entitled thereto, as of his former estate or part thereof.

When heirs take by purchase under limitations to the heirs of their ancestor, the land shall descend as if the ancestor had been the purchaser.

III. *And be it further enacted by the authority aforesaid,* That when any person shall have acquired any land by purchase, under a limitation to the heirs, or to the heirs of the body of any of his Ancestors, contained in an assurance, executed after the said first day of July, one thousand eight hundred and thirty-four, or under a limitation to the heirs, or to the heirs of the body of any of his Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said first day of July, one thousand eight hundred and thirty-four, then, and in any of such cases, such land shall descend, and the descent thereof shall be traced, as if the Ancestor named in such limitation had been the purchaser of such land.

IV. *And be it further enacted by the authority aforesaid,* That no Brother or Sister shall be considered to inherit immediately from his or her Brother or Sister, but every descent from a Brother or Sister shall be traced through the Parent.

Brothers and Sisters shall trace descent through their Parent.

V. *And be it further enacted by the authority aforesaid,* That every lineal Ancestor shall be capable of being heir to any of his issue, and in every case where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of their being no descendant of such lineal ancestor, so that the Father shall be preferred to a Brother or Sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

Lineal ancestor may be heir in preference to collateral persons claiming through him.

VI. *And be it further enacted and declared by the authority aforesaid,* That none of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed, and also that no female paternal ancestor of such person, nor any of her descendants shall be capable of inheriting, until all his male paternal ancestors and their descendants shall have failed, and that no female maternal ancestor of such person nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

The male line to be preferred.

VII. *And be it further enacted and declared,* That where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor or her descendants; and when there shall be a failure of male paternal ancestors of such person and their descendants, the mother of his more remote male maternal ancestor and her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male maternal ancestor and her descendants.

The mother of the more remote male ancestor to be preferred to the mother of the less remote male ancestor.

VIII. *And be it further enacted by the authority aforesaid,* That any person related to the person from whom the descent is to be traced by the half blood, shall be capable of being his heir; and the place in which any such relation by the half blood shall stand in the order of inheritance so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood and his issue, where the common ancestor shall

Half-blood, if on the part of a male ancestor, to inherit after the whole blood of the same degree; if on the part of a female ancestor, after her.

be a male, and next after the common ancestor when such common ancestor shall be a female, so that the brother of the half blood on the part of the father, shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother, shall inherit next after the mother.

IX. And be it further enacted by the authority aforesaid, That when the person from whom the descent of any land is to be traced shall have had any relation who having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such Land shall have escheated in consequence of such attainder, before the first day of July, one thousand eight hundred and thirty four.

After the death of a person attainted his descendants may inherit.

X. And be it further enacted by the authority aforesaid, That after the passing of this Act proof of entry by the heir after the death of the ancestor shall in no case be necessary in order to prove title in such heir, or in any person claiming by or through him.

Entry by the heir shall not be necessary to complete a title by descent.

XI. And be it further enacted by the authority aforesaid, That this Act shall not extend to any descent which shall take place on the death of any person who shall die before the first day of July, one thousand eight hundred and thirty-four.

This Act not to extend to any descent before first July 1834.

XII. And be it further enacted by the authority aforesaid, That where any assurance executed before the said first day of July, one thousand eight hundred and thirty-four, or the Will of any person who shall die before that day, shall contain any limitation or gift to the heir or heirs of any person under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir, if this Act had not been made, shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living on or after the said first day of July, one thousand eight hundred and thirty four.

Limitations made before first July 1834 to the heirs of a person then living, shall take effect as if this Act had not been made.

XIII. And be it further enacted by the authority aforesaid, That where a Husband shall die beneficially entitled to any land for an interest which shall not entitle his Widow to dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of

Widows to be entitled to dower out of equitable estates.

inheritance in possession, (other than an estate in joint tenancy,) then his Widow shall be entitled in equity to dower out of the same land.

XIV. *And be it further enacted by the authority aforesaid,* That when a Husband shall have been entitled to a right of entry or action in any land, and his Widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same although her Husband shall not have recovered possession thereof; *Provided* that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

Seisin shall not be necessary to give title to Dower.

XV. *And be it further enacted by the authority aforesaid,* That no Widow shall hereafter be entitled to dower ad ostium ecclesie, or dower ex assensu patris.

Certain descriptions of Dower abolished.

XVI. *And be it further enacted by the authority aforesaid,* That after the first day of July, one thousand eight hundred and thirty four, no person shall make an entry or distress, or bring an action to recover any land or rent but within twenty years next after the time at which the right to make such entry or distress or to bring such action, shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within twenty years next after the time at which the right to make such entry or distress, or to bring such action shall have first accrued to the person making or bringing the same.

No Land or Rent to be recovered but within twenty years after the right of action accrued to the claimant, or some person whose Estate he claims.

XVII. *And be it further enacted by the authority aforesaid,* That in the construction of this Act, the right to make an entry or distress, or bring an action to recover any Land or Rent, shall be deemed to have first accrued at such time as hereinafter is mentioned, that is to say, when the person claiming such Land or Rent, or some person through whom he claims shall, in respect of the Estate or Interest claimed, have been in possession or in the receipt of the profits of such Land, or in receipt of such Rent, and shall, while entitled thereto, have been dispossessed or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits or Rent were or was so received; and when the person claiming such Land or Rent shall claim the Estate or Interest of some deceased person who shall have continued in such possession or receipt, in respect of the same Estate or Interest, until the time of his death, and shall have been the last person entitled to such Estate or Interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued

When the right shall be deemed to have accrued—

in the case of an Estate in possession;

on dispossession;

on abatement or death;

at the time of such death; and when the person claiming such Land or Rent shall claim in respect of an Estate or Interest in possession, granted, appointed, or otherwise assured by any Instrument other than a Will, to him or some person through whom he claims, by a person, being in respect of the same Estate or Interest, in the possession or receipt of the profits of the Land, or in receipt of the Rent, and no person entitled under such Instrument shall have been in possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such Instrument; and when the Estate or Interest claimed shall have been an Estate or Interest in reversion or remainder, or other future Estate or Interest, and no person shall have obtained the possession or receipt of the profits of such Land, or the receipt of such Rent, in respect of such Estate or Interest, then such right shall be deemed to have first accrued at the time at which such Estate or Interest became an Estate or Interest in possession; and when the person claiming such Land or Rent, or the person through whom he claims shall have become entitled, by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition broken: *Provided always*, that until the person deriving title to Land in this Province as the Grantee of the Crown, or his Heirs or Assigns, or some or one of them, by themselves, their Servants or Agents, shall have taken actual possession of the Land granted, by residing thereupon or by cultivating some portion thereof, the lapse of twenty years shall not bar the right of such Grantee, or any person claiming by, under or through him, to bring an action for the recovery of such Lands, unless it can be shewn that such Grantee or person claiming by, under or through him, while entitled to the Land, had knowledge of the same being in the actual possession of some other person not claiming to hold by, from or under the Grantee of the Crown, (such possession having been taken while the said Lot was in a state of nature,) in which case, the right to bring such action shall be deemed to have accrued from the time that such knowledge was obtained: *Provided also*, that when any right to make an entry or distress, or to bring an action to recover any Land or Rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any Estate or Interest in reversion or remainder, and the Land or Rent shall not have been recovered by virtue of such right, the right to make an entry or distress, or bring an action to recover such Land or Rent, shall be deemed to have first accrued in respect of such Estate or Interest, at the time when the same shall have become an Estate or Interest in possession, as if no such forfeiture or breach of condition had happened: *Provided also*, that a right to make an entry or distress, or to bring an action to recover any

on alienation;

in case of future Estates;

in case of forfeiture or breach of condition.

in case of Lands granted by the Crown and not yet cultivated or improved;

where advantage of forfeiture is not taken by remainder man, he shall have a new right when his Estate comes into possession.

Reversioner to have a new right.

Land or Rent, shall be deemed to have first accrued in respect of an Estate or Interest in reversion, at the time at which the same shall have become an Estate or Interest in possession, by the determination of any Estate or Estates, in respect of which such Land shall have been held or the profits thereof, or such Rent shall have been received, notwithstanding the person claiming such Land, or some person through whom he claims shall, at any time previously to the creation of the Estate or Estates which shall have determined, have been in possession or receipt of the profits of such Land, or in receipt of such Rent.

XVIII. *And be it further enacted by the authority aforesaid,* That for the purposes of this Act, an Administrator claiming the Estate or Interest of the deceased person of whose Chattels he shall be appointed Administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of Administration.

An Administrator to claim as if he obtained the Estate without interval after death of deceased.

XIX. *And be it further enacted by the authority aforesaid,* That when any person shall be in possession or in receipt of the profits of any Land, or in receipt of any Rent, as Tenant at Will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring an action to recover such Land or Rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined: *Provided always,* that no Mortgagor or Cestui que Trust shall be deemed to be a Tenant at Will, within the meaning of this clause, to his Mortgagor or Trustee.

In the case of a Tenant at Will, the right shall be deemed to have accrued at the end of one year;

case of Mortgagor or Cestui que Trust.

XX. *And be it further enacted by the authority aforesaid,* That when any person shall be in possession or in receipt of the profits of any Land, or in receipt of any Rent as Tenant from year to year or other period, without any Lease in writing, the right of the person entitled, subject thereto, or of the person through whom he claims to make an entry or distress, or to bring an action to recover such Land or Rent, shall be deemed to have first accrued, at the determination of the first of such years or other periods, or at the last time when any Rent payable in respect of such tenancy shall have been received, (which shall last happen.)

No person after a Tenancy from year to year to have any right but from the end of the first year or last payment of Rent.

XXI. *And be it further enacted by the authority aforesaid,* That when any person shall be in possession or in receipt of the profits of any Land, or in receipt of any Rent by virtue of a Lease in writing, by which a Rent

Where rent amounting to Twenty Shillings reserved by a Lease in writing shall have been wrongfully received, no right to accrue on the determination of the Lease, but at the time the Rent was wrongfully received.

amounting to the yearly sum of Twenty Shillings or upwards shall be reserved, and the Rent reserved by such Lease shall have been received by some person wrongfully claiming to be entitled to such Land or Rent in reversion, immediately expectant on the determination of such Lease, and no payment in respect of the Rent reserved by such Lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such Land or Rent, subject to such Lease, or of the person through whom he claims to make an entry or distress, or to bring an action after the determination of such Lease, shall be deemed to have first accrued at the time at which the Rent reserved by such Lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such Lease to the person rightfully entitled.

A mere entry not to be deemed possession.

XXII. *And be it further enacted by the authority aforesaid,* That no person shall be deemed to have been in possession of any Land within the meaning of this Act, merely by reason of having made an entry thereon.

No right to be preserved by continual claim.

XXIII. *And be it further enacted by the authority aforesaid,* That no continual or other claim upon or near any Land shall preserve any right of making an entry or distress, or of bringing an action.

Possession of one Coparcener, &c. not to be the possession of the others.

XXIV. *And be it further enacted by the authority aforesaid,* That when any one or more of several persons entitled to any Land or Rent as co-parceners, joint tenants, or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such Land or of the profits thereof, or of such Rent for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same Land or Rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons, or any of them.

Possession of a younger brother, &c. not to be the possession of the heir.

XXV. *And be it further enacted by the authority aforesaid,* That when a younger brother or other relation of the person entitled, as heir to the possession, or receipt of the Profits of any Land, or to the receipt of any Rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

XXVI. *Provided always, and be it further enacted by the authority aforesaid,* That when any acknowledgment of the Title of the person

entitled to any land or rent shall have been given to him or his Agent in writing, signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt, or by the person by whom such acknowledgment shall have been given, shall be deemed according to the meaning of this Act to have been the possession or receipt of, or by the person to whom or to whose Agent such acknowledgment shall have been given at the time of giving the same, and the right of such last mentioned person, or any person claiming through him to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at, and not before the time at which such acknowledgment or the last of such acknowledgments, if more than one was given.

Acknowledgment in writing given to the person entitled, or his Agent, to be equivalent to possession or receipt of rent.

XXVII. Provided also, and be it further enacted by the authority aforesaid, That when no such acknowledgment as aforesaid shall have been given before the passing of this Act, and the possession or receipt of the profits of the land or the receipt of the rent shall not at the time of the passing of this Act have been adverse to the right or title of the person claiming to be entitled thereto, then such person or the person claiming through him may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such land or interest, at any time within five years next after the passing of this Act.

Where possession is not adverse at the time of passing this Act, the right shall not be barred until the end of five years afterwards.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That if at the time at which the right of any person to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, that is to say,—Infancy, Coverture, Idiocy, Lunacy, unsoundness of Mind, or absence from this Province, then such person or the person claiming through him may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such land or rent at any time within ten years next after the time at which the person to whom such right shall have first accrued as aforesaid, shall have ceased to be under any such disability, or shall have died, (which shall have first happened).

Persons under disability of infancy, lunacy, coverture or absence from the Province, and their representatives to be allowed ten years from the termination of their disability or death.

XXIX. Provided nevertheless, and be it further enacted by the authority aforesaid, That no entry, distress, or action, shall be made or brought by any person who at the time at which his right to make an entry or distress, or to bring an action to recover any Land or Rent shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any

But no action, &c. shall be brought beyond forty years after the right of action accrued.

person claiming through him, but within forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years; or although the term of ten years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

No further time to be allowed for a succession of disabilities.

XXX. *Provided always, and be it further enacted by the authority aforesaid,* That when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress, or to bring an action to recover any Land or Rent, shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress, or to bring an action to recover such Land or Rent beyond the said period of twenty years next after the right of such person to make an entry or distress, or to bring an action to recover such Land or Rent, shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

When the right to an Estate in possession is barred, the right of the same person to future Estates shall also be barred.

XXXI. *And be it further enacted by the authority aforesaid,* That when the right of any person to make an entry or distress, or bring an action to recover any Land or Rent to which he may have been entitled for an Estate or interest in possession, shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right, or possibility, in reversion, remainder or otherwise, in or to the same Land or Rent, no entry, distress or action shall be made or brought by such person, or any person claiming through him, to recover such Land or Rent in respect of such other estate, interest, right or possibility, unless in the mean time such Land or Rent shall have been recovered by some person entitled to an estate, interest or right, which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

No suit in Equity to be brought after the time when the Plaintiff, if entitled at law, might have brought an action.

XXXII. *And be it further enacted by the authority aforesaid,* That after the said first day of July, one thousand eight hundred and thirty-four, no person claiming any Land or Rent in equity shall bring any suit to recover the same but within the period during which by virtue of the provisions hereinbefore contained he might have made an entry or distress, or brought an action to recover the same respectively, if he had been entitled at Law to such estate, interest or right, in or to the same as he shall claim therein in equity.

XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That when any Land or Rent shall be vested in a Trustee upon any express trust, the right of the Cestui que trust, or any person claiming through him, to bring a suit against the Trustee, or any person claiming through him, to recover such Land or Rent, shall be deemed to have first accrued, according to the meaning of this Act at, and not before, the time at which such Land or Rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

In cases of express trust, the right shall not be deemed to have accrued until a conveyance to a purchaser.

XXXIV. *And be it further enacted by the authority aforesaid,* That in every case of a concealed fraud, the right of any person to bring a suit in equity for the recovery of any Land or Rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at, and not before the time at which such fraud shall, or with reasonable diligence, might have been first known or discovered: *Provided,* that nothing in this clause contained shall enable any owner of Lands or Rents to have a suit in equity for the recovery of such Lands or Rents, or for setting aside any conveyance of such Lands or Rents, on account of fraud against any bona fide purchaser for valuable consideration, who has not assisted in the commission of such fraud, and who, at the time that he made the purchase, did not know, and had no reason to believe that any such fraud had been committed.

In cases of fraud, no time shall run whilst the fraud remains concealed.

XXXV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be deemed to interfere with any Rule or Jurisdiction of Courts of Equity in refusing relief on the ground of acquiescence, or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

Saving the jurisdiction of Equity on the ground of acquiescence or otherwise.

XXXVI. *And be it further enacted by the authority aforesaid,* That when a Mortgagee shall have obtained the possession or receipt of the Profits of any Land, or the receipt of any Rent, comprised in his Mortgage, the Mortgagor, or any person claiming through him, shall not bring a suit to redeem the Mortgage but within twenty years next after the time at which the Mortgagee obtained such possession or receipt, unless in the mean time an acknowledgment of the title of the Mortgagor, or of his right of redemption, shall have been given to the Mortgagor, or some person claiming his Estate, or to the Agent of such Mortgagor or person, in writing, signed by the Mortgagee or the person claiming through him; and in such case, no such suit shall be brought but within twenty years next after the time at which such acknowledgment, or the

Mortgagor to be barred at the end of twenty years from the time when the Mortgagee took possession, or from the last written acknowledgment.

last of such acknowledgments, if more than one was given; and when there shall be more than one Mortgagor, or more than one person claiming through the Mortgagor or Mortgagors, such acknowledgment, if given to any of such Mortgagors or persons, or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagors or persons; but when there shall be more than one Mortgagee, or more than one person claiming the Estate or interest of the Mortgagee or Mortgagees, such acknowledgment, signed by one or more of such Mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the Mortgage money, or Land, or Rent, by, from or under him or them, and any person or persons entitled to any Estate or Estates, Interest or Interests, to take effect after or in defeasance of his or their Estate or Estates, Interest or Interests, and shall not operate to give to the Mortgagor or Mortgagors a right to redeem the Mortgage as against the person or persons entitled to any other undivided or divided part of the money, or Land, or Rent; and when such of the Mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the Land or Rent comprised in the Mortgage, or some Estate or Interest therein, and not to any ascertained part of the Mortgage money, the Mortgagor or Mortgagors shall be entitled to redeem the same divided part of the Land or Rent, on payment, with interest, of the part of the Mortgage money which shall bear the same proportion to the whole of the Mortgage money as the value of such divided part of the Land or Rent shall bear to the value of the whole of the Land or Rent comprised in the Mortgage.

At the end of the period of limitation, the right of the party out of possession to be extinguished.

XXXVII. *And be it further enacted by the authority aforesaid,* That at the determination of the period limited by this Act to any person for making an entry or distress, or bringing any action or suit, the right and title of such person to the Land or Rent, for the recovery whereof such entry, distress, action or suit, respectively, might have been made or brought within such period, shall be extinguished.

Receipt of rent to be deemed receipt of profits.

XXXVIII. *And be it further enacted by the authority aforesaid,* That the receipt of the rent payable by any tenant from year to year, or other Lessee, shall, as against such Lessee, or any person claiming under him, but subject to the Lease, be deemed to be the receipt of the Profits of the Land for the purposes of this Act.

Real and mixed actions abolished after the 1st July, 1835.

XXXIX. *And be it further enacted by the authority aforesaid,* That no writ of right patent, writ of right quia dominus remisit curiam, writ of right close, writ of right de rationabili parte, writ of right upon dis-

claimer, writ of right of ward, writ of Cessavit, quod permittat, formedon in descender, remainder, or in reverter, writ of Assize of novel disseisin, nuisance, or mort d'ancestor, writ of entry sur disseisin in the quibus, in the per, in the per and cui, or in the post, writ of entry sur intrusion, writ of entry sur alienation, dum fuit non compos mentis, dum fuit infra etatem, dum fuit in prisona, ad communem legem, in casu proviso, in consimili casu, cui in vita, sur cui in vita, cui ante divortium, or sur cui ante divortium, writ of entry sur abatement, writ of entry quare ejecit infra terminum, or ad terminum qui praeteriit, or causa matrimonii praelocuti, writ of aiel, besaiel, tresaiel, cosinage, or nuper obiit, writ of waste, writ of partition, except such as is or shall be authorised by any Statute of this Province; writ of disceit, writ of quod ei deforceat, writ of covenant real, writ of warrantia chartae, writ of curia claudenda, and no other action, real or mixed, except a writ of dower, or writ of dower unde nihil habet, or an Ejectment; and no Plaint in the nature of any such writ or action, except a plaint for dower, shall be brought after the first day of July, one thousand eight hundred and thirty-five.

Except for Dower and Ejectment.

XL. Provided always, and be it further enacted by the authority aforesaid, That when on the said first day of July, one thousand eight hundred and thirty five, any person who shall not have a right of entry to any Land shall be entitled to maintain any such writ or action as aforesaid, in respect of such Land, such writ or action may be brought at any time before the first day of January, one thousand eight hundred and thirty six, in case the same might have been brought if this Act had not been made, notwithstanding the period of twenty years hereinbefore limited shall have expired.

Real actions may be brought until the 1st January, 1836.

XLI. Provided also, and be it further enacted by the authority aforesaid, That when on the said first day of January, one thousand eight hundred and thirty-six, any person whose right of entry to any Land shall have been taken away, by any descent cast, discontinuance or warranty, might maintain any such writ or action as aforesaid, in respect of such Land, such writ or action may be brought after the said first day of January, one thousand eight hundred and thirty six, but only within the period during which by virtue of the provisions of this Act, an entry might have been made upon the same land, by the person bringing such writ or action, if his right of entry had not been so taken away.

Saving the rights of persons entitled to real actions only at the commencement of the act, &c.

XLII. And be it further enacted by the authority aforesaid, That no descent cast, discontinuance, or warranty, which may happen or be made after the said first day of July, one thousand eight hundred and thirty four, shall toll or defeat any right of entry or action for the recovery of Land.

No descent, warranty, &c. to bar a right of entry.

Money charged upon land and legacies to be deemed satisfied at the end of twenty years, if there shall be no interest paid or acknowledgment in writing in the mean time.

XLIII. *And be it further enacted by the authority aforesaid,* That after the said first day of July, one thousand eight hundred and thirty-four, no action or suit or other proceeding shall be brought to recover any sum of money secured by any Mortgage, Judgment or Lien, or otherwise charged upon or payable out of any Land or Rent at Law or in Equity, or any Legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the mean time some part of the principal money, or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his Agent, to the person entitled thereto, or his Agent, and in such case no such action or suit or proceeding shall be brought, but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given: *Provided always,* that in respect to persons now entitled to an Equity of Redemption or to any Legacy, the right to bring an action or to pursue a remedy for the same shall not be deemed to be extinguished or barred by lapse of time until the expiration of five years from the time that an equitable jurisdiction shall be established in this Province, and in the exercise of its powers: *Provided* that shall happen within ten years from the passing of this Act.

No arrears of dower to be recovered for more than six years.

XLIV. *And be it further enacted by the authority aforesaid,* That after the said first day of July, one thousand eight hundred and thirty-four, no arrears of Dower, nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

No arrears of rent or interest to be recovered for more than six years.

XLV. *And be it further enacted by the authority aforesaid,* That after the said first day of July, one thousand eight hundred and thirty-four, no arrears of Rent, or of interest in respect of any sum of money charged upon or payable out of any Land or Rent, or in respect of any Legacy, or any damages in respect of such arrears of Rent or interest, shall be recovered by any distress, action or suit, but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto, or his Agent, signed by the person by whom the same was payable or his Agent: *Provided nevertheless,* that where any prior Mortgage or other Incumbrancer shall have been in possession of any Land or in the receipt of the profits thereof within one year next before an action or suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same Land, the person entitled to such subsequent mortgage or incumbrance, may recover in such action or suit the arrears of

interest which shall have become due during the whole time that such prior Mortgagor or Incumbrancer was in such possession or receipt as aforesaid, although such time may have exceeded the said term of six years.

XLVI. *And be it further enacted by the authority aforesaid,* That any Corporation aggregate in this Province, capable of taking and conveying Land, shall be deemed to have been and shall be deemed to be capable of taking and conveying Land by deed of bargain and sale, in like manner as any person in his natural capacity, subject nevertheless to any general limitations or restrictions as to holding or conveying real Estate which may be applicable to such Corporation.

Corporations aggregate may convey by bargain and sale.

XLVII. *And be it further enacted by the authority aforesaid,* That after the passing of this Act, a deed of bargain and sale of Land in this Province shall not be held to require enrollment or to require registration to supply the place of enrollment for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the Land thereby intended to be bargained and sold: *Provided always, nevertheless,* that the necessity of registering such deed of bargain and sale in the Register of the County in which the Land is situated, in order to guard against a subsequent purchaser of the same Lands obtaining title by prior registry, shall continue as before the passing of this Act.

Deed of bargain and sale shall not require enrollment to render it a valid conveyance.

but the necessity for registering, to prevent a subsequent purchaser from gaining priority, shall continue as before.

XLVIII. *And be it further enacted by the authority aforesaid,* That whenever by any Letters Patent, Assurance or Will, made and executed after the first day of July, one thousand eight hundred and thirty-four, Land shall be granted, conveyed or devised to two or more persons other than Executors or Trustees, in fee simple, or for any less Estate, it shall be considered that such persons take as tenants in common, and not as joint tenants, unless an intention sufficiently appears on the face of such Letters Patent, Assurance or Will, that they shall take as joint tenants.

Grantees, devisees, &c. shall not take as joint Tenants, unless such intention be expressed.

XLIX. *And be it further enacted by the authority aforesaid,* That when the Will of any person who shall die after the passing of this Act shall contain a devise, in any form of words, of all such real Estate as the Testator shall die seized or possessed of, or of any part or proportion thereof, such Will shall be valid and effectual to pass any Land that may have been or may be acquired by the Devisor after the making of such Will, in the same manner as if the title thereto had been acquired before the making thereof.

Estates acquired after the making of a Will, may pass by the Will where such intention is expressed.

A devise of Land shall be taken to carry as large an Estate as the Testator had in the Land, unless a contrary intention be expressed.

L. And be it further enacted by the authority aforesaid, That whenever Land is or shall be devised in a Will made by any person who shall die after the passing of this Act, it shall be considered that the Devisor intended to devise all such Estate as he was seized of in the same Land, whether fee simple or otherwise, unless it shall appear upon the face of such Will that he intended to devise only an Estate for life, or other Estate less than he was seized of at the time of making the Will containing such devise.

Not more than two Witnesses shall be necessary to a Will,

LI. And whereas by the adoption in this Province of the Law of England, it is made necessary that a Will of real Estate shall be executed in the presence of three Witnesses, which provision there is reason to believe operates in many instances injuriously in this Province, by reason that Lands are held in small portions by persons of all conditions and degrees of intelligence, many of whom, not aware of this positive provision of the Law, are only careful to provide two Witnesses, as is customary with respect to Sealed Instruments in general, and in all such cases the intentions of the Testator fail of their effect, frequently to the great injury of families: *Whereas*, on the other hand, it is doubtful whether any intended fraud is in fact prevented* by requiring an attestation by three Witnesses: *Be it therefore enacted by the authority aforesaid,* That any Will affecting Land executed after the passing of this Act, in the presence of and attested by two or more Witnesses, shall have the same validity and effect as if executed in the presence of and attested by three Witnesses, any former Law to the contrary notwithstanding, and that it shall be sufficient if such Witnesses subscribe their names in presence of each other, although their names may not be subscribed in presence of the Testator.

and they need not subscribe in the presence of the Testator.

Defendants in Ejectment setting up no title, shall not be allowed to take formal exceptions to the title of the Lessor of the Plaintiff, against the merits of the case.

LII. And whereas Plaintiffs in Actions of Ejectment brought against persons who are merely intruders, are subject to be defeated in the recovery of Land to which they have just claim, as purchasers or heirs, on account of some want of technical form in their title, or some imperfection not affecting the merits of their case, and of which it is desirable that mere strangers to the title, having no claim or color of legal claim to the possession, should not be encouraged or permitted to take advantage: *Be it therefore enacted by the authority aforesaid;* That it shall and may be lawful for the Lessor of the Plaintiff, or his Attorney, in any Action of Ejectment hereafter to be brought, to serve a notice upon the Defendant in such Ejectment, in these words:—

“ Take notice, that I claim the premises for which this action is brought, as the bona fide purchaser thereof, from A. B.— or as Heir-

“ at-Law of A. B. of —, (or otherwise as the case may be,) and that
 “ you will be required to shew upon the trial of this cause, what legal
 “ right you have to the possession of the premises,”

or a notice in any other form of words to the same effect, and that if upon the trial of such Ejectment to be afterwards had, the evidence of title given by the Lessor of the Plaintiff shall shew to the satisfaction of the Court and Jury that he is entitled in justice to be regarded as the proprietor of the Land, or is entitled to the immediate possession thereof for any term of years, but that he cannot shew a perfect legal title by reason of some want of legal form in any Instrument produced, or by reason of the defective Registration of any Will or Instrument produced, or from any cause not within the power of the Lessor of the Plaintiff to remedy by using due diligence, it shall be competent to the Jury, under the direction of the Court, to find a verdict for the Plaintiff, unless the Defendant or his Counsel, upon being required by the other party so to do, shall give such evidence of title as shall shew that he is the person legally entitled, or does bona fide claim to be the person legally entitled to the Land, by reason of the defect in the title of the Lessor of the Plaintiff, or that he holds or does bona fide claim to hold under the person so entitled: *Provided always, nevertheless*, that when a verdict shall be rendered under the authority of this provision, it shall be indorsed as given under this Act, and it shall be stated in the postea and entry of the judgment to have been so given, and in any action which may thereafter be brought for the mesne profits, such judgment in ejectment shall not be evidence to entitle the Plaintiff to recover.

Defendant may be called upon to shew what title he has to the possession.

Provision respecting action for mesne profits.

LIII. *And whereas* the wrong committed by Tenants, in holding over vexatiously and without color of right, after their term has expired, requires a more speedy and less expensive remedy than is now provided by Law: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for any Landlord, or the Agent of any Landlord, whose Tenant shall, after the expiration of his term, (whether the same was created by writing or parol,) wrongfully refuse, upon demand made in writing, to go out of possession of the Land demised to him, to apply to the Court of King's Bench in Term, or to a Judge thereof in vacation, setting forth on Affidavit the terms of the demise, if by parol, and annexing a copy of the Instrument containing such demise, if the same were in writing, and also a copy of the demand made for the delivering up possession, and stating also the refusal of the Tenant to go out of possession, and the reason given for such refusal, (if any were given,) adding such explanation in regard to the ground of refusal as the truth of the case may require; and if upon such Affidavit it shall appear to the Court or Judge, that such Tenant does wrongfully hold over, without color

More easy remedy against Tenants who wrongfully hold over.

Application to the Court of King's Bench, or a Judge in vacation.

Affidavit.

of right, it shall be lawful for such Court or Judge to order a Writ to issue in the name of the King, and tested in the name of the Chief Justice or Senior Puisne Judge of such Court on the day that the same shall actually issue, directed to such person as the Court or Judge shall appoint, and commanding him to issue his Precept to the Sheriff of the District in which the Land is situated for the summoning of a Jury of twelve men, to come before the Commissioner at a day and place by such Commissioner to be named, to inquire and say upon their oaths whether such person complained of was Tenant to the Complainant for a term which has expired, and whether he does wrongfully refuse to go out of possession, having no right or color of right to continue in possession, or how otherwise; which Writ shall be made returnable whensoever the same shall be duly executed before any one of the Judges of the said Court: and that notice in writing of the time and place of holding such inquisition shall be served upon the Tenant, or left at his place of abode, at least three days before the day appointed, to which notice shall be annexed a copy of the Affidavit on which the Writ was obtained, and of the papers attached thereto, and that the Commissioner shall have power to administer an oath to the persons summoned on such Jury, well and truly to try, and a true verdict to give upon the matters and things in the said Writ contained, according to the evidence; and shall also have power to administer an Oath to the Witnesses produced by either party; and that the Jurors shall, under their hands, either with or without their Seals, indorse their finding upon the back of the Writ, or return the same upon a paper attached thereto by such Commissioner, and if it shall appear to the Court, or any Judge thereof, upon the return of the said Writ made by the said Commissioner, and upon a consideration of all the evidence, which shall also be certified and returned by such Commissioner, to be filed with such commission and the proceedings thereupon in the Office of the Clerk of the Crown and Pleas, that the case is clearly one coming within the true intent and meaning of this Act, then it shall be lawful for such Court or Judge to issue a Precept to the Sheriff in the King's name, commanding him forthwith to place the Landlord in possession of the premises in question.

Writ to issue.

Notice of holding Inquisition.

Jury to be sworn.

Witnesses.

Verdict.

Evidence to be returned with Commission.

Landlord to be placed in possession.

Court of King's Bench may revise the proceeding,

and if proper, order Tenant to be restored to possession.

LIV. And be it further enacted by the authority aforesaid, That when such Precept shall have been made by a Judge, the Court shall have power, on motion before the end of the second Term after such Precept shall have been issued, to examine into the proceedings, and, if they shall find cause, to set aside the same, and to issue their Precept to the Sheriff, if it be necessary, commanding him to restore the Tenant to his possession, in order that the question of right, if any appear, may be tried as heretofore by Ejectment.

LV. *And be it further enacted by the authority aforesaid,* That the Judges of the Court of King's Bench, in Term time or in vacation, shall have power to devise, and from time to time to alter and amend the form of the Writ, Inquisition and Return, and of the Precepts to be issued under the authority of this Act, and to make such orders respecting costs as to them may seem just, and to issue a Writ to the Sheriff, commanding him to levy such costs of the goods and chattels, or to issue an Attachment for the non-payment thereof against the Landlord or Tenant, or person described as Landlord or Tenant, as to them shall seem just.

The Judges of the King's Bench may devise forms of proceedings, and make orders respecting costs, and enforce their payment.

LVI. *And be it further enacted by the authority aforesaid,* That before any Commissioner shall hold an Inquisition under this Act, he shall take the following Oath before some one of the Justices of the Peace in and for the District in which the Inquisition shall be holden, which Oath shall be indorsed on the said Writ, that is to say:—

Commissioners to be sworn.

“I, A. B. do solemnly swear, that I will impartially, and to the best of my judgment, discharge my duty as Commissioner under this Writ.—
“So help me God.”

LVII. *And be it further enacted by the authority aforesaid,* That if any Witness sworn and examined before a Commissioner holding an Inquisition under this Act shall wilfully swear falsely, he shall, on conviction thereof, be liable to the penalties of wilful and corrupt perjury, and that if any person upon being required by notice from such Commissioner to attend as a Witness upon the Inquisition, shall refuse or wilfully omit to attend, he shall be liable to be committed upon the Warrant of such Commissioner to the Common Gaol of the District, for a time not exceeding one calendar month.

Witnesses swearing falsely may be convicted of perjury.

Punishment of Witnesses for not attending.

LVIII. *And be it further enacted by the authority aforesaid,* That the remedy afforded under this Act shall not be construed to take away or interfere with any other remedy, action or right of action, which a Landlord might have or bring, under the Laws in force before the passing of this Act.

This Act not to take away any other remedy which Landlords have by Law.

LIX. *And be it further enacted by the authority aforesaid,* That the words and expressions in this Act mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, that is to say, the word “Land” shall extend to Messuages, and all other hereditaments, whether corporeal or incorporeal, and to money to be laid out in the pur-

Meaning of words in this Act.

“Land.”

chase of Land, (and to chattels and other personal property transmissible to heirs,) and also to any share of the same hereditaments and properties, or any of them, and to any Estate of inheritance, or Estate for any life or lives, or other Estate transmissible to heirs, and to any possibility, right or title of entry or action, and any other interest capable of being inherited, and whether the same Estates, possibilities, rights, titles and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the Land otherwise than by descent or than by any partition, by the effect of which the Land shall have become part of or descendible, in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any ancestor, shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "Assurance" shall mean any Deed or Instrument (other than a Will) by which any Land shall be conveyed or transferred at Law or in Equity; and the word "Rent" shall extend to all annuities and periodical sums of money charged upon or payable out of any Land; and the "person through whom another person is said to claim," shall mean any person by, through, or under, or by the Act of whom the person so claiming became entitled to the Estate or Interest claimed, as heir, issue, in tail, tenant by the courtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee or otherwise; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a female, as well as a male.

"The purchaser."

"Descent."

"Descendants."

"Person last entitled."

"Assurance."

"Rent."

"Person through whom another claims."

Number and gender.

This Act not to operate retrospectively in certain cases.

LX. *And be it further enacted by the authority aforesaid,* That this Act shall not have operation retrospectively, so as by force of any of its provisions to render any title valid, which in regard to any particular Estate has been adjudged, or may in any suit now depending be adjudged invalid, on account of any defect, imperfection, matter or thing which is by this Act altered, supplied or remedied; but that in every such case the Law, in regard to any such defect, imperfection, matter or thing, shall, as applied to such title, be deemed and taken to be as if this Act had not been passed.

CHAP. II.

AN ACT to render the Judges of the Court of King's Bench in this Province Independent of the Crown.

[Passed 6th March, 1834.]

WHEREAS it is expedient to render the Judges of the Court of King's Bench in this Province Independent of the Crown: *Be it therefore enacted* Preamble. by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 Judges of His Majesty's Court of King's Bench for this Province shall hold their offices during their good Judges to hold their offices during good behaviour. behaviour, notwithstanding the Commissions which have been heretofore granted to them, or either of them, may specify that the office is to be held during the pleasure of His Majesty; and that from and after the passing of this Act, the Commissions to the Judge of the said Court shall be made to them respectively to hold during their good behaviour; and that the Commissions of Judges of the said Court for the time being shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of His Majesty, or of any of His Heirs and Successors, any law, usage or practice, to the contrary thereof in any wise notwithstanding: *Provided always*, that it may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to remove any Judge or Judges of the said Court, upon the address of the Legislative Council and Assembly; and in case any Judge so removed shall think himself aggrieved thereby, it shall and may be lawful for him, within six months, to appeal to His Majesty in His Privy Council, and such a motion shall not be final until determined by His Majesty in His Privy Council. May be removed on address of Council and Assembly. When removed, may appeal to King in Council.

II. *And be it further enacted by the authority aforesaid*, That when any Judge of the said Court shall die, or shall resign his office, or be removed in the manner authorised by this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, notwithstanding any thing hereinbefore con- Appointments by Governor, &c. until the King's pleasure be known may be suspended.

tained, to appoint, by Commission, under the Great Seal of the Province, some fit and proper person to hold the said office, until His Majesty's pleasure shall be made known, and that such appointment shall be held to be superseded by the issuing of a Commission under the Great Seal of this Province, in the terms first directed by this Act, to the same person, or to such other person as His Majesty shall appoint in the place of any Judge who has died, or resigned, or been removed in the manner authorised by this Act, or by the signification within the Province of the decision of His Majesty in His Privy Council, restoring to his office any Judge who may have been so removed.

CHAP. III.

AN ACT to afford Relief to persons confined on Mesne Process.

[Passed, 6th March, 1834.]

WHEREAS in many cases arrests are made upon Mesne Process, of persons not having the power of procuring bail, who are thereby kept in close confinement, and being destitute of the means of support it is expedient to afford relief; *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person or persons arrested on Mesne Process issued from His Majesty's Court of King's Bench, or from any of the District Courts of this Province, being in actual and close custody, to make an affidavit before any person having authority to administer the same, that he, she, or they, is or are in close custody, is or are unable to procure bail, and is or are not worth the sum of Five Pounds, and upon the production of such affidavit to the Court from whence the Writ issued, in term time, or to any Judge thereof, in vacation, it shall and may be lawful for such Court or Judge of such Court, to make an order upon the Plaintiff or Plaintiffs in any such Suit or Action, to pay to the Defendant the weekly allowance in the same manner as if the Defendant were in custody upon Final Process; and upon due service of a copy of such order upon the Plaintiff or his Attor-

Preamble.

Persons arrested, no worth Five Pounds, and unable to procure bail, entitled to weekly allowance.

ney, and in the default of the payment of such weekly allowance, such Court respectively, in term time, or any Judge thereof in vacation, shall issue an order to the Sheriff of the District in which such Defendant shall be in custody, to discharge such Defendant upon filing common bail.

On default of payment by Plaintiff, Defendant to be discharged on filing common bail.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend to prevent any such Plaintiff or Plaintiffs from proceeding to final judgment and execution, in the same manner as if the party had entered special bail, and as if this Act had not been passed; *And provided also,* that the Plaintiff shall be at liberty to tender interrogatories to the Defendant in like manner as if he were charged in execution, and such Defendant shall not be discharged for want of the payment of the weekly allowance, unless he shall answer such interrogatories to the satisfaction of the said Court, or to any Judge thereof in vacation.

Course of proceeding to Judgment and Execution not interrupted by this Act.

Plaintiff may tender interrogatories.

III. *And be it further enacted by the authority aforesaid,* That any sum or sums of money paid by the Plaintiff or Plaintiffs in any Suit or Action, towards the weekly allowance directed to be paid under the provisions of this Act, shall be taxed as part of the costs of the Suit, and be allowed to the Plaintiff in his bill, to be taxed by the proper officer.

Amount of allowance paid to form part of Plaintiff's costs.

IV. *And be it further enacted by the authority aforesaid,* That the Defendant shall not be entitled to a weekly allowance under this Act, for any time during which the Plaintiff shall be delayed in his proceeding in consequence of any indulgence granted to the Defendant by rule of Court or order of a Judge; nor shall any order be made for such weekly allowance unless the Defendant shall make an affidavit to be filed among the papers in the cause that he does not believe the demand of the Plaintiff to be just, and that for that cause and no other he resists payment of the same, and refuses to confess judgment for the sum sworn to.

No allowance payable during delay occasioned by Defendant,

or without Affidavit that Plaintiff's demand is resisted bona fide.

V. And whereas it is expedient to afford further relief in respect to destitute persons arrested for small sums: *Be it therefore further enacted by the authority aforesaid,* That when the sum sworn to shall not exceed Ten Pounds, it shall and may be lawful for the Defendant at the expiration of thirty days after having been committed to prison, to apply to the Court from whence the Process issued, in term time, or to a Judge thereof in vacation, setting forth on affidavit that he is not worth the sum for which he has been arrested, and that he hath not directly or indirectly, sold, or otherwise disposed of any goods, debts, moneys or other personal estates, in order to defraud his Creditors, or any of them, and that if

Persons in custody for debts not exceeding Ten Pounds, on certain conditions may be discharged on filing common bail.

upon the return of a summons or of a rule to shew cause, which may be thereupon issued, and upon answers to any interrogatories which the Plaintiff shall be at liberty to file, no good cause shall appear to the contrary, the Court or Judge shall discharge such Defendant from imprisonment upon his filing common appearance, and the Plaintiff may proceed in his action as in non-bailable actions where the Defendant has appeared.

CHAP. IV.

AN ACT to provide for the Summary Punishment of Petty Trespasses and other offences.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS it is expedient that a summary power of punishing persons for common Assaults and Batteries, Petty Trespasses, and other offences mentioned in this Act, should be provided under the limitations hereinafter expressed: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province ;'" and by the authority of the same, That if any person shall assault or beat any other person, it shall be lawful for any Justice of the Peace, upon complaint of the party aggrieved, to hear and determine such offence, and the offender, upon conviction thereof before him, shall forfeit and pay such sum of money, not exceeding Five Pounds, as to such Justice shall seem meet.

One Justice may hear and determine any case of Assault, and inflict fine not exceeding five pounds.

Certain cases of Assault to be dealt with as before.

II. Provided always, and be it further enacted by the authority aforesaid, That in case the Justice shall find the assault or battery complained of to have been accompanied by any attempt to commit Felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, he shall abstain from adjudicating thereupon, and shall deal with the case in all respects in the same manner as such Justice would have done if this Act had not been passed.

Persons wilfully injuring property shall forfeit not exceeding five pounds;

III. And be it further enacted by the authority aforesaid, That if any person shall wilfully or maliciously commit any damage, injury or spoil, to or upon any real or personal property whatsoever, either of a public or

private nature, the committing of which damage, injury or spoil, is not made Felony by any Law in force in this Province, nor made punishable either as a Felony or otherwise by the provisions of any Act of the Parliament of this Province in relation to such particular offence, every such person, being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury or spoil so committed, not exceeding the sum of Five Pounds ; which sum of money shall in case of private property be paid to the party aggrieved, except when such party shall have been examined in proof of the offence, and in such case, and in all other cases of convictions under the provisions of this Act, the penalties imposed shall be applied in the manner hereinafter specified : *Provided always*, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of.

Except where there is a fair claim of Right.

IV. *And be it further enacted by the authority aforesaid*, That every punishment and forfeiture by this Act imposed on any person maliciously committing any trespass, shall equally apply and be enforced whether the trespass shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Actual malice need not be shewn.

V. *And be it further enacted by the authority aforesaid*, That for the more effectual apprehension of all offenders against this Act, any person found committing any such trespass as aforesaid may be apprehended without a Warrant, by any Peace Officer, or the owner of the property injured, or the servant or any person authorised by him, and forthwith taken to the nearest Justice of the Peace to be dealt with according to Law.

Offenders may be apprehended without warrant.

VI. *And be it further enacted by the authority aforesaid*, That if any person shall wilfully disturb, interrupt, or disquiet any assemblage of people met for religious worship, by profane discourse, by rude and indecent behaviour, or by making a noise, either within the place of worship or so near it as to disturb the order and solemnity of the meeting, such person shall, upon conviction thereof before any Justice of the Peace, on the oath of one or more credible witness or witnesses, forfeit and pay such a sum of money, not exceeding the sum of Five Pounds, as the said Justice shall think fit.

Penalty for disturbing Religious Worship, not exceeding £5.

VII. *And be it further enacted by the authority aforesaid*, That in default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for

Penalty and costs may be levied by distress.

the payment thereof at the time of conviction by the Justice of the Peace before whom such conviction may have taken place, it shall and may be lawful for such Justice of the Peace to issue his Warrant directed to any Constable to levy the amount of such fine and costs within a certain time to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the common Gaol of the District wherein the offence was committed for any term not exceeding one month, unless the fine and costs shall be sooner paid.

If no distress found, offender may be committed for one month.

VIII. *And be it further enacted by the authority aforesaid,* That the prosecution for every offence punishable under this Act shall be commenced within three calendar months after the commission of the offence and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence, and also the evidence of any inhabitant of the County, District, Riding or Division, in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the general rate of such County, District, Riding or Division.

Prosecutions under this Act to be within three months.

IX. *And for the more effectual prosecution of all offences punishable under this Act, be it further enacted by the authority aforesaid,* That when any person shall be charged on the oath of one or more credible witness or witnesses before any Justice of the Peace with any offence against this Act, the Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly then (upon proof of the due service of the summons upon such person by delivering the same to him personally) the Justice may either proceed to hear and determine the case *ex parte*, or issue his Warrant for apprehending such person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the charge shall be made may, if he shall so think fit, without any previous summons, issue such Warrant, and the Justice before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Party accused to be summoned.

In case of non-appearance, Justice may proceed *ex parte*.

X. *And be it further enacted by the authority aforesaid,* That if any Justice, upon hearing any complaint for offences against this Act, shall deem such alleged offence not to be proved, or shall find the Act complained of to have been justified, or to be of so trifling a nature as not to deserve punishment, and shall accordingly dismiss the complaint, such Justice shall, at the request of the party against whom the same shall be preferred, make out and deliver to him a Certificate under his hand, stating

Person preferring frivolous charge to pay the costs, the Justice certifying.

the fact of such dismissal; and in such case, the Justice shall order the party preferring such complaint to pay the costs of the party against whom the same shall have been preferred: and if such costs shall not be paid immediately upon dismissal, or within such period as such Justice shall at the time of such dismissal appoint, it shall be lawful for him to issue his Warrant to levy the amount of such costs within a certain time to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount of such Warrant shall be found, to commit the party by whom such costs shall be so ordered to be paid as aforesaid, to the common Gaol of the County, District, Riding or Division, where such offence shall be alleged to have been committed, there to be imprisoned for any term not exceeding ten days, unless such costs shall be sooner paid.

To be levied by distress.

If no distress, subject to ten days commitment.

XI. *And be it further enacted by the authority aforesaid,* That the Justice by whom such Certificate as aforesaid shall be given, shall draw up the same in the following form, or in words to the like effect, videlicet:—

“BE IT REMEMBERED, That on the — day of —, in the year of our Lord — at —, in the County of —, [or District, Riding or Division, as the case may be,] A. B. of —, was brought before me C. D., one of His Majesty’s Justices of the Peace for the said County, [or District, Riding or Division, as the case may be,] upon a charge preferred against him by E. F., of —, [specify the offence, and the time and place when and where the same is alleged to have been committed,] and upon investigating such charge I have dismissed the same, and I order and adjudge the said E. F. to pay the sum of — for costs, and in default of payment thereof immediately, that there be levied of the goods and chattles of the said E. F., the said sum of —, within — days from the date hereof; and in case there shall be no goods or chattels found of the said E. F., whereof the amount can be made at the time aforesaid, then that the said E. F. be, [or on or before the — day of — next,] imprisoned in the common Gaol of the said County of —, [or District, Riding or Division, as the case may be,] for the space of — days, unless the same shall be sooner paid.

Justice’s certificate.

“Given under my hand the day and year first above mentioned.”

XII. *And be it further enacted by the authority aforesaid,* That if any person against whom any complaint shall have been preferred for any offence against this Act, shall have obtained such Certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to

Persons convicted under this Act released from further prosecution for same offence.

be paid under such conviction, or shall have suffered the imprisonment awarded for the non-payment thereof, in every such case, such person shall be released from all further or other proceedings, civil or criminal, for the same offence: *Provided always nevertheless*, that nothing herein contained shall be construed to prevent any action for damages, wherein the party shall not have proceeded under the provisions of this Act.

Aiders and abettors punishable as principals.

XIII. *And be it further enacted by the authority aforesaid*, That if any person shall aid, abet, counsel, or procure the commission of any offence punishable under this Act, such person shall, on being convicted before a Justice of the Peace, on the oath of one or more credible witness or witnesses, of having so aided, abetted, counselled, or procured the commission of any such offence as aforesaid, be liable to the same forfeiture and punishment to which the principal offender is by this Act liable.

Discharge, in case of making satisfaction to party aggrieved.

XIV. *And be it further enacted by the authority aforesaid*, That when any person shall be summarily convicted before a Justice of the Peace of any offence against this Act, it shall be lawful for the Justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice.

XV. *And be it further enacted by the authority aforesaid*, That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect as the case shall require, videlicet :

Form of conviction.

“BE IT REMEMBERED, That on the — day of —, in the year of
 “our Lord — at —, in the County of —, [or District, Riding or
 “Division, as the case may be,] A. B. of —, is convicted before me C.
 “D., one of His Majesty’s Justices of the Peace for the said County, [or
 “District, Riding or Division, as the case may be,] for that he the said
 “A. B. did, [specify the offence, and the time and place when and where
 “the same was committed, as the case may be,] and I the said C. D.
 “adjudged the said A. B. for his offence, to forfeit and pay immediately,
 “or on or before the — day of —, [here state the penalty actually
 “imposed, or the amount of the injury done, as the case may be,] and
 “also pay the sum of — for costs, and in default of payment of the said
 “sums, to be imprisoned in the County Gaol of the said County, [or
 “District, Riding or Division, as the case may be,] for the space of —
 “unless the said sums shall be sooner paid, or, [I order that the said

“sums shall be paid by the said A. B. on or before the——day of——,]
 “and I direct that the said sum of——, [the penalty,] shall be paid to
 “——of——[Treasurer of the County, District, Riding or Division, as
 “the case may be] aforesaid, in which the said offence was committed,
 “to be by him applied according to the provisions of this Act, or, I order
 “that the sum of——[the sum for the amount of any injury done] shall
 “be paid to E. F., the party aggrieved, unless he is unknown or has been
 “examined in proof of the offence, [in which case state the fact, and dis-
 “pose of the whole like the penalty as before,] and I order that the said
 “sum of——for costs, shall be paid to——the Complainant.

“ Given under my Hand and Seal, the day and year first above
 “ mentioned.”

XVI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall authorise, or be construed to authorise any Justice of the Peace to hear and determine any case of trespass under this Act, in which the title to any Lands, Tenements or Hereditaments, or any interest therein or accruing thereupon, shall be called in question or affected in any manner howsoever; but every such case of trespass shall be dealt with according to Law, in the same manner in all respects as if this Act had not been passed.

No jurisdiction under this Act when title in question.

XVII. *And be it further enacted by the authority aforesaid,* That any person who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the next Court of General Quarter Sessions, which shall be holden not less than twelve days after the day of such conviction or decision for the District wherein the cause of complaint shall have arisen: *Provided,* that such person shall give to the other party a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction or decision, and seven days at the least before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into, shall liberate such person, if in custody, and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without cost to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to

Appeal to Quarter Sessions.

Notice of Appeal.

Recognizance to abide judgment of Court.

Sessions to hear and determine with or without costs.

the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Appeals to be tried
by Jury.

XVIII. *And be it further enacted by the authority aforesaid,* That whenever an appeal shall be made from the decision of any Justice of the Peace under this Act, the Court of Quarter Sessions shall have power to empanel a Jury to try the matter on which such decision may have been made, and to administer to such Jury the following oath:—

Jurors' Oath.

“You—do solemnly swear, that you will well and truly try the
“ matter of the complaint of C. D. against E. F., and a true verdict give,
“ according to the evidence.—So help you God.”

Court to give judgment.

and the Court on the finding of such Jury, shall thereupon give such judgment as the circumstances of the case may require: *Provided always,* that such Court shall not in any case adjudge the payment of a fine exceeding Five Pounds, in addition to the costs, or to order the imprisonment of the person so convicted for any period exceeding one month; and all fines imposed and recovered by the judgment of such Court shall be applied and disposed of in the same manner as other fines recovered under the provisions of this Act.

Not exceeding £5
and costs, or one
month's imprisonment.

Application of fines.

Justices to transmit
convictions to next
Quarter Sessions.

XIX. *And be it further enacted by the authority aforesaid,* That every Justice of the Peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions which shall be holden for the District wherein the offence shall have been committed, there to be kept by the proper officer among the records of the Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shewn.

Convictions not to be
quashed for want of
form.

XX. *And be it further enacted by the authority aforesaid,* That no conviction under this Act shall be quashed for want of form, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Limitation of actions.

XXI. *And for the protection of persons acting in the execution of this Act—Be it further enacted by the authority aforesaid,* That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District where

the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such Action, and of the cause thereof, shall be given to the Defendant one calendar month at least before the commencement of the Action; and in any such Action the Defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no Plaintiff shall recover in such Action, if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become non-suit, or discontinue any such Action after issue joined, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, the Defendant shall recover his full costs as between Attorney and Client, and have the like remedy for the same as any Defendant hath by law in other cases; and though a verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the trial shall be had shall certify his approbation of the Action and of the verdict obtained thereupon.

XXII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the King's Majesty to extend His Royal mercy to any person imprisoned by virtue of this Act although he shall be imprisoned for non-payment of money to some party other than the Crown. Royal Pardon

XXIII. *And be it further enacted by the authority aforesaid,* That all sums of money, fines, forfeitures and penalties, to be awarded and imposed by virtue of this Act, shall be paid to the Path-master or Street Surveyor of the Division within which the offence shall have been committed or the fine levied, in aid of any commutation money to be expended for Roads, or in aid of any Statute labour to be performed within such Division, except when such sums of money, fines, forfeitures and penalties, are by this Act directed to be otherwise applied. Penalties to be paid to Path-Master or Street Surveyor.

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

CHAP.

CHAP. V.

AN ACT to grant further Relief to Bail in certain cases, and to regulate the manner of putting in and perfecting Bail in vacation.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS it is necessary to afford further relief to Bail in certain cases ; *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 Special Bail in any action now pending, or which may be hereafter brought in any of the Courts of this Province, may surrender their principal to the Sheriff of any of the respective Districts in which he may be resident or found, and upon the production of the copy of the Bailpiece, certified by the Clerk of the Court in which the Bail shall have been entered, the Sheriff of any such District shall receive the Defendant into custody, and shall give a certificate under his seal of office of his being so surrendered into his custody, upon which certificate being produced an exoneretur shall be entered upon the Bailpiece in the same manner as is now authorised by Law in other cases, and upon notice of such surrender to the Plaintiff, or to his Attorney, and upon such exoneretur being so entered, the Bail in such case shall be discharged ; *Provided always*, that nothing in this Act contained shall be taken to compel the Plaintiffs in any such action or suit to change the venue or to conduct his suit in any manner different from that in which he would have been compelled had the render been made in the District in which the Defendant had been arrested.

Bail may surrender their principal and be discharged.

Sheriff to give certificate of surrender.

Plaintiff not prejudiced in conduct of his suit.

Bail may justify before a Judge in vacation.

Commencement of Act, so far as relates to this provision.

II. *And be it further enacted by the authority aforesaid*, That notwithstanding any thing contained in any Law to the contrary, it shall and may be lawful after the passing of this Act, for bail to justify in vacation before a Judge of His Majesty's Court of King's Bench, whether the Defendant be or be not in actual custody, and such Judge may make his rule or order for the allowance of such Bail, ; *Provided always, nevertheless*, that this provision shall not take effect until after the end of the Term of sitting of the Court of King's Bench which shall commence next after the

passing of this Act, and that it shall be competent for the Court of King's Bench in the said Term, and in any Term afterwards, to make such orders or rules as to them may seem fit, respecting the manner of justifying and perfecting Bail as aforesaid, and respecting the notices to be given previous thereto, the attendance of Bail before a Commissioner or before a Judge, and the affidavits or examinations to be required, or any other matter or thing which may to them appear expedient for carrying this proviso the most justly and conveniently into effect.

Judges to frame rules of practice with regard to justifying.

III. *And be it further enacted by the authority aforesaid,* That in case any Defendant or Defendants in any action now pending, or which may be hereafter brought in any of the District Courts in this Province, shall be surrendered by his Bail into the custody of the Sheriff of any District other than that in which such action shall have been instituted, it shall and may be lawful for the Plaintiff or Plaintiffs in any and every such action, after obtaining and entering up judgement, to procure a transcript of the judgment Roll and proceedings, certified under the hand of the Judge of the Court wherein the same shall be obtained, and upon filing such transcript so certified as aforesaid, in the office of the Clerk of the District Court of the District wherein such Defendant or Defendants shall be so surrendered into custody, to charge the said Defendant or Defendants in execution, and take all other necessary proceedings in like manner as if the suit had been originally instituted in such District Court; *Provided always,* that nothing in this Act contained shall be held to interfere or do away with the provision of any existing Law, for the removal of causes from inferior to superior Courts by Writ of Certiorari or otherwise.

When Defendant surrendered in District other than that wherein action brought,

Transcript of Judgment Roll may be filed in the Court of such District,

And Defendant charged in execution therein.

Law regarding Certiorari not affected by this provision.

CHAP. VI.

AN ACT to revive and extend the provisions of an Act passed in the tenth year of His late Majesty's Reign, entitled "An Act to authorise the detention of Debtors in certain cases."

[Passed 6th March, 1834.]

WHEREAS an Act passed in the tenth year of His late Majesty's Reign, entitled "An Act to authorise the detention of Debtors in certain cases," has expired; *And whereas* it is expedient to revive, 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

Preamble.

Act 10 Geo. 4, c. 2,
revived and continued
for 4 years.

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 revived and continued for four years from and after the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Clerks of District
Courts to supply
Commissioners of the
King’s Bench with
writs of Capias ad
Respondendum.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, and the Clerks of the several District Courts in this Province are hereby required, upon application by any Commissioner of His Majesty’s Court of King’s Bench, and upon payment of the usual fees by law established for the same, to furnish such Commissioner with such number of writs of Capias ad Respondendum as such Commissioner may so require.

Commissioners may
issue bailable process.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Commissioner to issue a Writ of Capias ad Respondendum in the same manner and with the like effect as the same may now be issued in His Majesty’s Court of King’s Bench by virtue of the ninth section of an Act passed in the second year of His late Majesty’s reign 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.”

Commissioner not to
act as such if Attorney
in the cause.

IV. *And be it further enacted by the authority aforesaid,* That no Commissioner shall issue any writ of Capias ad Respondendum in any case in which he shall be employed as Attorney for the person suing out such writ.

CHAP. VII.

AN ACT to facilitate the remedy by Replevin.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS it is expedient to facilitate the remedy of Replevin :—
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 any person complaining of a wrongful distress in a case in which by the Law of England Replevin might be made, may on filing a Prœcipe, obtain from the office of the Clerk of the Crown and Pleas in this Province, or from the office of any of his Deputies, a writ of Replevin, which may be in the form given in the Schedule to this Act marked A.

Remedy by Replevin same as by the Law of England.

II. *And be it further enacted by the authority aforesaid,* That before the Sheriff shall proceed to Replevy upon any such writ he shall take pledges from the Plaintiff according to the Law of England in that behalf, and the bond to be entered into for that purpose may be in the form given in the Schedule to this Act annexed marked B; and the assignment thereof to be made to the Defendant may be according to the form given in the same Schedule.

Proceedings by Sheriff upon writ of Replevin.

III. *And be it further enacted by the authority aforesaid,* That upon the Sheriff making such return of the goods distrained having been eloigned, as would warrant the issuing of a Capias in Withernam by the Law of England, a writ of Capias in Withernam shall issue upon the filing of such return from the office of the Clerk of the Crown and Pleas in this Province, or from the office of any of his Deputies, which writ may be in the form given in the Schedule to this Act annexed marked C; and that before executing such writ the Sheriff shall take pledges according to the Law of England in that behalf.

When Capias in withernam may issue.

IV. *And be it further enacted by the authority aforesaid,* That the Sheriff may make his warrant to any Bailiff or Bailiffs jointly and severally to execute either of the writs aforesaid to him directed, according to the law and custom of England in that behalf.

By whom, and how, writs to be executed.

V. *And be it further enacted by the authority aforesaid,* That upon the appearance of the Defendant being entered in the office from whence any writ of Replevin or Capias in Withernam shall issue the Plaintiff may declare, and may proceed in his Action of Replevin according to the law of England in that behalf.

Proceeding after appearance.

VI. *And be it further enacted by the authority aforesaid,* That if the Defendant shall not appear at the return of the writ, or within eight days thereafter, the Plaintiff shall cause a notice to be put upon the door of the Court House of the District in which such writ shall have issued,

Notice in case of non-appearance by Defendant.

according to the form in the Schedule to this Act annexed marked D; and that if at the expiration of twenty-one days after the said notice shall have been put up as aforesaid the Defendant shall not have appeared, it shall be lawful for the Plaintiff, upon filing an affidavit of the due publication of such notice in manner aforesaid, to enter appearance for the Defendant, and to proceed thereupon as if the Defendant had appeared.

When distress not exceeding £15, writ may issue from District Court.

VII. *And be it further enacted by the authority aforesaid,* That when the value of the goods distrained shall not exceed the sum of fifteen pounds, and where the title to lands shall not come in question, the writ of Replevin may issue from the District Court of any District in this Province within which the distress shall have been made, and such proceedings may be thereon had as shall be agreeable to the practice of the Court of King's Bench in this Province in actions of Replevin.

Rules of practice, and Forms, to be framed by Court of King's Bench.

VIII. *And be it further enacted by the authority aforesaid,* That the Court of King's Bench may by rule or rules from time to time make such provision for rendering the remedy of Replevin easy and effectual as such Court may deem conducive to the ends of Justice, as well by regulating the practice to be observed in Actions of Replevin as by prescribing or changing the forms of writs and proceedings to be used in such Actions, or for advancing the remedy by Replevin; and that to that end the forms given to the several Schedules annexed to this Act, or any of them, may by rule of the said Court be modified and altered.

How far practice of Court of King's Bench in England to prevail.

IX. *Provided always, and be it further enacted by the authority aforesaid,* That in the absence of any provision in this Act, or in any rule of the Court of King's Bench to the contrary, the practice in England in cases of Replevin shall be pursued so far as the same can be applied to the jurisdiction having cognizance of the case and to the circumstances of this Province.

SCHEDULE A.

— District, }
to wit : } William the Fourth by the Grace of God, &c.

To the Sheriff of —, Greeting :

Writ of Replevin.

We command you, that without delay, you cause to be Replevied to A. B. his cattle, goods and chattels, which C. D. hath taken and unjustly detains, as it is said, in order that the said A. B. may have his just remedy in that behalf, and that you summon the said C. D. to appear before us in our Court of King's Bench at York, on the — day of — Term, to answer to the said A. B. in a plea of taking and unjustly detaining

his cattle, goods and chattels, and what you shall do in the premises make appear to us in our Court of King's Bench, at York, on the day and at the place aforesaid, and have there then this writ.

Witness the Honorable ———, Chief Justice of our said Province, this — day of — &c.

SCHEDULE B.

Know all men by these presents that we A. B. of —, W. G. of — and J. S. of — are jointly and severally held and firmly bound to W. P. Esquire, Sheriff of the District of — in the sum of — of lawful money of Upper Canada, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators or Assigns, for which payment to be well and truly made, we bind ourselves, and each and every of us in the whole, our and each and every of our Heirs, Executors and Administrators, firmly by these presents, sealed with our seals. Replevin Bond.

Dated this — day of —, one thousand eight hundred and —.

The condition of this obligation is such, that if the above bounden A. B. do prosecute his suit with effect and without delay against C. D. for the taking and unjustly detaining of his cattle, goods and chattels, to wit, (here set forth the cattle or goods distrained) and do make a return of the said cattle, goods and chattels, if a return thereof shall be adjudged, that then this present obligation shall be void and of none effect, or else to be and remain in full force and virtue. Condition.

Scaled and delivered }
in the presence of }

Know all men by these presents, that I, W. P. Esquire, Sheriff of the District of —, have at the request of the within named C. D. the avowant (or person making cognizance) in this cause, assigned over this Replevin Bond unto him the said C. D. pursuant to the Statute in such case made and provided. Assignment by Sheriff.

In witness whereof I have hereunto set my hand and seal of office this — day of —, one thousand eight hundred and —.

Scaled and delivered }
in the presence of }

SCHEDULE C.

———District, }
to wit : } William the Fourth by the Grace of God, &c.
To the Sheriff of ——, Greeting :

Writ of Capias in
Withernam.

Whereas we lately commanded you, that without delay, you should cause to be Replevied to A. B. his cattle, goods and chattels, to wit, &c. (setting out the cattle and goods,) which C. D. had taken and unjustly detained, as it is said, according to our writ to you afore directed, and that you should make appear to us in our Court of King's Bench at York, on the —— day of —— Term, what you should do in the premises, and you at that day returned to us that the cattle, goods and chattels, aforesaid were elaigned by the said C. D. out of your Bailiwick to places to you unknown, so that you could in no wise Replevy the same to the said A. B.

Therefore we command you that you take in Withernam the cattle, goods and chattels, of the said C. D. in your Bailiwick to the value of the cattle, goods and chattels, by him the said C. D. before taken, and deliver them to the said A. B. to be kept by him until the said C. D. will deliver the aforesaid cattle, goods and chattels, to the said A. B. and in what manner you shall have executed this our writ make appear to us on the —— day of —— Term, in our Court of King's Bench, that we may cause to be further done thereupon what of right and according to the Laws of our Province of Upper Canada we shall see meet to be done. We also command you, that if the said A. B. shall make you secure of prosecuting his claims, and of returning the cattle, goods and chattels aforesaid, if a return thereof shall be adjudged, then that you put by gages and safe pledges the said C. D. that he be before us at the time last aforesaid, to answer to the said A. B. of the taking and unjustly detaining of his cattle, goods and chattels aforesaid, and have then there this writ.

Witness ——

SCHEDULE D.

Form of Notice.

Take notice that unless A. B. who has distrained the cattle, goods and chattels, of C. D. shall enter his appearance in an action brought against him on account of the said distress, the said A. B. will on or after the —— day of ——, being twenty-one days exclusive after this notice was put up, enter appearance for him to the said action, and proceed therein as if the said C. D. had appeared.

Dated ——, A. B. in person, (or by his Attorney) E. F.

CHAP. VIII.

AN ACT to repeal part of an Act passed in the second year of His Majesty's Reign, entitled "An Act respecting the time and place of sitting of the Court of King's Bench."

[Passed, 6th March, 1834.]

WHEREAS it is expedient to make perpetual an Act of the Parliament of this Province, passed in the second year of His Majesty's Reign entitled, "An Act respecting the time and place of sitting of the Court of Kings' Bench": *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 fifth section of the said first recited Act be, and the same is hereby repealed.

Preamble

² Wm. 4, chap. 7.
made perpetual.

CHAP. IX.

AN ACT to amend an Act 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 an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled 'An Act for the better regulating the practice of the Law; and to extend the provisions of the same.'"

[Passed 6th March, 1834.]

WHEREAS by a Statute passed in the second year of His late Majesty's Reign, entitled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled 'An Act for the better regulating the practice of the Law, and to extend the provisions of the same,'" it is among other things enacted, that no person shall be admitted by the Court of King's Bench to practice as an Attorney in this Province unless upon an actual service under articles for five years with some practicing Attorney in this Province: *And whereas* such Law may operate to the prejudice of His Majesty's service if ap-

Preamble

plied to His Majesty's Attorney or Solicitor General, who previous to their appointment may not have served under such articles 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 nothing in the third clause of the said Act passed in the second year of the reign of His late Majesty King George the Fourth shall apply to any person appointed, or to be appointed by His Majesty, to be His Attorney or Solicitor General for this Province, but that such Attorney General or Solicitor General shall be, and is hereby declared to be entitled, upon his application to be admitted and sworn an Attorney of His Majesty's Court of King's Bench in this Province, in the same manner as if he had served the period required by Law with some practicing Attorney of the said Court.

Attorney or Solicitor General admissible as Attorneys without having served with an Attorney of this Province.

CHAP. X.

AN ACT to extend the Limits assigned to the respective Gaols in this Province, and to afford to Plaintiffs the means in some cases of more effectually compelling the payment of Debts due to them by Defendants in Execution.

[Passed 6th March, 1834.]

WHEREAS it is expedient to extend the Limits of the several Gaols throughout this Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Limits to the respective District Gaols situate in any Town in this Province shall be co-extensive with the limits of the several Towns in

Preamble.

Limits of District Gaols co-extensive with limits of the Towns in which situate.

which such Gaols respectively are situate, any Law to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the Limits to those District Gaols which are not situate in any Town shall and may be extended by the Magistrates of the District, in Quarter Sessions assembled, to the distance of half a mile on each side of the several Gaols so situated.

When Gaol not erected in Towns.

III. *And be it further enacted by the authority aforesaid,* That such extension of Gaol Limits hereby established or authorised to be made shall not in any manner affect or make void any of the Securities already given for the enjoyment of the present Gaol Limits, but the same shall continue in force and extend to the said newly assigned Limits.

Existing securities for enjoyment of limits not affected by this Act.

IV. *And whereas* it is expedient to afford to Plaintiffs more effectual means of compelling Defendants to a just application of their effects in satisfaction of their Debts than are now provided by Law ; *be it therefore further enacted by the authority aforesaid,* That whenever the Plaintiff in any action shall have reason to believe that the Defendant, being a Debtor in execution and admitted to the Limits before or after the passing of this Act, hath the means at his disposal or within his control of satisfying the Debt for which he is in execution, or a considerable portion thereof, it shall be competent to him to apply to the Court of King's Bench in Term, or to a Judge thereof in vacation, or to the District Court, or a Judge thereof in like manner, when such execution shall have issued from a District Court, shewing his grounds for such belief upon affidavit, and if upon the return of any summons or rule to shew cause that may thereupon issue, which summons or rule shall be served personally upon the Debtor, it shall appear to the satisfaction of the Court or Judge that the Debtor has the means at his disposal or within his control of satisfying the debt, or a considerable portion thereof, or that he had such means at the time of the service upon him of any notice by the Plaintiff of an intended application under this Act, it shall be competent to such Court or Judge, upon a view of the facts disclosed, and upon a consideration of any other matters which such Court or Judge thereof may require to have stated upon affidavit in relation to such application, either by way of answers by either party to such interrogatories as the other party may desire, or the Court may direct to be filed or otherwise, to make an order or rule upon the Sheriff directing him to apprehend the Defendant and keep him in custody within the walls of the Gaol of his District, and such Defendant shall, when committed upon such order, remain imprisoned in execution in the same manner as if he had not before obtained the benefit of the limits.

Debtor in execution enjoying the Limits, and having means of satisfying the debt, may be committed to close custody.

Privilege of applying for benefit of the Limits revives to Defendant after having made reasonable satisfaction.

V. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That it shall nevertheless be competent to the Defendant, after he shall have been so imprisoned in close custody under this Act, to apply to the Court from which the execution issued, or to a Judge thereof in vacation, for a rule or summons upon the Plaintiff to shew cause why he should not be allowed the benefit of the Limits upon giving the Security required by Law, which application shall be supported by affidavit shewing that such Defendant has made or tendered just and reasonable satisfaction to the Plaintiff in respect to the grounds upon which he was taken from the limits and committed to close custody, and that the Court or Judge upon the return of such rule or order served on the Plaintiff, or his Attorney, or otherwise as under the circumstances such Court or Judge shall direct or shall deem sufficient, may make a rule or order allowing to the Defendant the benefit of the Limits upon his giving the Security required by Law, if it shall appear reasonable and just so to do under all the circumstances of the case.

Liability of Defendant applying for re-admission to benefit of the Limits

VI. *Provided always, and be it further enacted by the authority aforesaid,* That upon the occasion of such an application as last herein mentioned the Court or Judge may require information upon affidavit, or by way of answers to interrogatories, in the same manner as herein directed in respect to any application to be made for depriving a Defendant of the benefit of the Limits; *and provided also,* that after such second admission, or any future admission of a Defendant to the Limits under the authority of this Act, similar proceedings may be adopted by reason of any new facts discovered for again depriving the Defendant of the benefit of the Limits, or for again admitting him to the Limits as the case may require.

Defendant in the Limits refusing to account may be committed to close custody.

VII. *And be it further enacted by the authority aforesaid,* That when a Defendant in execution and upon the Limits shall refuse or neglect, upon demand made by the Plaintiff or his Attorney either verbally or in writing, to deliver to him within such time as shall appear reasonable under the the circumstances to the Court or Judge to whom application shall be made under this Act, an account or schedule in writing under the hand of such Defendant, and verified by his oath, of all his real and personal estate, debts and effects of every description, such refusal or neglect, if not accounted for to the satisfaction of the Court or Judge, may, in their or his discretion, be taken as sufficient ground for making a rule or order as in this Act mentioned for committing such Defendant to close custody within the Gaol as aforesaid.

CHAP. XI.

AN ACT to repeal part of and amend the Laws now in force in this Province respecting the appointment and duties of certain Township Officers.

[Passed 6th March, 1834.]

WHEREAS much inconvenience is experienced in consequence of the Assessors of the several Towns or Townships of this Province being obliged by Law to attend at the District Town of the District in which the Town or Township for which any person may have been appointed Assessor is situate, in order to deliver and to verify his Assessment List on oath, to be made before the Clerk of the Peace of the 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 third section of 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,'" be, and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That every Assessor shall subscribe the Assessment List by him taken, and shall make oath before the Clerk of the Peace or some Justice of the Peace of the District, (who is hereby authorised to administer the same) that the same has been faithfully taken, by attendance at the usual place of residence of the several householders or heads of families therein named, and contains a true and correct statement of the number of Inhabitants in the Township, place or places, for which the same shall have been taken, according to the best of his knowledge and belief: and shall transmit the same, so verified, to the Clerk of the Peace of the District, on or before the first General Quarter Sessions holden in each District, after the first day of April in each year.

Preamble.

4 Geo. 4, Sess. 4,
c. 7, s. 3, repealed.

Assessor to subscribe
Assessment List, and
make oath as to its
correctness.

And transmit it to
the Clerk of the
Peace.

Form of Return.

III. *And be it further enacted by the authority aforesaid,* That the said Assessors shall, in separate columns, return the number, sex and age, of persons insane, deaf or dumb, within the Township for which they may have been appointed Assessors.

Perjury under this Act.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully swear himself under the provisions of this Act, he shall be guilty of wilful and corrupt perjury.

Statute 46, Geo. 3, c. 5, s. 2. repealed.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the second clause of an Act passed in the forty-sixth year of the reign of His late Majesty 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 year of His present Majesty's reign, entitled, 'An Act to authorise and direct the levying and collecting of Assessments and Rates in every District in this Province, and to provide for the payment of wages to the Members of the House of Assembly," be, and the same is hereby repealed.

Power of Justices at Quarter Sessions when meetings for appointment of officers not held at times prescribed by Law.

VI. *And be it further enacted by the authority aforesaid,* That when from neglect or any other cause, any Town Meeting shall not be holden on the first Monday in the month of January, for the purpose of choosing and nominating Parish and Town Officers, agreeable to the Act passed in the fifty-seventh year of the reign of His late Majesty 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,'" in any Township or united Townships, or in case any of the Parish or Town Officers are not chosen and appointed at the Town Meeting, it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled for the District in which such Township or united Townships are situate, or a majority of them, to nominate and appoint the said Parish or Town Officers of such Township or united Townships, until the next Town Meeting.

CHAP. XII.

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 6th March, 1834.]

WHEREAS much difficulty and inconvenience are experienced and many disputes arise from the want of some Provincial enactment, by which each party interested in the making or repairing any division or Line Fence, may be compelled to make or repair, or pay for making or repairing a fair and just proportion of such Fence : *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 Inhabitant Householders of each and every Township in this Province, at their annual Town Meeting for the election of Township Officers, to choose from among the Inhabitants of the said Township, in the same manner as by Law other Township Officers are chosen, not less than three or more than eighteen fit and discreet persons to serve the Office of Fence Viewers, who shall perform the duties hereinafter prescribed to Fence Viewers, and who shall take the same Oath of Office, and in the same manner which persons chosen to other Township Offices are or may be by law required to do, and be liable to the same penalties for neglect or refusal to take said oath of office, to which persons chosen to other Township Offices and neglecting or refusing to take the Oath of Office are or may be by law liable.

Preamble.
Annual Township Meetings for election of three or more Fence Viewers.

II. *And be it further enacted by the authority aforesaid*, That each of the parties occupying adjoining tracts of Land shall keep up, make and repair a fair and just proportion of the Division or Line Fence between their several tracts of Land ; and that where there shall be a dis-

Each party to repair a just proportion of the Division or Line Fence.

Disputes to be submitted to determination and award of three Fence Viewers,

who are to attend upon notice from either party, and examine premises.

Award of two of such Fence Viewers binding as to repairs of such Division Line.

and occupier shall repair the part assigned in such award.

Award to be in writing, and signed by majority of Fence Viewers, and filed with Town Clerk.

Proviso upon any material change of circumstances in respect to improvement, &c. of adjacent Land.

Cost of subsequent award.

Party refusing to make or repair his proportion of Division Line thirty days after notice, Complainant, after completing his own part, may make or repair remainder.

pute between the parties, as to the commencement or extent of the part of the said Division or Line Fence which either party may claim or refuse to make or repair, it shall and may be lawful for either party to submit the same to the determination and award of three Fence Viewers, which Fence Viewers are hereby authorised and required, upon being duly notified by either party in such case, to attend at the time and place stated in such notice, and after being satisfied that the other party or parties in the case have been duly notified to appear at the time and place, to proceed to examine the premises; and such Fence Viewers, or any two of them, shall determine any and every dispute in the matter aforesaid, between the said parties; and the award and determination of such Fence Viewers, or any two of them, on the matters aforesaid, shall be binding on the parties as far as concerns the making or repairing of such Division or Line Fence, and from thenceforth the occupier or occupiers of the said tracts or parcels of Land shall respectively make and repair, and keep in repair, that part of such Division or Line Fence which shall have been assigned in such award or determination to the occupier or occupiers of such tract or parcel of Land, which determination and award shall be made in writing, and signed by such Fence Viewers, or a majority of them, and filed in the Town Clerk's Office, and a copy of the same made out and given to each of the parties: *Provided always, nevertheless*, that when by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots or parcels of Land, an award which has been made under this Act shall cease in the opinion of either of the parties to be equitable between them, it shall be in the power of either to obtain another award of Fence Viewers by the same mode of proceeding as is hereinbefore directed; and that if the Fence Viewers who shall have been called upon to make such subsequent award, shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

III. *And be it further enacted by the authority aforesaid*, That if any person or persons who may be in the occupation of any tract or parcel of Land shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the Division or Line Fence between such tract or parcel of Land and the adjoining tract or parcel of Land, for a period of thirty days after being required by a demand in writing by the person or persons occupying such adjoining tract or parcel of Land, or after the award of the Fence Viewers as aforesaid, to make or repair such equal or just proportion of the Division or Line Fence; or if the party making such demand shall for such period neglect or refuse to make or repair an equal or just proportion of the Division or Line Fence, it shall and may be lawful for either of the said parties, after first completing his own pro-

portion of such Fence, to make or repair in a substantial manner, and of good sound materials, the whole or any part of the said Division or Line Fence which ought to have been by the other party made or repaired, and to recover in the manner hereinafter mentioned, of the person or persons who may have neglected or refused in manner aforesaid to make or repair such proportion of the Division or Line Fence, the just and full value of such proportion, not exceeding the sum of Two Shillings and Six Pence per rod, to be ascertained and determined in the manner hereinafter provided: *Provided always*, that any Fence coming within the meaning and intent of the resolution, resolving what shall be considered to be a lawful Fence for that year, entered into by the inhabitant householders at their annual Township Meeting, shall be considered by all Fence Viewers to be a lawful Fence; and when the householders as aforesaid shall neglect or refuse to decide by such resolution what shall be a lawful Fence, then and in that case it shall be lawful for such Fence Viewers, when called upon, to exercise their own judgment, and decide what they consider to be a lawful Fence.

and recover the amount from party so refusing,

not exceeding Two Shillings and Six Pence per rod.

Township Meetings to determine what shall be a lawful Fence,

and in default thereof, the Fence Viewers to exercise their own judgment.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Commissioner of the Court of Requests for the Division in which such Fence may be situated, and he is hereby required, upon the demand of any person or persons, to issue a Summons under his hand and seal, directed to three Fence Viewers (by their proper names) of the Township in which such Fence is situated, requiring them to attend on the day and at the hour therein mentioned, and at a place therein mentioned, to view such Fence, and to appraise the same; also, to issue his Summons to the person or persons so having neglected or refused to make or repair such proportion of the Division or Line Fence, who shall thenceforth be considered as the Defendant or Defendants in the case, requiring him or them to appear at the same time and place, to shew cause why the person or persons claiming payment as aforesaid, who shall thenceforth be considered as the Plaintiff or Plaintiffs in the case, should not recover the same.

Commissioner of Court of Requests may issue summons to three Fence Viewers,

requiring their attendance, &c.;

also to summon the party neglecting to repair to shew cause why Plaintiff should not recover.

V. *And be it further enacted by the authority aforesaid*, That such Fence Viewers, upon being personally served at least eight days previously with such Summons, at the time and place therein mentioned, and after having duly examined the Fence and received evidence, which, if required by either party, or if the said Fence Viewers shall think it expedient, shall be given under oath; they, or any two of them, shall determine whether the said Plaintiff is entitled to recover any, and if any, what sum, from the said Defendant or Defendants, under the provisions of this

Fence Viewers duly served eight days previous, and having examined Fence and received evidence,

or any two of them, to determine whether Plaintiff shall recover,

when commencement and extent of Fence which such party should repair has not been previously settled, Fence Viewers to determine the same.
Their determination final.

Report to Commissioner of Court of Requests,

stating extent which Defendant should have made or repaired.

Fence Viewers to give copy of determination before making their Report.

Witnesses may be summoned.

Evidence on Oath.

Form of Oath.

False swearing under this Act perjury.

Act; and in all cases where the commencement or extent of the part of such Division or Line Fence which each party should make or repair, has not been determined by the award of Fence Viewers as aforesaid, the said Fence Viewers, or any two of them, shall determine the same, which determination shall be final and binding on the occupiers of the said tracts or parcels of Land, and have the same effect as if it had been made by three Fence Viewers in the manner aforesaid, and shall report their determination upon the matters aforesaid in writing, under their hands, to the said Commissioner of the Court of Requests, by whom the said Summons shall have been issued, and shall also, in all cases where they determine that the said Plaintiff is entitled to recover any thing from the said Defendant or Defendants, state what distance of Fence they have determined that the said Defendant or Defendants should have made or repaired.

VI. *And be it further enacted by the authority aforesaid,* That the said Fence Viewers, if they shall be required by either party, before they shall have made a report as aforesaid of their determination to the said Commissioner of the Court of Requests, shall give to such party requiring the same, a true copy of their said determination.

VII. *And be it further enacted by the authority aforesaid,* That if either of the said parties shall desire to procure the attendance of any person to give evidence before such Fence Viewers, it shall and may be lawful for the Commissioner of the Court of Requests, by whom any Summons shall have been issued as aforesaid to such Fence Viewers, to issue, upon the application of either of the said parties, a Summons to any person to attend as a witness before the said Fence Viewers at the time and place mentioned in the said Summons to the Fence Viewers, and that the said Fence Viewers, when met as aforesaid, at the time and place mentioned in the Summons, shall be and are hereby authorised, whenever it shall be desired by either party, or they shall think it proper, to administer an oath to any person, except the parties or persons interested, whose evidence they shall wish to take, which oath shall be in the following form:—

“ You do solemnly swear, that you will true answer make to such questions as may be asked of you by either of the Fence Viewers now here assembled, touching the matters which they are now to examine and determine.—So help you God.”

and if any person giving evidence as aforesaid under oath, shall be guilty of false swearing, he shall be deemed guilty of perjury, and upon conviction thereof, shall be liable to the same punishment and disabilities that persons convicted of perjury in other cases are now by law liable.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioner of the Court of Requests, to whom the determination of the Fence Viewers shall be returned as aforesaid, shall cause the same to be copied into a book kept for that purpose by the Court of Requests for the Division to which he belongs, and thereupon the said Court of Requests shall issue an Execution against the goods and chattels of the said Defendant or Defendants in the same manner as if the party to whom it is due had received a Judgment in the Court of Requests for the sum which the said Fence Viewers shall have determined as aforesaid he was entitled to receive, and also (if the said sum amounts to more than Two Pounds, but not otherwise) for the costs he may have necessarily incurred in the recovery thereof, and when such sum shall not amount as aforesaid to more than Two Pounds, then the other party shall be entitled to an Execution from said Court of Requests against the goods and chattels of the Plaintiff or Plaintiffs, for the costs he may necessarily have been put to in opposing the Plaintiff's claim, the amount of the said costs in either case to be determined by the said Court of Requests: *Provided*, that when the said sum shall amount to more than two shillings and sixpence per Rod for the length of Fence which such Fence Viewers shall have determined such Defendant or Defendants ought to have made or repaired, the said Plaintiff shall be entitled to recover and have execution for only the sum of two shillings and sixpence per Rod as aforesaid, and his costs: *Provided also*, that no such writ of execution shall be issued until after the expiration of forty days from the time of such determination.

Reports to be copied into a book by Commissioner of Court of Requests; who may issue Execution against Defendant for amount determined against him,

with costs, if the sum exceeds Two Pounds.

When Defendant entitled to Execution against Plaintiff for costs of opposing his claim.

Costs determined by Court of Requests.

Execution not to issue for more than Two Shillings and Six Pence per rod.

Not to issue until forty days from time of such determination.

IX. *And be it further enacted by the authority aforesaid,* That all and every of such Fence Viewers shall be entitled to receive the sum of five shillings for every day they are necessarily engaged in discharging the duties imposed upon them by this Act, and so in proportion for any time less than one day, and no more; and that every Witness who shall be summoned, and attend as aforesaid before such Fence Viewers, shall be entitled to receive two shillings and sixpence per day; and every Commissioner of the Court of Requests, and Bailiff, shall be entitled to receive for any service performed under this Act the same Fees which they are respectively entitled to receive for similar services in the Court of Requests.

Fence Viewers entitled to Five Shillings per day while necessarily engaged,

and Witnesses to Two Shillings and Six Pence per day.

Fees to Commissioners and Bailiff for services under this Act.

X. *And be it further enacted by the authority aforesaid,* That any Fence Viewers, legally holding the office of Fence Viewers, who shall neglect or refuse to perform the duties of his office shall forfeit for every neglect, to any person who may sue for the same, a sum not exceeding forty shillings, with costs of suit, to be recovered upon information and complaint before any one of the Justices of the Peace for the District in

Penalty on Fence Viewers for refusing to act,

recoverable before one Justice.

which such Fence Viewer was chosen, and to be levied by distress under a warrant issued by such Justice.

Party ceasing to improve Land not entitled to take away any part of partition Fence.

Provided the other party pay the value as determined by Fence Viewers.

Occupier of unimproved lands afterwards enclosed to pay for proportion of existing division Fence.

To be ascertained by Fence Viewers.

XI. *And be it further enacted by the authority aforesaid,* That when any party shall cease to improve his land, or shall lay his enclosure before under improvement in common, he shall not have a right to take away any part of the Partition Fence that to him belongs adjoining to the next enclosure that is improved or occupied: *Provided* the party occupying the lands adjoining the same will allow and pay therefor so much as the Fence Viewers, or a majority of them, shall in writing determine to be the reasonable value thereof; and whenever any lands which have laid unimproved and in common shall be afterwards enclosed or improved, the occupier or occupiers thereof shall pay for their fair or just proportion of the division or Line Fence standing upon the divisional line between the same land and the land of the enclosure of any other occupant or proprietor, the value thereof to be ascertained and set forth in writing by three Fence Viewers, in case the parties shall not agree among themselves, and the amount of said value to be recovered according to the proportions so estimated in the same manner and form as hereinbefore provided respecting the making and keeping in repair division or Line Fences.

No part of division Fence to be removed, unless the other party refuse to pay for the same.

Nor without twelve months notice.

XII. *And be it further enacted by the authority aforesaid,* That in no case shall any person be authorised to take away any part of the Partition Fence that to him belongs, adjoining to the next enclosure that is improved or occupied, unless the party occupying the lands adjoining the same refuse to pay for the same as aforesaid, nor without first giving due notice to such party for at least twelve months previously to the removal of the same.

Proceedings in case of water Fences to be had in similar manner.

XIII. *And be it further enacted by the authority aforesaid,* That when a water Fence, or a Fence running into the water, is necessary to be made, the same shall be done in equal parts, unless by the parties otherwise agreed; and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings shall or may be had as in other cases of the like kind respecting Fences out of the water, in this Act mentioned.

Brook, Creek, &c. not in itself a sufficient Fence, may be submitted to Fence Viewers,

XIV. *And be it further enacted by the authority aforesaid,* That when Lands belonging to or occupied by different persons, and subject to be fenced and bounded upon or divided from each other by any brook, pond or creek, which of itself is not a sufficient Fence, in such case, if the parties disagree, the same may be submitted to three Fence Viewers, as

heretofore provided in cases of disagreement; and if in the opinion of such Fence Viewers such brook, river, pond or creek, is not of itself a sufficient Fence, and that it is impracticable to fence at the true boundary line, they shall judge and determine how or on which side thereof the Fence shall be set up and maintained, or whether partly on one side and partly on the other side, as to them shall appear just, and reduce such their determination to writing, as heretofore provided in other cases; and if either of the parties shall refuse or neglect to make up and maintain the part of the Fence to such party belonging, according to the Fence Viewers' determination in writing as aforesaid, the same may be done and performed as is in this Act before provided in other cases, and the delinquent party shall be subject to the same costs and charges, and to be recovered in like manner.

Who shall determine on kind of Fence to be added.

Party refusing to do his part subject to liabilities as herein-before provided,

and to the like costs and charges.

XV. *And be it further enacted by the authority aforesaid,* That in all cases where any party shall desire to have a lane between his land and any adjoining tract or parcel of land, and shall make the Fence on one side of the said lane on his own land, he shall not be obliged to make or repair, or pay for making or repairing any part of the Fence on the other side of such lane, any thing herein contained to the contrary in any wise notwithstanding.

Person making a Fence adjoining a lane not liable to make any Fence on the other side of such lane.

XVI. *And whereas* it is expedient to provide for the opening of Water Courses in this Province, *be it therefore enacted by the authority aforesaid,* That in all cases when it shall be the joint interest of parties resident within this Province to open a Ditch, or Water Course, for the purpose of letting off surplus water from swamps or sunken miry lands in order to enable the owners or occupiers of such swampy or sunken land to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair share of such Ditch or Water Course in proportion to the several interests that such parties may have in the same; and in cases where a dispute shall or may arise as to the part, width, depth or extent, that any party so interested ought to open or make, the same may be referred to three Fence Viewers in the same way and manner as is heretofore by this Act provided in cases of disputes between parties relative to line or division Fences; and it shall be the duty of such Fence Viewers, to whom such matters shall be referred, to divide or apportion such Ditch or Water Course among the several parties, as in the opinion of such Fence Viewers shall be a just and equitable proportion, having due regard to the interest each of the parties shall have in the opening of such Ditch or Water Course; and the Fence Viewers shall at the same time decide what length of time shall be allowed to each of the parties to open his or her share of such Ditch, and the determination or

Drains to be made in proportion to the several interests of the parties benefited.

Disputes to be settled by Fence Viewers in manner prescribed with regard to line Fences.

Fence Viewers to apportion the drain among the several parties,

and to decide in what time each party is to open his portion.

Award in same form as in case of fences.

award of such Fence Viewers shall be made in the same form, and signed and executed in the same manner, and have the same effect in regard to Ditches or Water Courses, as is provided by this Act in regard to Line or Division Fences.

Drains may be opened at their own expense by parties interested across lands of persons not interested.

XVII. *And be it further enacted by the authority aforesaid,* That when it shall appear to such Fence Viewers that the owner or occupier of any tract or parcel of land is not sufficiently interested in the opening of such Ditch to make him a party, and at the same time that it is necessary that such Ditch should be continued across his land by the other party or parties, at their own expense, they may award the same in manner and form aforesaid, and upon such award, such party or parties may lawfully, and without molestation, open such Ditch or Water Course across such land as aforesaid, at their own expense.

Any party neglecting to open his share within time allowed, the other, after completing his own share, may do so.

XVIII. *And be it further enacted by the authority aforesaid,* That if any party shall neglect or refuse to open or make and keep open his share or proportion allotted or awarded to him by such Fence Viewers as aforesaid, within the time allowed by such Fence Viewers, either of the other parties may, after first completing his own share or proportion allotted to him in manner aforesaid, open the share or proportion allotted to such party neglecting or refusing to open the same, and such party so opening such other parties share shall be entitled to recover the value thereof from the party so neglecting or refusing to open his share or proportion, in the same way and manner and form as is in this Act provided relative to Line and Division Fences.

Value may be recovered from party neglecting.

Appropriation of fines paid under this Act.

XIX. *And be it further enacted by the authority aforesaid,* That all fines levied under the provisions of this Act shall be by the Justice or Justices of the Peace by whom the same may be imposed and collected, paid over to the Overseer or Overseers of Highways in the Division wherein such fine or fines shall have been levied : and such Overseer or Overseers are hereby authorised and required to expend the same in the same manner as other monies coming to their hands to be expended on the Highways, and shall render an account thereof within three months after expenditure thereof, to the Justices in Quarter Sessions assembled.

To be expended on Highways.

Duration of this Act.

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

XXI. *And be it further enacted by the authority aforesaid,* That so much of the fifth clause of an Act of the Parliament of this Province,

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," as provides that persons chosen to be Overseers of Highways and Roads shall also serve the office of Fence Viewers, shall be, and the same is hereby repealed; and that whatever duties that were before the passing of this Act directed to be performed by such Overseers of Highways and Roads, in relation to Fences, shall hereafter be performed by the persons chosen to be Fence Viewers under the authority of this Act.

So much of 33 Geo. 3, s. 5, as relates to Fence Viewers, repealed.

CHAP. XIII.

AN ACT for the relief of certain Religious denominations of persons called Menonists, Tunkers and Quakers.

[Passed, 6th March, 1834.]

WHEREAS certain of the people called Menonists and Tunkers, Subjects of His Majesty within this Province, have by their Petition set forth that they are by the present Militia Laws of this Province subjected to an annual commutation in time of war, or when any portion of the Militia are ordered out on actual service, the sum of Five Pounds, and in time of peace the sum of Twenty Shillings, annually, and which they pray may be reduced, and their sons, being minors as well as aliens of their persuasion, may likewise be relieved from such commutation: *And whereas* it is expedient and necessary to afford further relief according to the prayer of their Petition: *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 twenty-seventh section of an Act passed in the forty-eighth year of the reign of George the Third, entitled, "An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being for the raising and training the Militia of this Province," be, and the same is hereby repealed.

Preamble.

48 Geo. 3, c. 1, s. 27 repealed.

Quakers, Menonists and Tunkers, exempted from Militia duty.

Who shall produce certificate, signed by Clerk of Society.

Names of persons from the age of 16 to 60 to be given to Assessor.

Commutation 10s. per annum in time of peace.

£5 in time of war, invasion or insurrection.

II. And be it further enacted by the authority aforesaid, That the persons called Quakers, Menonists, or Tunkers, shall not be compelled to serve in the Militia of this Province: but every person who shall profess to be one of the people called Quakers, Menonists, or Tunkers, and who shall produce a Certificate thereof, signed by the Clerk of the meeting of the Society to which he shall belong, shall be excused and exempted from serving in the said Militia of this Province: *Provided, nevertheless,* that every such person, from the age of sixteen to sixty, so claiming to be excused or exempted, shall on or before the first day of February in each and every year after the passing of this Act, give in his name and place of residence to the Assessor or Assessors of each and every Town, Township, or place where he shall reside, and shall pay in each and every year in time of peace, the sum of Ten Shillings, and in time of actual invasion or insurrection, or when any of the Militia of the District in which such person shall reside shall be called out on actual service, the sum of Five Pounds, which commutation money shall be in lieu and discharge of such Militia service, and shall be applied as hereinafter provided.

Duty of Clerk of the Peace.

Form of Assessment Roll.

Collector to receive commutation money.

II. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace in each District in this Province, and he is hereby required, to annex a column to each and every Assessment Roll of each and every Town, Township or place in his District, and therein insert the names of every such Quaker, Menonist or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every Collector in each and every Town, Township or place within this Province, to collect, in the same manner as he is authorised by law to collect any ordinary Assessment; and such Collector shall pay the same into the hands of the Treasurer of the District, to be expended within the Township where the same shall have been levied, in aid of any Road Tax or Assessment raised or levied therein.

Money to be expended on public roads, &c.

IV. And be it further enacted by the authority aforesaid, That it shall be lawful to and for the said Treasurer of the District wherein such Town, Township or place lies, and he is hereby required, to pay out the said monies from time to time to the order of the Road Master of the Division wherein such fine shall have been levied, and to be expended on the public Roads, Highways and Bridges, within such Division.

Duty of Path-masters in applying money under this Act.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of the Path-Masters in every Township or place, and they are hereby required, to apply such sum or sums of money from time to

time, in the improvement of the said Highways, Roads and Bridges, throughout this Province, after the manner and form and upon such place or places as they shall be according to law directed, and to render an account thereof, upon oath, to the Clerk of such Town, Township or place, whose duty it shall be to report the same to the Magistrates in General Quarter Sessions assembled.

VI. *And be it further enacted by the authority aforesaid,* That no Quaker, Menonist or Tunker, from the age of sixteen to fifty, who shall produce the certificate of the Surgeon of the Regiment, setting forth his inability to perform Militia service, by reason of bodily infirmity or ailment, such person, having first obtained such certificate, shall be held liable to pay such exemption money; nor shall any Quaker, Menonist, or Tunker, being an Alien, be held liable to pay such commutation money, any thing in this Act to the contrary notwithstanding.

CHAP. XIV.

AN ACT to repeal part of and amend an Act passed in the fourth year of the Reign of His late Majesty George the Fourth, entitled "An Act to repeal the several Statutes of this Province respecting the Elections of Members of the House of Assembly and the qualification of Voters and Candidates at such Elections, and to reduce the provisions thereof with some amendments into one Act, and also to provide against fraud in obtaining qualifications to vote at Elections."

[Passed, 6th March, 1834.]

WHEREAS the Laws now in force relating to the qualification of Voters at Elections are defective; *And whereas* there are many loyal and faithful Subjects of His Majesty residing out of His Dominions, many of whom are so resident with the approbation and consent of His Majesty; *And whereas* any of the said Subjects coming to reside in this Province would be deprived of the privilege of voting at any Election of a Member to Represent any Town, County, or Riding in this Province, although possessed of the necessary Freehold qualification for the purpose, until after a residence in this Province of seven years next preceding such Election; *And whereas* it is expedient to remove such disability from His Majesty's Subjects; *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

bled 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 twelfth Clause of an Act passed in the fourth year of the reign of His late Majesty George the Fourth, entitled, "An Act to repeal the several Statutes of this Province respecting the Elections of Members of the House of Assembly, and the qualification of Voters and Candidates at such Elections, and to reduce the provisions thereof with some amendments into one Act, and also to provide against fraud in obtaining qualifications to vote at Elections," shall be, and the same is hereby repealed.

4, Geo. 4, c. 3, sections 12 and 15 repealed.

II. *And be it further enacted by the authority aforesaid,* That the fifteenth Clause of the said Act passed in the fourth year of His said late Majesty's reign be, and the same is hereby repealed.

III. *And be it further enacted by the authority aforesaid,* That before any Elector shall vote at any Election of a Member or Members of the House of Assembly of this Province, he shall, if required by the Returning Officer or any Candidate at such Election, in addition to the oath required by the Act of the Parliament of Great Britain, passed in the thirty first year of the reign of George the Third, 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,'" take an oath in the following form, that is to say—

Before any Elector shall vote, he shall, if required, take the following oath, in addition to that prescribed by 31 Geo. 3, c. 31.

Form of Oath.

I, A. B. do swear, that the estate in right of which I vote at this Election is [here describe the estate as the case may be] which I hold by grant from the Crown, descent, devise, marriage or conveyance [as the case may be] and [in case such estate shall have been derived otherwise than by grant from the Crown, descent, marriage or devise] that I have been in actual possession, or in the receipt of the Rents and profits thereof to my own use, by virtue of such conveyance, above twelve calendar months, or, [as the case may be] that the conveyance to me of the same has been registered three calendar months.

CHAP. XV.

AN ACT to attach certain Townships in the District of Newcastle to the Counties of Northumberland and Durham, respectively.

[Passed 6th March, 1834.]

WHEREAS there are several Townships in the District of Newcastle which are not attached to or included within any County of the same, Preamble. and whereas there are many inhabitants settled in those Townships, and it is therefore desirable to annex the same to some adjoining County; *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 Ennismore, Harvey, Douro, Dummer, Belmont, Burleigh and Methuen, be annexed to, and form part of the County of Northumberland, Ennismore, Harvey, Douro, Dummer, Burleigh and Methuen, annexed to County Northumberland. and that the Townships of Verulam, Fenelon and Eldon, be annexed to, Verulam, Fenelon and Eldon, to Durham. and form part of the County of Durham.

CHAP. XVI.

AN ACT concerning the Release of Mortgages.

[Passed 6th March, 1834.]

WHEREAS it may have happened that by reason of the non-payment of the sum of money, or of the non-performance of the condition mentioned in any Mortgage, at the time therein limited for payment or for performance of the same, the original Estate in Law may have become vested in the Mortgagee, his Heirs or Assigns, and whereas after such Estate shall so have become vested, the money secured by such Mortgage or the condition therein expressed as a defeazance of the same, may have been paid or performed respectively, and the Mortgagee, his Executors, Administrators or Assigns, may have executed a Certificate of payment or performance of the condition of such Mortgage; *And whereas*, such Preamble.

Certificate so given does not in Law operate as a re-conveyance of the original Estate of such Mortgagor, or as a release or defeazance of such Mortgage; *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 any Certificate by any Mortgagee, his Heirs, Executors, Administrators or Assigns, heretofore given and registered under the Provisions of an Act passed in the thirty fifth year of the reign of His Majesty King George the Third, entitled, "An Act for the Public Registering of Deeds, Conveyances, Wills and other incumbrances which shall be made, or may affect any Lands, Tenements, or Hereditaments, within the Province," or which may be hereafter registered under the provisions of this Act, whether the same shall have been given or shall hereafter be given, either before or after the time limited by such Mortgage for payment or performance as aforesaid, shall be, and the same is hereby declared to be valid and effectual in Law, as a release of such Mortgage, and as a re-conveyance of the original Estate of the Mortgagor therein mentioned; *Provided* that such Certificate, if given after the expiration of the period within which the Mortgagor had a right in equity to redeem, shall not have the effect of defeating any Title other than a Title remaining vested in the Mortgagee, or his Heirs, Executors, or Administrators.

Mortgagees Certificate under 35 Geo. 3, c. 5, to operate as a valid release and re-conveyance.

If given after expiration of time for redemption.

CHAP. XVII.

AN ACT to declare what Fees shall be received by Justices of the Peace for the duties therein mentioned.

[Passed, 6th March, 1834.]

WHEREAS it is expedient that the Fees to be taken by Justices of the Peace for the services hereinafter mentioned should be ascertained and authorised by Law: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of

Preamble.

an Act passed in the fourteenth year of His Majesty's reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same; That from and after the passing of this Act, the following Fees, and no more, shall be taken from the parties prosecuting by Justices of the Peace in this Province, or by their Clerks, for the duties and services hereinafter mentioned, that is to say—

Fees receivable by
Justices of the Peace,
or their Clerks.

For an Information and Warrant for apprehension for an assault or other misdemeanor—Three Shillings and Nine Pence.

For discharge of the Defendant—One Shilling and Three Pence.

For Information and Warrant for Surety of the Peace—Three Shillings and Nine Pence.

For discharge of the Defendant—One Shilling and Three Pence.

For every Recognizance—Two Shillings and Six Pence.

For every Information, besides that of the complainant—One Shilling and Three Pence.

For Warrant of Commitment—Two Shillings and Six Pence.

II. *And be it further enacted by the authority aforesaid,* That the costs to be charged in cases of convictions under penal Statutes, when the Fees are not expressly prescribed by any Statute, shall be as follows, that is to say—

For Information and Warrant of Summons—Three Shillings and Nine Pence.

For every Subpœna to a Witness—Six Pence.

For every Conviction under a Penal Statute—Seven Shillings and Six Pence.

For Warrant to levy a penalty—Two Shillings and Six Pence.

For making up every Record of Conviction, when the same is required to be returned to the Sessions, or on Certiorari—Ten Shillings.

For every Certificate of dismissal of any charge under the Act providing for the summary punishment of petty trespasses and other offences—Two Shillings and Six Pence.

Provided also, nevertheless, that in such cases as admit of a summary proceeding before a single Justice of the Peace, and wherein no higher penalty than Five Pounds can be imposed, the sum of Two Shillings and Six Pence only shall be charged for the Conviction, and Two Shillings and Six Pence for the Warrant to levy the penalty.

CHAP. XVIII.

AN ACT to prevent the consumption of Spirituous Liquors in Shops.

[Passed 6th March, 1834.]

Preamble.

WHEREAS doubts are entertained whether by Law Shopkeepers licensed to sell Wine, Brandy, Rum and other Spirituous Liquors, are prohibited from allowing the same to be consumed within their Shops, notwithstanding the license granted for that purpose declares that the same shall be consumed out of the Shop; and whereas it is expedient that such doubts should be set at rest: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That from and after the passing of this Act, no Shopkeeper licensed to sell Wine, Brandy, Rum or other Spirituous Liquors, shall allow any Wine, Brandy, Rum or other Spirituous Liquors sold by him, to be consumed within his Shop, or within the Building of which such Shop is part, either by the purchaser thereof or by any other person not usually resident within the Building comprising such Shop.

No licensed Shop-Keeper to allow Spirituous Liquors to be consumed within his Shop or Building.

Penalty.

II. *And be it further enacted by the authority aforesaid,* That if any Shopkeeper licensed to sell Wine, Brandy, Rum or other Spirituous Liquor, shall allow the Wine, Brandy, Rum, or other Spirituous Liquor sold by him, or any part thereof, to be consumed within his Shop, or within the Building of which such Shop is part, either by the purchaser thereof or any other person not usually resident within the Building comprising such Shop, he, she, or they, shall upon conviction thereof, before any three Justices of the Peace within the District where the offence may have been committed, upon the oath of one credible witness, other than the informer, forfeit and pay the sum of Five Pounds, together with costs of suit, to be recovered and applied in the same manner and form as the penalty imposed for selling Spirituous Liquors by Retail without license.

May be recovered before three Justices.

Application of Fine.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons who shall have purchased any Wine, Brandy, Rum or

other Spirituous Liquor, from any Shop, shall consume the same or any part thereof, or allow the same or any part thereof to be consumed in the Shop or any part of the Building comprising such Shop, without the permission of such Shopkeeper or person in charge of such Shop, then and in such case, the person so offending shall be liable to the same penalties, to be recovered and applied in the same manner as hereinbefore provided, in respect to any Shopkeeper who shall be convicted of an offence under this Act.

Purchaser consuming Spirits &c., within the Shop or Building, liable to the same penalty.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That if it shall appear to the Magistrates before whom any person shall be prosecuted under this Act, that such person did not intend to violate the provisions of this Act, then no penalty shall in such case be imposed.

Justices may consider the intentions of the parties.

V. *And be it further enacted by the authority aforesaid,* That no information or complaint shall be received under this Act, if more than six calendar months shall have elapsed from the time the offence was committed.

Prosecution must be within six months.

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

Act to continue in force four years.

CHAP. XIX.

AN ACT to establish the present Survey of certain Side Lines in the Second Concession West of Green Point, in the Township of Sophiasburgh.

[Passed 6th March, 1834.]

WHEREAS certain Inhabitants of the Second Concession West of Green Point, in the Township of Sophiasburgh, in the Midland District, have by their petition set forth, that in consequence of two conflicting Surveys of the said Concession, the Petitioners are liable to be disturbed in their possessions; *And whereas* the original side line between Lots number Twenty-two and Twenty-three has been found to correspond with the possessions of the Petitioners by a Survey lately made of the same; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of

Preamble.

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 all the side lines of Lots in the said Concession, from the East side line of Lot number Sixteen to the West side line of Lot number Fifty-eight in the said Concession, shall be, and the same are hereby declared to be governed and regulated by the said side line between the said Lots number Twenty-two and Twenty-three, and run by John Ryder, Deputy Surveyor, in the year of our Lord one thousand eight hundred and seventeen, commencing where a post has been originally (on the first Survey of said Township) planted in rear of the said Concession, at the South East angle of the said Lot number Twenty-three, marked Twenty-two and Twenty-three, then North thirty-one degrees thirty minutes West, to a stake, originally planted in front of the said Concession, marked twenty-two and twenty-three.

Side Lines to be governed by Side Lines run by John Ryder, Deputy Surveyor, A.D. 1817.

Commencing at S. E. angle of Lot 23.

Not to alter or annul any lines of a higher number than Lot 53.

II. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall be construed or taken to alter or annul any line or lines that may have been heretofore run and established in the said Second Concession, between any Lots of a higher number than the said Lot number fifty-eight, any thing in this Act contained to the contrary in any wise notwithstanding.

CHAP. XX.

AN ACT relating to the Survey of the Gore between Fredericksburgh and Ernestown, in the Midland District.

[Passed 6th March, 1834.]

Preamble

WHEREAS a Gore of Land, situate and lying between the Eastern boundary line of the Township of Fredericksburgh and the Western boundary line of the Township of Ernestown, in the Midland District, was not originally Surveyed: *And whereas* John McDonald, Deputy Surveyor, has lately run a line, under the authority and direction of the Acting Surveyor General of this Province, in front of the several Concessions in said Gore, commencing at the South East angle of Lot number Twenty-five, in each and every Concession of the said Township of Fredericksburgh, and continued across or to the Eastern limit of said Gore, and has

planted monuments or set up posts at such Eastern limit or boundary of the several Concessions : *And whereas* a large proportion of the Freeholders of said Gore have expressed by their Petition a desire that an Act might be passed establishing such Concession lines so run, and such monuments so planted, and further for providing for the running the side lines in said Gore : *And whereas* it is expedient to grant the prayer of the said Petitioners, *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 Concession line lately run across said Gore in front of the several Concessions, commencing at the South East angle of Lot number Twenty-five in each and every Concession of the aforesaid Township, and running to the Eastern limit or boundary of said Gore, and the posts or monuments erected at the Eastern limit of the several Concession lines in said Gore, by the aforesaid John S. McDonald, Deputy Surveyor, be and the same are hereby declared to be the true and lawful Concession lines and Eastern limits or boundary of said Gore.

Concession lines lately run across the Gore, and boundary monuments lately placed, to be the lawful Concession Lines and Boundary marks.

II. *And be it further enacted by the authority aforesaid*, That the Eastern boundary line of the said Township of Fredericksburgh, otherwise known as the line between Lots number Twenty-five and the Gore, and the Western boundary line of the aforesaid Township of Ernestown, shall be and the same is hereby declared to be the course or courses of the respective division or side lines of all those lots or parcels of Land in said Gore, of which the side lines are by the original letters patent required to run the same course as the aforesaid line in the several corresponding Concessions respectively.

Eastern Boundary.

III. *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 limits in the said tract required to go the same course as the aforesaid Eastern boundary line of Fredericksburgh, or the aforesaid Western boundary line of Ernestown, 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

Future Surveys.

front and rear angles on the aforesaid Eastern boundary of Lots number Twenty-five, or the aforesaid Western boundary of Ernestown (as the case may be) in the corresponding Concession, or the Concessions of the same number 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 true course of such lines, any Law, usage or custom, to the contrary in any wise notwithstanding.

CHAP. XXI.

AN ACT to provide for establishing the Concession Lines in the Township of Louth, in the District of Niagara.

[Passed 6th March, 1834.]

Preamble.

WHEREAS certain of His Majesty's Subjects possessing Lands in the Township of Louth, in the Niagara District, have been involved in numerous and perplexing difficulties arising out of doubtful and inaccurate Surveys, made at different times at an early period of its settlement, and His Majesty's Justices of the Peace, in the execution of their duty relative to Highways from conflicting interests and evidence, are unable to determine correctly whether the chain of allowance for Roads or Concessions should be taken off the North or South end of the Lots in the said Township, commencing on the base line thereof on Lake Ontario : *And whereas* it is the desire of the Inhabitants of the said Township, for the settlement thereof, and to the allaying of disputes and diminishing litigation, to provide for the appointment of three impartial, able, and discreet persons, not Inhabitants of the said District in which the said Township is so situated, to investigate the premises and a final determination and decree to make on all matters touching or in any manner appertaining to or for the finally establishing the commencing and termination of the said Concessions as originally Surveyed, with the exception of a power in the Court of King's Bench 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 Mahlon Burwell, William Chisholm, and William Crooks, Esquires, are hereby authorised and appointed as Commissioners to meet as such for the purposes of this Act, by proceeding some time in the months of June, July or August, next ensuing after the passing of this Act, to the boundaries or Concessions in question, and then and there to employ one or more Provincial Surveyor or Surveyors, with Chain-bearers and other Assistants, under the directions and orders of the said Commissioners, to view and determine the beginning and termination of the said Concessions, whether commencing or terminating at the North East, or South East angle, of each Lot in the said Township respectively.

M. Burwell, W. Chisholm, and William Crooks, Esquires, appointed Commissioners.

Surveyors to be employed to determine beginning and terminations of the concessions.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Commissioners, or any two 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 of His Majesty's Subjects within the said Township, whenever it may be necessary to Survey the said Lines or Concessions 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 with their Surveyors may enter upon any lands in order to survey and determine the lines.

And to place marks.

III. *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, and 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 complete ascertaining the commencing and termination of the said Concessions; as well as to tender such Witness or Witnesses an oath or oaths pertinent to the question in dispute; and in case of any false swearing by any Witness or Witnesses, such Witness or Witnesses on conviction thereof shall be liable to the pains and penalties of being guilty of wilful and corrupt perjury.

To enquire into facts for directing their judgments,

And compel attendance of Witnesses,

production of Deeds, diagrams, &c.

Witnesses to be sworn.

False swearing under this Act perjury.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall and are hereby authorised to take into their consideration, whether in the original Survey or Surveys of the said Township the Concessions or allowance for Roads began on the North or South side of the true line of the Survey, or whether the marked stakes alluded to in the Deeds were originally placed on the North or South side of the

Original Survey to be taken into consideration.

said Concession ; and that after the said Commissioners, or a majority of them, shall have determined upon the point hereinbefore mentioned and referred to their judgment, it shall be the duty of the said Commissioners to cause a Stone monument to be placed at such governing point on the true line of the said Township, and which monument shall in all times hereafter be regarded as the true and governing point of the Concessions in the said Township of Louth.

Stone monument to be placed as governing point of the concessions.

Award to be made within a reasonable time.

In duplicate under their hands and seals. One for Court of K.B.

One for Chairman of Q. Sessions.

Award not to be set aside after 12 months.

V. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, shall in a reasonable time thereafter make 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 Quarter Sessions of the Peace for the District of Niagara, there to be and remain as matter of Record, and to be pleadable and available in all Courts of this Province having competent jurisdiction of any matter 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.

This Act a public Act.

VI. *And be it further enacted by the authority aforesaid*, That this Act shall be deemed and taken to be a Public Act without being specially pleaded, and any decision, decree or order, under the hand 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 control of His Majesty's Court of Kings Bench therein.

Governor to appoint other Commissioners in place of any dying or declining to act.

VII. *And be it further enacted by the authority aforesaid*, That in case the said Commissioners, or any one or more of them, shall die, or should decline to act, or become incapable of acting, 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.

Remuneration to Commissioners and Surveyors.

VIII. *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 em-

ployed by such Surveyor 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.

And to persons employed by Surveyors:
Payable out of District Funds.

CHAP. XXII.

AN ACT to authorise the Niagara Canal Company to make a Canal navigable by Schooners to lead from the Welland Canal into the River Niagara.

[Passed, 6th March, 1834.]

WHEREAS by an Act passed in the Second Session of this present Parliament entitled, “An Act to repeal part of and amend the Charter of the Niagara Canal Company,” it is provided, that nothing therein contained shall extend or be construed to extend to prevent the Parliament of this Province from authorising the extension of the said Branch Canal for the purposes of a Ship Navigation at any future period should it be thought expedient so to do: *And whereas* it would forward the execution of the said work if the said Branch Canal was constructed for the use of Ships as well as Boats, and it would also greatly promote the interests of the Town of Niagara as well as places adjacent, if the Stockholders of the said Branch Canal were authorised so to do: *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 Niagara Canal Company to enlarge the dimensions of the said Branch Canal for Ship navigation as well as Boats: *Provided* that the Locks thereon shall in no instance be less than twenty-two feet in width, and one hundred and ten feet in length; and the depth not less than eight feet over the mitre sill.

Preamble.

Power to Canal Company to enlarge dimensions of Branch Canal.

Dimensions of Locks.

II. *And be it further enacted by the authority aforesaid,* That so much of the ninth clause of an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled “An Act to render effectual certain Securities to be given by the Welland Canal Company for a

So much of 10 Geo. 4, c. —, as limits Canal to Boat Navigation,

and capital to £25,000, and so much of s. 10 as limits number of Directors to 3, repealed.

Loan advanced by His Majesty's Government, and for other purposes relating to the said Canal; and also for authorising the making of a lateral Cut from the Welland Canal through the Town of Niagara to the mouth of the Niagara River, by a Company Incorporated for that purpose," as limits the said Branch Canal to a Boat Navigation, and the Capital Stock to Twenty-five Thousand Pounds: *Also* so much of the tenth clause of the said Act as limits the number of Directors to three, be and the same is hereby repealed.

Capital not to exceed £100,000, in shares of £12 10s. each.

Five Directors. Three to form a quorum.

III. *And be it further enacted by the authority aforesaid,* That the Capital Stock of the said Company shall not exceed One Hundred Thousand Pounds, to be held in Shares of Twelve Pounds Ten Shillings each; and the number of Directors from and after the passing of this Act shall be Five, of whom three shall be a quorum, to be chosen and appointed as provided for in the said Act passed in the tenth year of the reign of His late Majesty King George the Fourth.

Canal may hereafter be assumed by Government on such terms as Legislature shall deem just.

IV. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may at any time hereafter, by an Act to be passed for that purpose, provide for the assumption by and on behalf of the Government of this Province of the property of the said Niagara Canal, and all works and interests connected therewith, upon such terms as to the Legislature shall seem just.

Construction and repair of bridges by the Company, and penalty for neglect.

V. *And be it further enacted by the authority aforesaid,* That when and so often as it shall be necessary to cut into any Highway, Road or Street, in order to conduct the said Canal through the same, the said Company shall within one month cause to be constructed a secure, sufficient and commodious Bridge or Bridges, and to keep the same in repair for the passage of carriages, in order to re-establish the communication between the several parts of such Highway, Road or Street, under the penalty of five pounds 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 or Bridges as aforesaid.

Certain clauses of the Welland Canal Act to be applicable to the Niagara Canal Company.

VI. *And be it further enacted by the authority aforesaid,* That the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-eighth, (except so much thereof as provides for the Election of Directors on the first Monday in April,) twenty-ninth, (except so much thereof as provides for the Election of Directors on the first Monday in April,) thirtieth, thirty-first, thirty-second, thirty-third, thirty-fifth, thirty-sixth, thirty-eighth, and thirty-ninth clauses of an Act passed in the fourth year of the

reign of His said 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," shall apply to and be in force with respect to the Niagara Canal Company, and the objects for which they are associated as extended by this Act, in the same manner and for the same purposes respectively as the same are applied by the said Act passed in the fourth year of His late Majesty's reign, to the Welland Canal Company.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons possessing Lands through which the said Canal shall pass to erect a Bridge at his own expense to connect the same; *Provided always,* that such Bridge shall not present greater obstacles to the navigation of the said Canal than the Bridges erected thereon by the said Company.

Bridges may be erected by private individuals to connect their farms.

VIII. *And be it further enacted by the authority aforesaid,* That in all times to come, all Vessels and Boats the property of His Majesty, and all other Vessels and Boats, when engaged in carrying His Majesty's Stores, shall be at liberty to pass and repass upon and through the said Canal and Locks without the payment of any duty or toll.

King's vessels &c. and vessels carrying King's stores to pass free.

IX. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened in the several Assize Towns in this Province within two months after the passing of this Act, by such person or persons and under such regulations as a majority of the said Petitioners assembled at a meeting to be called by any one of them in the Town of Niagara for that purpose shall direct.

Books of subscriptions to be opened within 2 months.

X. *And be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be Subscribed within two months after the Books of Subscription shall have been opened as aforesaid, then and in such case it shall and may be lawful for any former Subscriber to increase his her or their Subscription; and that after the first instalment shall have been paid to the said Company the said Shares shall become transferable on the Books of the said Company, either in person or by proxy.

After two months Shareholders may increase their subscription if shares not all taken.

Shares transferable after first instalment paid.

XI. *And be it further enacted by the authority aforesaid,* That the whole amount of Stock that shall hereafter be paid in, upon the Subscription of the said Company, shall from time to time be deposited in the Bank of Upper Canada, or a Branch of any Chartered Bank, at the discretion of a majority of the Directors that may be established in the Town of Niagara, and there placed to the Credit of the Niagara Canal

Stock paid to be deposited in Bank of U. C. &c., at discretion of Directors.

Company, to be withdrawn only by order of a Board of Directors, signed by the President or Vice President, and countersigned by the Secretary of the Board for the time being.

Vice-President to be appointed in absence of President.

Qualification for Director 20 shares.

XII. *And be it further enacted by the authority aforesaid,* That in the absence of the President at any meeting lawfully called, the Directors then and there present, may appoint a Vice-President or Chairman for said meeting only; and that no person shall be eligible to be a Director of the said Company who shall not be a Stockholder in the said Company to the amount of twenty shares at the least, any thing herein, or in any former Act contained, to the contrary thereof in any wise notwithstanding.

Company not to act as Bankers.

XIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall extend, or be construed to extend to authorise the said Company to carry on the business of Banking.

Provision for future alteration of this Act.

XIV. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred on 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, privilege, or convenience connected therewith, that may be affected by the powers given by this Act.

Sums awarded against the Company to be paid within three months.

In default of payment right of Company to assume the property shall cease.

XV. *And be it further enacted by the authority aforesaid,* That whatever sum of money may be 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, right 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, until the sum so awarded be paid.

Directors first chosen to continue till first Monday of May ensuing.

XVI. *And be it further enacted by the authority aforesaid,* That the Directors first to be chosen by virtue of this Act shall be the Directors of the said Company until the first Monday in the month of May next succeeding their Election, and no longer.

CHAP. XXIII.

AN ACT to extend the Limits of the Town of York; to erect the said Town into a City; and to Incorporate it under the name of the City of Toronto.

[Passed 6th March, 1834.]

WHEREAS from the rapid increase of the Population, Commerce and Wealth, of the Town of York, a more efficient system of Police and Municipal Government than that now established has become obviously necessary: *And whereas* none appears so likely to attain effectually the objects desired as the erection thereof into a City and the Incorporation of the Inhabitants, and vesting in them the power to Elect a Mayor, Aldermen and Common Councilmen, and other Officers, for the management of the affairs of the said City, and the levying of such moderate Taxes as may be found necessary for Improvements and other Public purposes: *And whereas* the name of York is common to so many towns and places, that it is desirable, for avoiding inconvenience and confusion, to designate the Capital of the Province by a name which will better distinguish it, and none appears more eligible than that by which the site of the present Town was known before the name of York was assigned to it: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, That so much of the first section of an Act of the Parliament of this Province passed in the fifty-fourth year of the reign of His late Majesty King George the Third, entitled "An Act to empower the Commissioners of the Peace for the Home District, in their Court of general Quarter Sessions assembled, to establish and regulate a Market in and for the Town of York in the said District," as authorises the said Commissioners to appoint such days and hours for exposing to sale Butcher's meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient; together with the second, third, and fourth sections of the said recited Act: And also, so much of the second section of an Act of the Parliament of this Province, passed in

Preamble.

So much of s. 1 of 54 Geo. 3, c. 15, as relates to the Market, and the whole of sections 3 and 4 of the same Act, repealed.

Also so much of s. 2 of 2 Geo. 4, c. 11, respecting swine running at large, as relates to the town of York, repealed.

the second year of the reign of His late Majesty King George the Fourth, entitled “ An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty’s reign, entitled ‘ An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty’s reign, entitled ‘ An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large ; and further to enable the Magistrates in their respective Districts in this Province, in general Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective towns in this Province where a Police is or may hereafter be established by Law,” as affects the Town of York : and also, so much of an Act of the Parliament of this Province passed in the sixth year of the reign of His late Majesty King George the Fourth, entitled “ An Act for the better regulating the assize and fixing the price of Bread in the several Police Towns throughout this Province,” as applies to the Town of York in the Home District : and also, so much of an Act of the Parliament of this Province 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 respects the Town of York : also, so much of an Act of the Parliament of this Province passed in the forty-sixth year of the reign of His late Majesty King 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 year of His present Majesty’s reign, entitled ‘ An Act to authorise and direct the levying and collecting of Assessments and Rates in every District in this Province, and to provide for payment of wages to the Members of the House of Assembly,” as affects the Town of York : also so much of an Act of the Parliament of this Province passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled “ An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh,” as respects the said Town of York : also, so much of an Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, entitled “ An Act for the better regulation of Parish and Town Officers throughout this Province,” as affects the said City hereby constituted or the Liberties thereof : also so much of an Act of the Parliament of this Province passed in the fifty-third year of the reign of His late Majesty King 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,” as affects that portion of this Province comprised within the said City hereby constituted or the Liberties thereof : also, so much of an

Also so much of 6
Geo. 4, c. 6, for regu-
lating the Assize of
Bread, as relates to
York, repealed.

And so much of 33
Geo. 3, c. 2, and 46
Geo. 3, c. 5, respec-
ting Town Officers ;

And so much of 57
Geo. 3, c. 2, as relates
to the establishment
of a Police ;

And so much of 48
Geo. 3, c. 14 ;

And of 53 Geo. 3,
c. 9 ;

Act of the Parliament of this Province passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled "An Act to make provision for further appointment of Parish and Town Officers throughout this Province;" and so much of an Act of the Parliament of this Province passed in the fifty-ninth year of His said late Majesty's reign, entitled "An Act further to extend the provisions of an Act passed in the forty-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 so much of an Act of the Parliament of this Province passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled "An Act to amend and make perpetual 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 to 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,'" as affects the said City hereby constituted and the Liberties thereof: also, an Act of the Parliament of this Province passed in the first year of the reign of His Majesty King William the Fourth, entitled "An Act for vesting in Trustees the Market Square in the Town of York, for the benefit of the Inhabitants of the said Town;" and also an Act passed in the third year of His Majesty's reign, entitled "An Act to repeal part of and amend an Act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled 'An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh," be and the same are hereby repealed.

And of 45, Geo. 3, c. 6.

And so much of 59 Geo. 3, c. — as relates to Town Officers;

Also so much of 4 Geo. 4, c. — respecting Highways, as relates to York;

And of the 1st Wm. 4, c. —, vesting the Market-Square in Trustees;

And the whole of 3 Wm. 4, c. —, respecting a Police, repealed.

II. *And be it further enacted by the authority aforesaid,* That all that part of the County of York which lies within the following limits, that is to say—commencing at the distance of one chain, on a course South, sixteen degrees East, from the South Westerly corner of Lot number two, in the first Concession from the Bay in the Township of York, in the County of York; thence Southerly, in the direction of the side line between Lots numbers two and three in that Concession, to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence Westerly, through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the North Westermost point of the Island or Peninsula forming the Harbour; thence across the Bay or Harbour of York to a

Boundaries.

Commencing one chain on a course south from the north-westerly corner of lot No. 2, in first concession from the Bay.

Southerly:

Westerly through the waters of Ontario,

500 feet from the margin,

To 500 feet from N. W. point of Peninsula,

Across the Bay.

point where a line drawn Southerly from the North Easterly corner of Park Lot number twenty-nine, in the said Township of York, in the direction of the Easterly boundary line of the said Park Lot intersects the margin of the water on the shore of the Lake Ontario; thence Northerly, in the direction of the said line so drawn from the said corner of the said Park Lot through the said corner to the point at which the said line so drawn through the said corner intersects the Northerly boundary line of the allowance for road between the Park Lots and the second Concession from the Bay, in the said Township of York; thence Easterly, along the said Northerly boundary line of the said allowance for road to the Easterly shore or water's edge of the River Don; thence Southerly, along the water's edge on the Eastern side of the said River to the point where the said water's edge intersects the Southerly boundary line of the allowance for road in front of the said first Concession; thence Easterly, along the Southerly boundary line of the allowance for road in front of the said first concession to the place of beginning, except so much thereof as by certain Indentures bearing date the tenth day of December, one thousand eight hundred and twenty-eight, the nineteenth day of May, the fifteenth day of August, and the second day of December, one thousand eight hundred and twenty-nine, respectively, has been conveyed to the University of King's College, or the Chancellor, President and Scholars thereof, shall from henceforth constitute the City of Toronto and the Liberties thereof: *Provided always*, that such limits of the said City, and the Liberties thereof respectively, shall and may be altered with respect to each other from time to time as hereinafter provided.

Northerly.

Easterly.

Southerly.

Easterly to place of beginning.

Excepting the lands conveyed to King's College.

City and Liberties of Toronto.

Proviso for future alterations of boundaries.

Limits of the City.

III. *And be it further enacted by the authority aforesaid*, That so much of that part of the County of York described in the second clause of this Act, except as before excepted, as lies within the following limits, that is to say:—commencing at the distance of one Chain, on a course North, seventy-four degrees East, from the South East angle of Park Lot number three, in the said Township of York; thence South, sixteen degrees East, upon a continuation of the allowance for Road between Park Lots numbers two and three to the water's edge of the Bay in front of the Town of York; thence Westerly along the water's edge of the said Bay to the point at which the Westerly limit of the allowance for Road between Park Lots numbers eighteen and nineteen in the said Township of York, being produced Southerly, intersects the said water's edge; thence Northerly in the direction of the said Westerly limit of the said allowance for Road to the distance of four hundred yards North of the Northerly boundary line of Lot Street; thence Easterly, parallel to Lot Street, to the Easterly boundary line of the allowance for Road between Park Lots numbers two and three; thence South sixteen degrees

East along the Easterly boundary line of the said allowance for Road four hundred yards, more or less, to the place of beginning, shall constitute the City of Toronto; and that the said City shall be and the same is hereby divided into five Wards, to be called respectively the Wards of Saint George, Saint Patrick, Saint Andrews, Saint Davids, and Saint Lawrence.

City divided into five Wards.

IV. *And be it further enacted by the authority aforesaid,* That the Saint David's Ward shall consist of all that part of the said City which lies to the Northward of the Northerly boundary line of King Street, and King Street East, to the Eastward of the Westerly boundary line of Yonge Street.

Ward of Saint David.

V. *And be it further enacted by the authority aforesaid,* That the Saint Andrew's Ward shall consist of all that part of the said City which lies between the Northerly boundary line of King Street and the Northerly boundary line of Lot Street, and West of the Westerly boundary line of Yonge Street.

Ward of Saint Andrew.

VI. *And be it further enacted by the authority aforesaid,* That the Saint Patrick's Ward shall consist of all that part of the said City which lies to the North of the Northerly boundary line of Lot Street, and West of the Westerly boundary line of Yonge Street.

Ward of Saint Patrick.

VII. *And be it further enacted by the authority aforesaid,* That the Saint Lawrence Ward shall consist of all that part of the said City which lies to the Southward of the Northerly boundary line of King Street, and King Street East, and to the Eastward of the Westerly boundary line of Yonge Street.

Ward of Saint Lawrence.

VIII. *And be it further enacted by the authority aforesaid,* That the Saint George's Ward shall consist of all that part of the said City which lies to the Southward of the Northerly boundary line of King Street, and to the Westward of the Westerly boundary line of Yonge Street.

Ward of Saint George.

IX. *And be it further enacted by the authority aforesaid,* That until otherwise provided by Act of Common Council, so much of the Liberties of the said City as lies to the Southward and Eastward of the Saint Lawrence Ward shall be and is hereby attached to the Saint Lawrence Ward; so much thereof as lies to the Northward and Eastward of the Saint David's Ward shall be and is hereby attached to the said Saint David's Ward; so much thereof as lies to the Southward and Westward of the Saint George's Ward shall be and is hereby attached to the said Saint George's Ward.

Other parts attached to the Ward of Saint Lawrence.

To the Ward of Saint David.

To the Ward of Saint George.

To the Ward of
Saint Andrew.

To the Ward of
Saint Patrick.

Limits between the
parts so attached how
ascertained.

Saint George's Ward ; so much thereof as lies to the Westward of the Saint Andrew's Ward shall be and is hereby attached to the said Saint Andrew's Ward ; and so much thereof as lies to the Northward and Westward of the Saint Patrick's Ward shall be and is hereby attached to the said Saint Patrick's Ward : the limits between the respective portions of the said Liberties hereby attached to the different Wards of the said City being ascertained by the extension of the boundary lines between the said Wards respectively through the said Liberties, except the boundary line between the portions hereby attached to the Saint Lawrence Ward, and that hereby attached to the Saint David's Ward, which shall consist of the Northerly boundary line of King Street East, to the River Don.

Common Council of
the City may erect
outer Wards,

And alter their
boundaries.

Number of new
Wards limited to five.

X. *And be it further enacted by the authority aforesaid,* That the said City may by Act of Common Council, from time to time as it may seem expedient, erect any part of the Liberties contiguous to the City, as its boundary shall stand at the time, into one or more outer Wards, and may from time to time, as it may seem expedient, alter and vary the boundaries of such outer Wards, or any of them, before they shall be annexed to the said City as hereinafter provided : *Provided always,* that they shall not have it in their power to annex altogether more than five new Wards to the said City.

When such outer
Wards may be an-
nexed to the City.

By Proclamation.
Naming of such outer
Wards.

XI. *And be it further enacted by the authority aforesaid,* That so soon as it shall appear by the City census that any one of such outer Wards contains as many Inhabitants as by the first City census taken after the passing of this Act shall be found to be contained in the least populous of the Wards erected by this Act, and by the general Assessment Roll of the said City that such outer Ward contains as much Assessed Property as by the first City Assessment made after the passing of this Act shall be found to be contained in the least wealthy of the said Wards erected by this Act, it shall and may be lawful for the Mayor of the said City for the time being, and he is hereby required, forthwith to issue a Proclamation under the Seal of the said City setting forth the same, and annexing such Ward to the said City, calling it by such name as the Common Council shall think fit.

After Proclamation
such new Wards
shall constitute a
Ward of the City.

XII. *And be it further enacted by the authority aforesaid,* That from the date or teste of such Proclamation such Ward shall cease to be a part of the Liberties, and shall from thenceforth constitute a Ward of the City, and have incident to it and its Inhabitants every thing by this Act, or any future Act of Parliament, or any Act of Common Council, incident to the Wards of the said City or the Inhabitants thereof in gene-

ral, and every such Act shall extend to such Ward as it does or shall to the other Wards of the said City in general: *Provided always*, that no election for Charter Officers for such Ward shall take place until the general election for such Officers next ensuing the issuing of such Proclamation.

But no Election for Charter Officers to take place until ensuing General Election.

XIII. *And be it further enacted by the authority aforesaid*, That all that portion of the Liberties of the said City lying between the margin of the water on the North side of the Bay in front of the said City, and the margin of the water on the North side of the marsh and Bay East of the River Don, and the Southern limits of the said Liberties, including the Peninsula and Island, shall constitute and form the Port of Toronto.

Limits of the Port of Toronto.

XIV. *and be it further enacted by the authority aforesaid*, That all the Inhabitants of the said City and the Liberties thereof shall be, and they and their successors, Inhabitants aforesaid, from time to time, and at all times hereafter, shall continue to be one Body Corporate and Politic in fact and in name, by the name of the "City of Toronto," and that by that name they and their successors shall and may have continued succession, and a Common Seal, with full power to break, renew, change and alter the same at pleasure, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity, and other places whatsoever, in all manner of actions, suits, complaints, demands, matters and causes whatsoever; and of purchasing, accepting, having, taking, holding, possessing, enjoying, maintaining, demising, conveying and assuring any Estate, of what nature or kind soever, real or personal, either for their own use or in trust for other purposes; and of giving and receiving any bills, bonds, covenants, judgments, statutes, recognizances, or other instruments or securities of what nature or kind soever, for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatsoever.

Inhabitants, &c. to form Body Corporate, by name of "City of Toronto."

Continued succession and Common Seal.

Capable of suing and being sued.

And purchasing, &c. Estate, real and personal.

And of giving and receiving Bills, Bonds and Judgments, &c.

XV. *And be it further enacted by the authority aforesaid*, That for every Ward within the limits of the said City, two Aldermen and two Common Councilmen shall be chosen in manner hereinafter mentioned; and the Aldermen and Common Councilmen shall choose from among the Aldermen, by vote of the majority of such Aldermen and Common Councilmen, one person to be a Mayor of the said City; and in case it shall happen that the votes shall be equally divided, then that Alderman, other than the Alderman proposed for Mayor, who shall have been rated upon the last Assessment List of the said City or Liberties, for the greatest amount of property, shall give a second or casting vote.

Two Aldermen and two Common Councilmen for each Ward.

Majority of whom shall elect a Mayor from among the Aldermen.

Casting vote.

Qualification for Aldermen.

XVI. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to be elected an Alderman of the said City, unless he shall have been a resident Householder within the said City or the Liberties thereof, for one year next before the Election, and being so resident at the time of the Election, shall be possessed to his own use and benefit of real property within the said City or the Liberties thereof, either in freehold or for term of years, which shall be rated according to the present Assessment Laws, at Two Hundred Pounds.

Qualification for Common Councilmen.

XVII. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to be elected a Common Councilman of the said City, unless he shall have been a resident Householder within the said City or the Liberties thereof, for one year next before the Election, and being so resident at the time of the Election, shall be possessed, to his own use and benefit, of real property within the said City or the Liberties thereof, either in freehold or for term of years, which shall be rated according to the present Assessment Laws, at One Hundred and Fifty pounds: *Provided always,* that additional Fire-places assessed shall be included in this valuation.

Qualification of Inhabitants to vote for Aldermen and Common Councilmen.

Town Lot or dwelling, possessed either in fee or as tenants.

Portion of house having distinct communication with street deemed a dwelling house.

Voter must have been a resident inhabitant 12 months within the City, &c.

And 3 months within the Ward, previous to the Election.

Mayor, Aldermen, and Common Councilmen, and Electors, to be natural-born subjects, &c. and of the age of 21 years.

XVIII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Councilmen of the said City shall be elected respectively by the majority of votes of such persons being male Inhabitant Householders within the Ward for which the Election shall be holden, or the Liberties attached thereto, as shall be possessed at the time of the Election, either in freehold or as tenants for term of years, or from year to year, of a Town Lot or Dwelling-house within the said Ward or Liberties: *Provided always,* that a portion of a House in which any Inhabitant shall reside as a Householder, and not as a Boarder or Lodger, and having a distinct communication with the street by an outer door, shall be considered a Dwelling-house within the meaning of this Clause: *And provided also,* that no person shall vote at any such Election, who has not been a resident Inhabitant within the said City or Liberties thereof, for the period of twelve calendar months, and who has not resided within the Ward for which the Election shall be holden, or the Liberties attached thereto, for the period of three calendar months next before the Election.

XIX. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to be elected Mayor, Alderman, or Common Councilman of the said City, or to vote at any Election of City Officers, who shall not be a natural-born or naturalized Subject of His Majesty, of the full age of Twenty-one years.

XX. *And be it further enacted by the authority aforesaid,* That the Legislative power of the City of Toronto shall be, and is hereby vested in the Mayor, Aldermen, and Common Councilmen, who together shall form the Common Council of the said City. Legislative power of the City vested in the Common Council.

XXI. *And be it further enacted by the authority aforesaid,* That every Legislative Act of the said City be expressed to be enacted by the Mayor, Aldermen, and Commonalty of the City of Toronto, in Common Council assembled. Form of enactments.

XXII. *And be it further enacted by the authority aforesaid,* That the said City of Toronto shall by its Representatives, in whom the Legislative power of the City shall be vested as hereinbefore mentioned, have full power and authority from time to time to make, revise, alter, amend, administer and enforce, such Laws as they may deem proper for making, gravelling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the Streets, Squares, Alleys, Lanes, Walks, Side-walks, Cross-walks, Roads, Highways, Bridges, Public Wharves, Docks, Slips, Shores and Sewers, now laid out or created, or hereafter to be laid out or erected, within the limits of the said City or the Liberties thereof; to regulate or restrain Cattle, Horses, Sheep, Goats, Swine and other animals, Geese or other poultry, from running at large within the limits of the said City or the Liberties thereof; and to prevent and regulate the running at large of Dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the Streets, Squares, Lanes, Walks, Side-walks, Cross-walks, Roads, Highways, Bridges, Public Wharves, Docks and Slips, with any wheelbarrows, carts, carriages, lumber, stone or other materials whatsoever; to regulate or prevent the selling or vending by retail in the public Highways any meat, vegetables, fruit, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any Child, Apprentice or Servant, without the consent of his, her or their legal protector; to prevent the immoderate riding or driving horses or other cattle in any of the Public Highways of the said City or the Liberties thereof; to prevent the leading, riding, or driving horses or other cattle upon the Side-walks of the Streets or other improper places; to regulate Wharves and Quays; to prevent all obstructions in the Bay, Harbour or River, near or opposite to any Dock, Wharf or Slip; to regulate or prevent the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish; to prevent or regulate bathing and swimming in and about the Docks, Wharves, Slips and Shores, within the limits of the said City or the Liber-

Power to make, alter, and enforce laws.

For regulating streets, roads, walks and highways, &c.

And to prevent cattle, &c. running at large.

And Dogs.

And to prevent the encumbering and injuring of streets, &c.

Selling by retail in the public highway any meat, vegetables, fruit, &c.

Sale of intoxicating drink to children, &c.

Immoderate riding or driving.

Riding, or driving horses or cattle on side-walks.

To regulate wharves &c. and prevent obstructions in harbour.

Fishing: fishing lights

Bathing.

To suppress tippling houses.	ties thereof; to suppress tippling-houses, and restrain persons from keeping the same; to enforce the due observance of the Sabbath; to regulate the licensing of, or to prevent the exhibition of wax figures, wild animals, mountebanks, and all other shows exhibited by common showmen; to prevent the excessive beating or other inhuman treatment of horses, cattle, or other beasts, in the Public Highways; to regulate or suppress all billiard-tables, and to regulate all theatres kept for profit, Stills kept for the purpose of distilling spirituous liquors for sale, auctioneers, butchers, cartmen and cartage, hawkers and pedlers, all persons exhibiting for gain or profit any puppet-show, wire-dance, circus-riding, or any other idle acts or feats which common showmen, mountebanks, circus-riders or jugglers usually practice or perform, and to limit the number, and to provide for the proper licensing of the same; to regulate and prevent the firing off guns, pistols, and other fire-arms, and to prevent the firing of squibs and crackers; to regulate and prevent the erection of slaughter-houses and tanneries; to abate and cause to be removed, any nuisances within the limits of the said City or the Liberties thereof; to regulate inns, taverns, ale-houses, victualling-houses, and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them, and provide for the proper licensing of the same; to regulate the place and manner of selling and weighing hay, and the selling pickled and other fish; to restrain and regulate the purchase of country produce, butchers meat and fish, by persons called runners or hucksters; to regulate the measuring or weighing of coal, cordwood and other fuel, salt and lime, exposed for sale in any part of the said City or the Liberties thereof; to regulate the assize and price of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit; to regulate the present market; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said City and the Liberties thereof, in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimneys, and to regulate the dimensions of chimneys hereafter to be built, so as to admit chimney sweeps to sweep and clean the same, and to regulate and license chimney sweeps; to establish and regulate one or more fire companies; to regulate and require the safe constructing of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from fire-places; to regulate, remove or prevent the construction or erection of any fire-place, hearth, chimney, stove, stove-pipe, oven, boiler, kettle or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires; to regu-
Observance of Sabbath.	
Exhibition of public shows.	
Cruelty to animals.	
Billiard Tables.	
Theatres.	
Stills.	
Auctioneers, Butchers, Cartmen & Cartage, Hawkers & Pedlers, Puppet shows, &c.	
Firing guns.	
Fire-works.	
Slaughter-houses.	
Tanneries.	
Nuisances.	
Inns, Taverns, &c.	
Places of public entertainment.	
Licensing.	
Hay.	
Fish.	
Hucksters purchasing country produce.	
Coal and cord-wood, &c.	
Salt and lime.	
Assize of bread.	
Vending meat, vegetables and fruit.	
To regulate markets.	
Party walls.	
General improvement of the city.	
Chimneys.	
Chimney sweeps.	
Fire companies.	
Deposites for ashes.	
Fire-places, stove-pipes, &c.	

late the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of lights and candles in livery or other stables; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fire; to regulate the conduct of the Inhabitants at fires; to provide for the keeping of fire-buckets, ladders and fire-hooks, and the making them a part of the real property to which they are attached; to erect, preserve and regulate Public Cisterns and other conveniences, for the stopping or preventing fires; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the prevention and suppression of fires, and the pulling down of adjacent houses, for such purpose as they may deem necessary or expedient; to establish, and also to regulate and provide for the superintending of the same, an Alm-house, or Alm-houses, or other place or places for the relief of the poor, that may at any time or in any way be established or erected in the said City or the Liberties thereof; to erect and establish, and also to regulate and provide for the proper keeping of any Gaol, Bridewell or House of Correction, that may hereafter be erected or established in and for the said City and the Liberties thereof; to regulate management, and provide for the security of the public property of the said City; to provide for the health of the said City and the Liberties thereof; to establish and regulate a City Watch, and prescribe the powers of the Watchmen; to license and appoint by warrant, under the common seal of the said City, or otherwise, such and so many inferior Officers, other than those already mentioned in this Act, as shall from time to time be found necessary or convenient to enforce and execute such By-Laws and Regulations as may hereafter be made by the said Corporation or Common Council, and to displace all or any of them, and put others in their room, and to add to or diminish the number of them or any of them, as often as the said Common Council of the said City shall think fit; to establish and regulate one or more Pounds; to direct the returning and keeping bills of Mortality, and to impose penalties on Physicians, Sextons and others, for default in the premises; to regulate the Police of the said City and the Liberties thereof; to preserve the Wells, Pumps and Cisterns, and provide for the supply of good and wholesome Water to the said City and the Liberties thereof, and to prevent the waste of Water; to regulate the Burial of the dead; to regulate the Bonds, Recognizances or other Securities, to be given by all Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken; to inflict reasonable penalties and fines for the refusing to serve in any Municipal Office when duly elected or appointed thereto, and for the infringement of any and every Law of the said City; to regulate the time and place of holding Elections for all Municipal Officers, and to make

Gunpowder.

Lights in livery stables, &c.

Dangerous manufactories.

Power in respect to fires: fire-buckets, &c.

Public cisterns.

Preservation of property at fires.

Alms houses.

Gaols, &c.

Security of public property.

And public health.

Watchmen.

To appoint officers to execute By-laws.

May displace officers and appoint others.

Pounds.

Bills of mortality.

City Police.

Supply of water.

Bonds, &c. by municipal officers.

Penalties for refusing to serve municipal office.

Time and place of electing officers.

Register of Electors.

May impose tax upon property within the City.

Limitation of amount of taxes to be imposed.

Commutation for work of labour.

To be paid to Chamberlain.

General authority to make laws.

Not being repugnant to the laws of this Province.

For breach of by-law, fine not to exceed 25, or imprisonment 50 days.

Fine for refusing to serve in office not to exceed £10.

When expedient to protract streets.

Or to widen or alter the same.

provision for a Register of Electors or Voters for Aldermen, Common Councilmen, and other Elective Officers of the said City; to impose and provide for the raising, levying and collecting annually, by a tax on the real and personal property in the said City and the Liberties thereof, in addition to the Rates and Assessments payable to the general funds of the Home District, a sum of money the better to enable them to carry fully into effect the powers hereby vested in them: *Provided* that such additional tax shall never exceed in any one year Four Pence in the Pound upon the Assessed value of the Property lying and being within the limits of the said City, or Two Pence in the Pound upon the Assessed value of the Property lying and being within the limits of the Liberties of the said City, as now settled by the general Assessment Laws of this Province, the property lying and being within the limits of the said City being always Assessed as Town Property, and that lying and being within the Liberties thereof as County Property; to require the Road Labour of the said City and the Liberties thereof, required or to be required under the general Road Laws of the Province, to be commuted for money, and such money paid into the hands of the Chamberlain of the said City, to be at the disposal of the said City for the purpose of improving the Public Highways of the said City and the Liberties thereof; and generally to make all such Laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Corporation, or in any department or office thereof, for the peace, welfare, safety and good government of the said City and the Liberties thereof, as they may from time to time deem expedient, such Laws not being repugnant to this Act or the general Laws of the Province: *Provided always*, that no person shall be subject to be fined more than five Pounds, or to be imprisoned more than thirty days, for the breach of any Bye-law or Regulation of the said City; *and provided also*, that no person shall be compelled to pay a greater fine than ten Pounds for refusing to serve in any Municipal Office when duly elected or appointed thereto.

XXIII. *And whereas* it may be expedient for the convenience of the Inhabitants of the said City and Liberties to protract the Streets already laid out within the Town of York, or some of them, so as to continue them through the extent of the tract which is hereafter to form the City of Toronto, and to make other alterations in the Streets of the said City or Liberties, *be it therefore further enacted by the authority aforesaid*, That it shall be competent to the Common Council of the said City at any time to consider and report upon the expediency of protracting any Street or Streets now laid out and opened in the Town of York, and of widening or otherwise altering any Street now laid out or hereafter to be laid out

within the said City or Liberties; and for that purpose the said Common Council, and any person authorised and empowered by them, may enter upon the grounds of any person or persons, Body Corporate or Politic, for the purpose of examining and surveying the same, with a view to the laying out, altering and protracting any Street or Streets, either in a straight line or otherwise; and if the Common Council shall determine upon recommending the protraction or alteration of any Street, or the laying out of any new Street, they shall specify in some Act or Resolution the precise line of the Street which they desire to have made, with its proposed width and the points of termination and departure, which Act or Resolution shall be entered of record in the Book of the said Common Council, and a copy thereof shall be published in the several Newspapers published in the said City, with a notification that the Common Council intend to apply in the ensuing Session of the Legislature of this Province for an Act to authorise such improvement upon the terms and conditions which to the Legislature shall seem just; and that if the Legislature shall in either of the two next succeeding Sessions after the publication of such notice, pass an Act authorising the laying out and protracting or altering of such Street or Streets as desired by the Common Council, no claim to compensation shall be allowed in respect of any building or erection that shall be put up in the line of such proposed Street between the time of publishing such Report or Resolution as aforesaid and the passing of any Act of the Legislature authorising such alteration or improvement:—*Provided always*, that such notification or application to the Legislature shall not be necessary when the proprietors of the lands assent in writing to the proposed alteration.

Common Council may enter grounds and make surveys.

And if protraction or alteration recommended, resolution to be made.

And entered in books of Common Council.

And a copy to be published: with notice of intention to apply to Parliament for act authorising such improvement.

If authority granted within two Sessions after such publication, no compensation for buildings erected in the interim.

Such notification, &c. not necessary where proprietor of land assents.

XXIV. *And be it further enacted by the authority aforesaid*, That the said City of Toronto shall not have authority, by Act of Common Council or otherwise, to borrow any sums of money whatever on the credit of the said City except in anticipation of the Revenue to accrue within five years next after such loans shall be made, unless authorized by Act of Parliament: *Provided always*, that nothing in this clause contained shall be construed to prevent the said City, by Act of Common Council or otherwise, from borrowing a sufficient sum of money to pay off the debt contracted under the authority of the Magistrates of the Home District for the erection of the new Market Buildings in the Town of York.

Power to borrow money on the credit of the City limited to the amount of five years prospective revenue.

Except by authority of Parliament.

Restriction not to extend to sum borrowed for payment of debt contracted for new Market Buildings.

XXV. *And be it further enacted by the authority aforesaid*, That each Ward of the said City by this Act constituted, or hereafter to be constituted and annexed to the said City as hereinbefore provided, shall be entitled to elect two persons to be denominated the Aldermen of the

Each Ward to elect two Aldermen and two Common Councilmen.

Ward, and two persons to be denominated the Common Councilmen of the Ward.

Mayor to hold office from first Monday in February to the same day in the year following.

XXVI. *And be it further enacted by the authority aforesaid,* That the Mayor of the said City shall hold his office from the first Monday in February in the year for which he shall have been elected till the day before the first Monday of February in the following year, both days inclusive, and until the election and swearing into office of his successor.

Places of election.

Poll from nine A.M. till three P. M. of the same day.

Poll lists to be kept.

Officer holding election to declare publicly the number of votes.

Certificate thereof to be filed, and

Persons having majorities to be declared duly elected.

XXVII. *And be it further enacted by the authority aforesaid,* That all Elections for Aldermen and Common Councilmen shall be held at some place certain within each Ward respectively as follows, that is to say :— every person qualified to vote at such Election, and who shall offer himself to vote at any Ward Poll at such Election, shall at such Poll openly give his vote ; and that the Poll of such Election shall be opened at nine o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer ; and that the name of each Elector voting at such Election shall be written in Poll Lists, to be kept at such Election by the Officer holding the same ; and that after finally closing the Poll of any such Election, the Officer or Officers holding the same in any of the said Wards shall proceed without delay publicly to declare the number of votes given for each person for each respective Office, and shall file a Certificate in the office of the Clerk of the said City on the same day ; and it shall be the duty of the Clerk immediately to declare the person or persons having such respective majorities duly elected as Aldermen, or Common Councilmen, as the case may be.

Aldermen and Common Councilmen to be chosen annually on second Tuesday in January.

Five days notice of election.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Councilmen of the said City shall be annually chosen in each of the said Wards of the said City on the second Tuesday in January, and that the Officer or Officers whose duty it shall be to hold such Election shall, five days previous thereto, give public notice thereof in writing, in at least three public places in such Ward, of the place where such Election shall be held.

To hold office from first Monday in Feb. till the day before first Monday of Feb. in year following.

XXIX. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Councilmen of the said City shall hold their offices from the first Monday in February in the year for which they shall have been Elected until the day before the first Monday in February in the following year, both days inclusive.

XXX. *And be it further enacted by the authority aforesaid,* That the Mayor of the said City shall be annually chosen on the Thursday following

the general annual Election for Aldermen and Common Councilmen of the said City, but shall not enter upon the duties of his office until the first Monday of the following month, on which day he shall be sworn into office in the Court of King's Bench, if the said Court shall be then sitting, and if not, then before one of the Judges of the said Court, which Court or Judge is hereby authorised and required to administer to such Mayor the following Oath or Affirmation, that is to say :—

Mayor to be chosen on the Thursday following such general election. To enter upon his office on Monday of following month.

I ———do swear, (or solemnly affirm, as the case may be,) that I will well and faithfully discharge the duties of Mayor of this City, to the best of my knowledge and ability.

Oath to be taken by Mayor.

XXXI. *And be it further enacted by the authority aforesaid,* That neither the Officer holding any Election for Aldermen or Common Councilmen of the said City, nor any Clerk or Assistant employed by him in holding such Election or taking the votes at the same, shall be eligible to be a Candidate at any such Election, nor shall any such Officer, Clerk or Assistant, vote at any such Election : *Provided always nevertheless,* that in the event of there being at the conclusion of the Poll an equal number of votes polled at any such Election for two or more persons for the same office, it shall and may be lawful to and for the Officer holding such Election, and he is hereby required whether otherwise qualified or not, to give a vote in favor of one or other of the persons having such equality of votes, in order that the Election may be completed.

Persons disqualified to be elected, or to vote at elections.

Officer holding election may give casting vote.

XXXII. *And be it further enacted by the authority aforesaid,* That neither any Minister or Clergyman in Holy Orders of any Religious persuasion, nor any of the Judges of the Court of King's Bench, nor His Majesty's Attorney or Solicitor General, nor the Private Secretary of His Excellency the Lieutenant Governor, nor any practising Physician or Surgeon, shall be compelled to serve in any of the Municipal Offices created by or under the authority of this Act.

Persons exempt from serving municipal office.

XXXIII. *And be it further enacted by the authority aforesaid,* That until provision shall have been made by Act of Common Council for a Registry of votes, every person offering to vote at any Election for Aldermen or Common Councilmen, before he be permitted to vote shall, if required by the Presiding Officer at any such Election, or by any person qualified to vote thereat, make oath or affirmation to the particulars of his qualification, and that he has not before voted at such Election ; which oath or affirmation the said Presiding Officer is hereby authorised and required to administer.

Until registry made, voters may be required to take oath of qualification.

After registry established, voters to produce certificate of qualification.

And if required take the oath following.

XXXIV. *And be it further enacted by the authority aforesaid,* That after provision shall have been made by Act of Common Council for a Registry of votes, every person offering to vote at any Election for Alderman or Common Councilman, before he be permitted to vote shall produce a certificate, under the hand of the proper Officer, of the Registry of his qualification pursuant to any such Act of Common Council, and shall, if required by the Presiding Officer at such Election, or by any person qualified to vote thereat, take the following oath or affirmation, which the said Presiding Officer is hereby authorised and required to administer, that is to say :—

I ——— do swear, (or solemnly affirm as the case may be,) that I am the person described in the certificate I now produce, and that I have not before voted at this Election.

Person swearing falsely guilty of perjury.

XXXV. *And be it further enacted by the authority aforesaid,* That if any person shall knowingly swear or affirm falsely in any of the cases referred to in the two preceding sections of this Act, he shall be deemed guilty of wilful and corrupt perjury, and be punished accordingly before any Court having cognizance thereof.

Ward Elections.

XXXVI. *And be it further enacted by the authority aforesaid,* That all Ward Elections shall be held in each Ward by an Officer or Officers to be appointed as hereinafter mentioned.

Elections to fill vacancies occurring in Wards.

XXXVII. *And be it further enacted by the authority aforesaid,* That if there shall happen any vacancies in the Officers Elected for any Ward of the said City by death, resignation, removal out of the City and Liberties thereof, or other disqualification, before the return of another annual Election, it shall be lawful for the Common Council to direct an Election to supply such vacancy in the Office and Ward when and where the same shall happen, and to appoint a time and place for holding such Election in such Ward, previous notice of such time and place being given in at least three public places in such Ward, in manner hereinbefore mentioned, and such Election shall in other respects be held and conducted in like manner as the regular annual Elections in the said City are to be held and conducted : *Provided always,* that any person elected to supply any such vacancy shall hold his office only for the residue of the term of office of his immediate predecessor.

Previous notice in three public places.

Persons elected, to hold office for residue of the term only.

Mayor to swear in Aldermen and Common Councilmen

XXXVIII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Councilmen of the said City shall be sworn into office by the Mayor of the said City, who is hereby authorised to

administer such oath, on the first Monday in February in each year, or as soon thereafter as they shall or can attend in Common Council, and that the oath or affirmation to be so administered shall be as follows, viz:—

First Monday in February.

I——do swear (or solemnly affirm, as the case may be,) that I will well and faithfully discharge the duties of Alderman, or Common Councilman, (as the case may be) of this City, to the best of my ability.

Form of oath.

XXXIX. *And be it further enacted by the authority aforesaid,* That in the Court of Common Council a majority of Aldermen and a majority of Common Councilmen shall together be a quorum for the despatch of business: *Provided always,* that a smaller number may adjourn from time to time, and may be authorised to compel the attendance of absent Members in such manner and under such penalties as may be provided by Act of Common Council.

Majority of Aldermen &c. to form a quorum.

Smaller number competent to adjourn, And compel attendance of absent members.

XL. *And be it further enacted by the authority aforesaid,* That the Mayor, or in his absence from sickness or otherwise, a Member, being an Alderman, elected by the majority of the said Common Council, shall preside at the meetings of the Common Council, and that the said Mayor, or President pro tempore, shall in all cases, when the votes are equal, be entitled to a casting vote.

Mayor, or Alderman elected in his absence &c. to preside at meetings of Common Council.

Casting vote.

XLI. *And be it further enacted by the authority aforesaid,* That the said Common Council shall determine the rules of its proceedings, and judge of the qualifications, elections and returns of its Members.

Common Council to make rules, and judge of qualifications &c.

XLII. *And be it further enacted by the authority aforesaid,* That the said Council shall keep a Journal of its proceedings, and its doors shall be kept open, except when the public welfare shall require secrecy: *Provided nevertheless,* that upon all proposals, discussions, debates, resolutions or other proceedings of the said Court of Common Council, of or concerning the raising, levying or imposing, any rates, taxes or assessments, or requiring the performance of any duty or service by the Inhabitants of the said City and Liberties thereof, or of any of them, the same shall be proposed, discussed, debated and resolved on and determined in open Court, accessible to the Citizens of the said City, any thing herein contained to the contrary thereof notwithstanding.

Journal of proceedings.

All discussions relating to imposing taxes, &c. to be public.

XLIII. *And be it further enacted by the authority aforesaid,* That all Resolutions and Reports of Committees which shall recommend any specific improvement involving the appropriation of any public money,

Resolutions, &c. as to improvement, appropriations of public money, &c. to be printed and published eight days before adoption.

or taxing or assessing the Inhabitants of the said City or the Liberties thereof, shall be printed and published at least eight days before the same shall be adopted.

Division upon each vote.

XLIV. *And be it further enacted by the authority aforesaid,* That whenever a vote is taken in relation to any such Resolution or Report as is referred to in the last preceding section of this Act, the yeas and nays shall be taken thereon.

Power of Common Council over its own Members.

XLV. *And be it further enacted by the authority aforesaid,* That the said Common Council shall have authority to punish its Members for disorderly behaviour, and to expel a Member convicted of an infamous crime, and that the Member so expelled shall by such expulsion forfeit all his right and powers as Alderman or Common Councilman, as the case may be.

No measure for raising or appropriating money, &c. to pass until printed and published eight days.

XLVI. *And be it further enacted by the authority aforesaid,* That in order to ensure the due consideration of any measure for raising or appropriating money, or for imposing fines and penalties upon any person or persons in the said City or Liberties thereof, no such measure shall pass until the Act, Rule or Regulation proposed, shall after the first reading thereof have been printed and published at least eight days.

Rules, &c. including penalties, to be published in U.C. Gazette and other papers.

XLVII. *And be it further enacted by the authority aforesaid,* That any Rule or Regulation of the said Corporation for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in the Upper Canada Gazette, and such other Newspapers in the said City as the Corporation shall think fit.

Acts of Common Council to be signed by Mayor, sealed with City Seal, &c.

XLVIII. *And be it further enacted by the authority aforesaid,* That immediately after any Act shall be passed by the Common Council it shall be signed by the Mayor, and sealed with the Seal of the City and enrolled, and such Act shall thenceforth go into effect as a Law of the City of Toronto; and all such Laws, together with this Act, and all other Acts of Parliament particularly relating to the said City or the Liberties thereof, shall be entered verbatim in one or more Books to be procured and kept for that purpose among the archives of the said City, and be open to the public for inspection at all reasonable hours on payment to the Clerk of six pence, and no more, for every examination.

Laws relating to the City to be entered in books for public inspection.

Four Sessions of Common Council.

XLIX. *And be it further enacted by the authority aforesaid,* That there shall be at least four Sessions of the Court of Common Council, held

every year, which shall commence respectively, on the third Monday in February, May, August and November, in each year.

L. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Mayor of the said City to call Special Meetings of the Common Council, and in case of his death or removal from the City, it shall be lawful for the remaining Aldermen, at a Special Meeting to be summoned by the Clerk of the Common Council for that purpose, within three days to elect from among themselves a Successor to such Mayor, who shall hold his office for the remainder of the term of service of his immediate predecessor, which Mayor shall be sworn into office by any one of the Judges of any one of His Majesty's Superior Courts of Law or Equity, having general jurisdiction throughout the Province.

Mayor may call Special Meetings.

Election of successor to Mayor, in case of his death or removal.

LI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Common Council of the said City, to give and grant unto the Mayor thereof, for the time being, in lieu of all fees and perquisites, such salary not exceeding five hundred pounds, and not less than one hundred pounds, as such Common Council shall think fit, payable half yearly out of the funds of the said City, in the hands of the Chamberlain of the said City.

Salary of Mayor

not to be less than One Hundred Pounds nor to exceed Five Hundred Pounds, payable half yearly out of City funds.

LII. *And be it further enacted by the authority aforesaid,* That the said Common Council shall be, and is hereby declared to be a Court of Record, and shall have the same power to punish for contempt, as is by Law vested in any other Courts of Record.

Common Council a Court of Record, may punish for contempt.

LIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Common Council of the said City annually, on the third Monday in February, to appoint one Chamberlain and one High Bailiff in and for the said City, who shall each hold his office for one year and until the appointment of a successor: *Provided always,* that it shall and may be lawful for the said Common Council to remove either of such officers for misconduct and to appoint another in the place of such removed officer: *And provided also,* that in the event of either of the said offices becoming vacant by death, resignation or removal from the said City or the Liberties thereof, it shall be lawful for the said Common Council to appoint to the vacant office: *Provided also,* that the Chamberlain or High Bailiff thus appointed shall hold his office by virtue of such appointment only for the residue of the term of office of his immediate predecessor: *And provided also,* that nothing in this clause contained shall be construed to prevent the Common Council to appoint

Chamberlain and High Bailiff to be appointed annually;

may be removed for misconduct.

Proviso for vacancies by death, etc.

Treasurer of Home-District eligible to office of Chamberlain.

the Treasurer of the Home District, for the time being, to the office of Chamberlain of the said City, if the said Common Council shall see fit.

LIV. *And be it further enacted by the authority aforesaid,* That the Mayor, Aldermen and Common Councilmen of the City of Toronto, in common Council convened, shall and may from time to time, and at all times forever hereafter, choose and appoint a Clerk, to be Clerk of the Common Council of the City of Toronto, and remove such Clerk and appoint another from time to time as often as the Common Council shall deem fit so to do, which said Clerk, so to be chosen or appointed, shall receive have and take charge of and keep such writings and papers belonging to the Mayor, Aldermen and Common Councilmen of the City of Toronto, as the Mayor or the said Common Councilmen shall from time to time direct or order to be delivered to and kept by the said Clerk so from time to time to be appointed, under the direction and subject to the order and controul of the said Common Council.

LV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Common Council from time to time to appoint one or more Clerks of the Market or Markets; one Surveyor of Streets; one Harbour Master; one or more Inspectors of Beef, Pork, Flour, Pot and Pearl Ashes; and one Pound Keeper for the said City; and one Assessor and one Collector for each Ward of the said City and the Liberties thereof: and to prescribe the duties of such officers respectively, and at their pleasure to remove any such officer and appoint another in his place; and that so much of the Acts of the Parliament of this Province as may regard the nomination and appointment of any such officer or officers for that part of the Province hereby declared to be the City of Toronto and the Liberties thereof, shall be and the same are hereby repealed: *Provided always nevertheless,* that the Assessors and Collectors to be appointed for the said City and Liberties, and the Clerk of the Common Council respectively, shall perform all such duties as before the passing of this Act were to be performed by the Assessor and Collector for the Town of York, or for the Township of York, and by the Clerk of the Peace for the Home District respectively, in order to the collecting and paying over into the general funds of the Home District the Rates and Assessments to be levied and raised upon the Inhabitants of the said City and Liberties under the general Assessment Acts of this Province, which Rates and Assessments shall continue to be paid and applied as before the passing of this Act; and that the said Common Council shall make such order as may be necessary respecting the paying over and accounting for the said Rates and Assessments by the Collectors, or Chamberlain and other proper officer, to the Treasurer of the Home District.

Appointment of Clerk to Common Council.

Keeper of the City records.

Clerk of the Market and other officers

removable at pleasure.

Former acts relating to appointment of officers repealed.

Officers subject to performance of former duties.

Rules and orders for paying over rates by Collector or Chamberlain to Treasurer of Home District.

LVI. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or Rate for which he or she stands Rated in manner aforesaid for the space of ten days, after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from the Mayor, or some one of the Aldermen, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said Assessment, and to render the overplus, if any there shall be over and above the said Rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Rates unpaid ten days after demand, may be levied by distress,

by warrant from Mayor or Alderman, upon information on oath of demand and neglect, etc.

LVII. *And be it further enacted by the authority aforesaid,* That the Common Council of the said City shall from time to time employ so many Constables for the said City as to them may seem necessary and proper, and pay them such sum per annum for their services as to the said Common Council shall appear just; and shall allow to the Collectors, Assessors, and other inferior officers of the said City, such remuneration as to them shall seem meet.

Constables may be employed and paid.

Remuneration to Collectors, Assessors, etc.

LVIII. *And be it further enacted by the authority aforesaid,* That the Chamberlain of the said City for the duties imposed upon him by this Act, or any Act of Common Council, shall be entitled to retain and deduct out of all monies received by him under the provisions of this or any other Act, such per centage as the Common Council shall from time to time order and direct; and shall account for the said monies to the Common Council in such manner as they shall direct.

Chamberlain entitled to per centage on monies received.

LIX. *And be it further enacted by the authority aforesaid,* That the Common Council shall be required to publish annually a detailed account of the state of the Finances of the said City, and also a detailed account of the receipt and expenditure of all sums of money that may have been paid into the City Treasury.

Statement of accounts to be published annually.

LX. *And be it further enacted by the authority aforesaid,* That the High Bailiff of the said City for the duties imposed upon him by this Act, or any Act of the Common Council, shall be entitled to receive such salary, fees and perquisites, as the said Common Council shall from time to time order and direct.

Salary to High Bailiff.

LXI. *And be it further enacted by the authority aforesaid,* That the Clerk of the Common Council shall be by virtue of his said office Clerk of the Peace within the City.

Clerk of the Common Council to be Clerk of the Peace within the City.

of the Peace in and for the said City, and shall perform all the duties of such office within the said City incident to the office of Clerk of the Peace of any District in this Province.

Assessors to make return of the Assessment Roll of their respective Wards to Clerk of Common Council.

LXII. *And be it further enacted by the authority aforesaid,* That the Assessor or Assessors so appointed, in addition to the duties devolving upon them by any Act of the Parliament of this Province, shall make a return of the Assessment Roll of their respective Wards to the Clerk of Tuesday in March in each year, upon demand, furnish the Collector or the Common Council, and that the said Clerk shall, on or before the third Collectors of each Ward appointed as aforesaid, with true copies duly certified of such Assessment Rolls.

Collectors to give security.

LXIII. *And be it further enacted by the authority aforesaid,* That the said Collector or Collectors shall be required to enter into good and sufficient security to the City of Toronto, to such amount as the Common Council may from time to time order and direct, well and faithfully to discharge his trusts, and truly to account to the Chamberlain of the said City for all moneys levied or collected by him under the provisions of this Act, or of any other Act of the Parliament of this Province.

High Bailiff and Constables not bound to attend other than City Courts.

LXIV. *And be it further enacted by the authority aforesaid,* That neither the High Bailiff nor the Constables of the said City shall be liable for any penalty for not attending Courts, other than the City Courts, as officers thereof, and the Courts of Assize and Nisi Prius, Oyer and Terminer and general Gaol Delivery for the Home District.

Bound to obey orders of Mayor or Aldermen.

LXV. *And be it further enacted by the authority aforesaid,* That the High Bailiff and City Constables shall be bound to obey the orders of the Mayor and Aldermen, or any or either of them, in enforcing the Laws of this Province and the Ordinances of the said City.

Mayor and Aldermen to be Justices of the Peace.

LXVI. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of the said City shall, by virtue of their respective offices, be Justices of the Peace in and for the said City and the Liberties thereof.

Justices for the District to have no jurisdiction within the City or Liberties,

LXVII. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace in and for the Home District, as such, shall exercise no jurisdiction over offences committed within the City of Toronto or the Liberties thereof, any law or usage to the contrary thereof notwithstanding: *Provided always,* that nothing herein contained shall be construed to prevent the general or adjourned Quarter Sessions of the Peace

except Quarter Sessions for the Home District,

for the Home District being held within the limits of the said City or the Liberties thereof; *And provided also*, that a warrant for apprehension or commitment of any offender or offenders, made by any Justice of the Peace for the Home District, or by the Mayor or any Aldermen of the said City acting within his jurisdiction respectively, may be executed, and shall have force any where within the Home District, any thing herein contained to the contrary thereof in any wise notwithstanding.

and in case of warrants for the apprehension and commitment of offenders.

LXVIII. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the Mayor and Common Council of the City of Toronto, to regulate and license owners of Livery Stables, and to regulate and license the owners and keepers of Hackney Coaches, and of Horses, Pheatons, Chairs, Sleighs, Sleds, Waggons, Carts and Carriages of every description, used for hire or reward in the said City or the Liberties thereof.

Licensing Livery Stable keepers,

and keepers of Hackney Coaches, etc.

LXIX. *And be it further enacted by the authority aforesaid*, That upon the trial of any issue, or upon the taking or making of any Inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the said City, or the Mayor, Aldermen and Common Council thereof, or either of them are a party, or in which they are interested, no person shall be deemed an incompetent Witness or Juror, by reason of his being an Inhabitant Freeholder or Freeman of the said City, and that if any person shall be sued or impleaded, by reason of any thing done by virtue of this Act, it shall be lawful for such person to plead the general issue, and to give this Act and the special matter in evidence at the trial.

Inhabitants of the City competent witnesses in trials affecting the Corporation.

Persons sued for any thing done under this Act, may plead general issue, and give the Act and special matter in evidence.

LXX. *And be it further enacted by the authority aforesaid*, That the penalties which may be imposed under the authority of this Act, shall be applied to the uses of the said City, and shall be recoverable with costs, upon conviction before the Mayor or any one of the Aldermen of the said City, the Defendant being first duly summoned, and the offence proved by the oath of a witness or witnesses, or by confession of the party; and in default of goods and chattels, upon which to levy the amount, under a warrant to be issued upon any such conviction, and also in cases where the offender shall be adjudged to be imprisoned under the authority of this Act, the Mayor or Alderman before whom he shall be convicted, or any other Alderman in pursuance of the conviction, may issue his warrant for commitment of the party to the Gaol of the Home District, or to any prison or house of correction which may belong to the said City, for the period mentioned in such conviction, provided that such imprisonment shall not exceed the period hereinbefore limited by this Act.

Recovery and application of penalties.

Offenders may be committed to Gaol of Home District, or any Gaol, etc. belonging to the City.

Board of Health to be appointed,

to prevent introduction and spreading of pestilential diseases.

Board, in conjunction with Mayor, to have like powers as are vested in Board of Health under 3 Wm. 4, ch. —.

Duties of Clerk of the Market.

to inspect weights and measures,

to destroy false ones;

to inspect meats;

to destroy such as are tainted;

to inspect market stalls,

and enquire into conduct of all vendors of provisions, etc.

and report offenders to Clerk of Common Council.

Ferries between City and Peninsula subject to Common Council.

Arrest of rogues, vagabonds, drunkards and disorderly persons.

LXXI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Common Council, from time to time to appoint so many of the Members thereof as shall be thought necessary to form a Board of Health, to aid and assist the Mayor of the said City to carry into effect the provisions of the Statutes which now are or may be passed, to preserve the health of the said City, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Board, in conjunction with the Mayor, shall have the like powers and authority for the purposes aforesaid, as are vested in Boards of Health, established under the provisions of an Act passed in the third year of His present Majesty's reign, entitled "An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province."

LXXII. *And be it further enacted by the authority aforesaid,* That the person appointed as aforesaid Clerk of the Market or Markets shall, during his continuance as such Clerk, under the direction of the Mayor, inspect the Weights, Measures and Balances, that shall or may be used in any Market or Markets in the said City of Toronto, and seize and destroy such as are not according to the established standard; and also inspect all Meats that may be exposed for sale in such Market or Markets, and seize and destroy such as may be tainted or otherwise unfit to eat; and also inspect the Stalls in such Market or Markets, and cause the occupants to keep them clean; and also to enquire into the conduct of all persons who shall expose for sale or vend any provisions in such Market or Markets, and whether they or any of them are guilty of any infraction of the By-Laws of the Common Council, and report all offenders against such By-Laws to the Clerk of the Common Council, whose duty it shall be forthwith to prosecute the offenders for the penalties annexed to their several offences.

LXXIII. *And be it further enacted by the authority aforesaid,* That the said Common Council shall have the right of establishing, licensing and regulating all Ferries between the City of Toronto aforesaid, and the Peninsula or Island forming the Port of Toronto, exclusively vested in them.

LXXIV. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen, or any one or more of them, shall have full power and authority to take up, arrest, or order to be taken up and arrested, all and any Rogues, Vagabonds, Drunkards, and disorderly persons, and as the said Mayor or Alderman, or any two of them, shall see cause to order all or any such Rogues, Vagabonds, Drunkards and disorderly persons,

derly persons to be committed to any Work-house that may hereafter be erected, or else to any House of Correction, there to receive such punishment, not exceeding one months imprisonment, or the common Stocks, as the said Mayor and Aldermen, or any two of them, shall think fit. ^{Punishment.}

LXXV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Common Council of the said City, to allow such salaries or perquisites of office to the different Officers appointed by the said Common Council as they shall deem just and reasonable: *Provided* that nothing in this section contained shall apply to the salaries of the Mayor or Chamberlain. ^{Salaries of City Officers.}

LXXVI. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen acting as Justices of the Peace for the said City shall discharge the duty heretofore discharged by the Justices of the Peace for the Home District, in regard to the licensing Inn-keepers within the said City and Liberties, and the determining the sum to be paid by each Inn-keeper for his license to the Inspector of Licenses for the Home District; which sum shall be paid and applied and the license granted in the same manner as in regard to Inn-keepers residing in any other part of the Home District. ^{Mayor and Aldermen to Licence Inn-keepers.}

LXXVII. *And be it further enacted by the authority aforesaid,* That there shall be a Court of Record, called the Mayor's Court of the City of Toronto, wherein the Mayor, for the time being, shall preside, assisted by the Aldermen of the said City, or any one of them. ^{Mayor's Court.}

LXXVIII. *And be it further enacted by the authority aforesaid,* That the said Court shall in all cases possess the like powers and have the same jurisdiction over crimes and misdemeanors arising within the City of Toronto and the Liberties thereof, which the Courts of general Quarter Sessions of the Peace within this Province now or hereafter shall have by law. ^{Criminal jurisdiction.}

LXXIX. *And be it further enacted by the authority aforesaid,* That the said Court shall meet in the said City the second Monday after the opening of the four regular sittings of the Common Council in each year. ^{First meeting of the Court.}

LXXX. *And be it further enacted by the authority aforesaid,* That the Grand Jury of the said Court shall consist of twenty-four persons, to be Summoned by the High Bailiff, under a Precept signed by the Mayor, ^{Grand Jury.}

in the same manner as Grand Juries of the Quarter Sessions are summoned by a Sheriff of any District of this Province.

Petit Jury.

LXXXI. *And be it further enacted by the authority aforesaid,* That the panel of Petit Jurors shall consist of not less than thirty-six nor more than sixty Jurors, to be Summoned by the High Bailiff under a Precept signed by the Mayor, in the same manner as Petit Jurors of the Quarter Sessions for the different Districts of this Province are Summoned by the Sheriffs of the respective Districts.

Qualification of Jurors.

LXXXII. *And be it further enacted by the authority aforesaid,* That such persons only residing in the said City or the Liberties thereof, shall be summoned to compose the Grand and Petit Juries of the said Mayor's Court, as are at present or hereafter may be liable to be summoned as Grand or Petit Jurors in any Court of this Province.

Clerk of the Common Council to be Clerk of the Mayor's Court.

LXXXIII. *And be it further enacted by the authority aforesaid,* That the Clerk of the said Common Council shall also perform in person or by deputy, the duties of Clerk of the Mayor's Court, at such rate and on such terms as to the Common Council may seem meet and proper.

Authority of Grand Jury.

LXXXIV. *And be it further enacted by the authority aforesaid,* That the Grand Jury shall have all the powers and authority over offences committed in the City of Toronto and the Liberties thereof, which Grand Juries for the General Quarter Sessions of any District in this Province now or hereafter may have.

Form of proceeding in the Mayor's Court.

LXXXV. *And be it further enacted by the authority aforesaid,* That the like process and proceedings now had in the said General Quarter Sessions in criminal cases, shall and may be used in the said Mayor's Court when exercising criminal jurisdiction, and the like power to take recognizance, and all other powers and duties incidental to such jurisdiction, and which the said Courts of General Quarter Sessions now or hereafter may possess by Law, together with the powers granted by this Act, are hereby vested in the said Mayor's Court, so far as regards any offences, crimes and misdemeanors, arising or committed within the said City or the Liberties thereof.

On acquittal of Defendant, Court may, if there appear probable cause of prosecution, order costs to be paid out of City Funds.

LXXXVI. *And be it further enacted by the authority aforesaid,* That upon the acquittal of any Defendant or Defendants in the said Court, the Mayor or presiding officer thereof shall, upon its appearing to the satisfaction of the said Court that there was a reasonable or probable

cause for such prosecution, order the costs thereof to be taxed by the Clerk of the said Court, to be paid out of the funds of the said City.

LXXXVII. *And be it further enacted by the authority aforesaid,* That the Market Square, containing about four acres and a half, formerly granted by Patent to the Honorable Henry Alcock, the Honorable Peter Russel, the Honorable Æneas Shaw, and the Honorable John McGill, and which by an Act of the Parliament of the Province, passed in the first year of the reign of His present Majesty, entitled, "An Act for vesting in Trustees the Market Square in the Town of York, for the benefit of the Inhabitants of the said Town," was vested in the Church and Town Wardens; and also the Lot in and by the said Act vested in the Trustees of the Common School, shall be, and the same are hereby conveyed to and vested in the said City of Toronto, to hold to the said City of Toronto forever, to and for the public uses of the said City, to be superintended and managed as the said City by Act of Common Council shall or may from time to time direct.

Market Square vested in the City for public uses.

LXXXVIII. *And be it further enacted by the authority aforesaid,* That the said City of Toronto shall be, and is hereby declared to be, liable for the payment of so much as shall still remain due, either for principal or interest, of a loan heretofore contracted under the authority of the Magistrates of the Home District, for the erection of the new Market Buildings in the said Town of York; and that until the said City shall pay up and fully discharge the principal and interest of the said loan, and of any other loans raised specifically upon the security of the Market Buildings and the ground rents of the Market Square, the rents now due or hereafter to accrue, either under the leases already made or hereafter to be made, of any part or portion of the said Market House or Market Place, or building or conveniencies connected therewith, or of any part or portion of the Market Square, shall be paid, and shall in any future leases be made payable into the hands of the Treasurer of the Home District, to be applied in liquidation of the said loans and of the interest thereon.

City liable for payment of debt remaining due for erection of Market Buildings.

Rents in the mean time to be paid to Treasurer of Home District.

LXXXIX. *And be it further enacted by the authority aforesaid,* That the Inhabitants of the said City and the Liberties thereof shall at all times hereafter be exempt from serving on Juries at any other than the City Courts and the Courts of Oyer and Terminer and General Gaol Delivery, and Courts of Assize and Nisi Prius, for the Home District.

Juries on which inhabitants are liable to serve.

XC. *And be it further enacted by the authority aforesaid,* That all the Municipal Officers of the said City, and all the members of any Fire Companies to be established in the said City or the liberties thereof, under

City Officers and members of Fire Companies exempt from Militia duty.

the authority of this Act, shall be exempt from all Militia duty under any Law in force or hereafter to be passed for raising, training or regulating a Militia in this Province, except in case of actual invasion.

Officer refusing to take the oath, deemed to have vacated his office.

XCI. *And be it further enacted by the authority aforesaid*, That any officer or officers, elect of the said City, refusing to take the oath or affirmation of office when thereto required, shall be deemed to have vacated his office, and a new election or appointment shall be had for such office: *Provided always*, that nothing herein contained shall prevent such person so refusing from being proceeded against for refusing to take upon himself such office.

Liable to be proceeded against for refusing to serve.

Sixty years of age an exemption from serving in office.

XCII. *And be it further enacted by the authority aforesaid*, That no person of sixty years of age or upwards shall be compelled to serve in any municipal office in and for the said City of Toronto.

Gaol and Court House of District to be Gaol and Court House of City also.

XCIII. *And be it further enacted by the authority aforesaid*, That the present Gaol and Court House of the Home District shall be and continue to be the Gaol and Court House of the said City, as well as of the said Home District, until the said City shall by Act of Common Council otherwise direct; and the Sheriff and Gaoler of the said District shall be bound to receive and safely keep, until duly discharged, all persons committed thereto by any competent power or authority of the said City.

Period for first election of Aldermen and Common Councilmen.

XCIV. *And be it further enacted by the authority aforesaid*, That the first Election for Aldermen and Common Councilmen shall take place within three calendar months after the passing of this Act, at such time and place within each of the said Wards respectively, as the Governor, Lieutenant Governor, or Person administering the Government for the time being shall, by Royal Proclamation, think fit to appoint, giving eight days public notice thereof, and shall be holden by such persons as the Sheriff of the Home District for the time being shall appoint: *Provided always*, that the Mayor, Aldermen, and Common Councilmen first elected under the authority of this Act, shall hold their respective offices only until the first Monday in February next ensuing such Election.

Eight days public notice.

Mayor &c. first elected to hold office only until first Monday in February next.

Non-election of Mayor, &c. at time appointed not a forfeiture of Charter.

Election may be held at any time within one month.

XCv. *And be it further enacted by the authority aforesaid*, That the non-election of Mayor, or any other Officers of the said City, at the time fixed in this Act, shall not be deemed a forfeiture of the Charter of the said City, but that it shall be lawful at any other time, within one calendar month, to hold an election of such Mayor or other Officer agreeably to this Act and to the laws and regulations of the said City.

XCVI. *And be it further enacted by the authority aforesaid,* That the said City and the Liberties thereof, as established by this Act, shall be represented in the Provincial Parliament by one Member, who shall be elected in lieu of and according to the laws now in force for the election of a Member to represent the said Town of York: *Provided always,* that no person shall have a right to vote for a Member to represent the County of York, or any Riding thereof, in respect to any property situated within the limits of the City of Toronto or the Liberties thereof.

City to return one Member to the House of Assembly.

No person to vote for the County, or any Riding, in respect to property within the City or Liberties.

XCVII. *And be it further enacted by the authority aforesaid,* That whenever in any Act of Parliament, Proclamation, Letters Patent, Record, Writ or other legal proceeding, Deed, Will, Instrument, or Writing of any kind or description, the name of "York" is or shall be used, with intention to apply it to the place commonly called the Town of York in this Province, or to any part of the Township of York, included by this Act within the said City or the Liberties thereof, the City of Toronto or the Liberties thereof shall, according to the locality, be taken to have been meant and intended, and the name Toronto shall, to all intents and for all purposes, stand in the contemplation of Law in the stead and place of York, whenever the name of York is applied to any place within the said City of Toronto or the Liberties thereof, and shall be so understood and applied by all Courts, Judges and Justices, and by all persons concerned in any public act or duty; and that it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to give to any Village, Town, Township or place in this Province, now bearing the name of Toronto, such other name or names as to him may seem fit; and from the time of such name or names being changed, by official notification in the Upper Canada Gazette, all and every the provisions in this clause contained for carrying the change of name into effect, with respect to the City and Liberties of Toronto, shall in like manner apply to and be in force in respect to such other place or places of which the name may be changed, according to the nature of the case.

The City of Toronto to be understood wherever the name of York occurs in any Act of Parliament, Deed, &c.

Governor may change the name of any place heretofore called Toronto.

CHAP. XXIV.

AN ACT to establish a Board of Police in the Town of Belleville.

[Passed 6th March, 1834.]

WHEREAS from the great increase of Population of the Town of Belleville, in the Midland District, it is necessary to make further provision than by Law exists for the internal regulation thereof: *Be it therefore*

Preamble.

enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there shall be in the said Town of Belleville a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be, and is hereby declared to be, a Body Corporate and Politic in fact and in law, by the name of the "President and Board of Police of Belleville," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts and in all actions, causes, and complaints whatsoever; and may have a common Seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying, any Estate real or personal for the uses of the said Town.

Board of Police to be a body corporate.

Common Seal.

Boundaries.

II. *And be it further enacted by the authority aforesaid*, That all that part of Lot number Three, in the first Concession of the Township of Thurlow, which lies between the Western side of Front Street, in the said Town of Belleville, and the Eastern bank of the River Moira, together with the Bridge across the said River opposite Bridge Street and the Harbour, be annexed to and included within the limits of the said Town.

Qualification of Voters.

III. *And be it further enacted by the authority aforesaid*, That the persons entitled to vote at the Election for Members of the said Corporation shall be Subjects of His Majesty and the male inhabitant Householders resident within the said Town, who shall severally be possessed for their own use and benefit of a dwelling House and Lot of ground therein, such dwelling House and Lot of ground being by them held in freehold, or who being Subjects of His Majesty and male inhabitant Householders in the said Town at the time of such Election, shall bona fide have paid, within one year next before the Election, one years rent for the dwelling House or dwelling Houses, if they shall within one year have changed their place of residence within the said Town, at the rate of ten pounds per annum, or upwards.

Qualification of Members.

IV. *And be it further enacted by the authority aforesaid*, That no person shall be qualified or eligible to be elected a Member of the said Board of Police unless he shall be a Subject of His Majesty, and shall have

been a Freeholder in the said Town of Belleville to the assessed value of Seventy-five Pounds or upwards for the space one year previous to the said Election.

V. *And be it further enacted by the authority aforesaid,* That for the purpose of electing the Members of the said Corporation the said Town of Belleville shall be divided into two Wards in the following manner, that is to say:—all that part of the said Town of Belleville situated to the North and West of Bridge Street, shall be and compose the first Ward; and that all that part of the said Town lying to the South and East of the said Bridge Street, shall be and compose the second Ward; and that each of the said Wards shall annually elect two Members.

Town divided into two Wards.

Two Members for each Ward.

VI. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be appointed by the Sheriff of the Midland District, who shall give public notice thereof at least six days before the said election; and that the Sheriff shall appoint a fit and proper person to preside at the first election for each of the said Wards, which persons so appointed shall hold the said election for each Ward respectively, and shall declare the two persons in each Ward who shall have the greatest number of votes duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

First Election.

Six days notice.

Presiding Officer.

Notice to persons Elected.

VII. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in March in every year an election shall be holden in each Ward of the said Town of Belleville for choosing Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place of holding the said Election, and shall give notice thereof, and proceed in all respects as the persons appointed by the Sheriff are hereby required to do at and after the first election to be holden as aforesaid.

Members to serve till the first Monday in March.

Annual Elections.

Before whom.

Place.

VIII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an Election under this Act he shall take the following Oath, which any Justice of the Peace for the Midland District may administer:—

Oath to be taken by persons holding Elections.

“I solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election.

which I am about to hold for a Member, or Members, (as the case may be) of the Board of Police in the Town of Belleville—so help me God.”

Presiding Officer may examine Candidate or Voter on oath respecting their Qualification.

IX. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any Election under this Act shall have authority, and he is hereby required, at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed to affirm) which oath or affirmation the said officer presiding at such election is hereby authorised to administer, any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office ; and shall also have authority, and is hereby required, upon such request as aforesaid, to examine on oath or affirmation (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the following form :—

Oath.

“ You shall true answer make to all such questions as the officer presiding at this election shall put to you respecting your qualification to be elected at this election (or respecting your qualification to vote at this election, as the case may be) so help you God.”

And the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

False swearing, perjury.

X. *And be it further enacted by the authority aforesaid,* That if any person, being examined upon oath or affirmation under this Act touching his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

Scrutiny.

XI. *And be it further enacted by the authority aforesaid,* That if the election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the person appointed by the Sheriff of the said Midland District as aforesaid to preside at the election for the Ward in which such person or persons against whose return such complaint shall have been made, may have been elected after the first election to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three Inhabitants of the Town having a right to vote at such elections, to appoint a time and place within the Town for which the election was held for entering upon a Scrutiny into the matters complained of, and that such time shall be within six days after the election, and such person so

Upon requisition within 48 hours.

To be had within six days after the Election.

appointed as aforesaid shall have power to Summon Witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any person as entitled to have been returned at such election, then he shall, after giving eight days notice thereof, hold a new election of a member to serve according to this Act; and that if after any election to be holden after a Board of Police under this Act shall have been completely organized, a requisition, signed as aforesaid, shall within forty-eight hours after the termination of such election be served upon the President, or any other member of the Corporation, it shall be lawful for the said Corporation, and they are hereby required, to appoint a time for entering upon a scrutiny of the matters complained of, at any place within said Town, which time shall be within six days after the election; and the Corporation, or such member or members thereof as shall not be individually concerned in the question to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matter to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void but it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election, as in other cases under this Act.

Evidence on Oath.

If Election void.

Eight days notice of new Election.

Scrutiny by Corporation.

Witnesses.

In case of void Election,

Corporation to issue Precept for new Election.

XII. *And be it further enacted by the authority aforesaid,* That before the person presiding at such election, or any member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following form before some one of the Justices of the Peace for the Midland District, that is to say:—

Before scrutiny, oath to be taken by presiding officer.

“I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A. B. as a Member of the Board of Police of the Town of Belleville—so help me God.”

XIII. *And be it further enacted by the authority aforesaid,* That any Witness who, being duly Summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall, on conviction before any one of His Majesty's Justices of the Peace for the Midland District, having been duly summoned to answer such complaint, be liable to be

Non-attendance of witnesses how punished.

Perjury.

imprisoned, on the commitment of such Justice, in the Common Gaol of the District, for a time not exceeding one month; and if any witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he or she shall be deemed guilty of wilful and corrupt perjury.

Presiding officer to give public notice of result of Election, and of first meeting.

A fifth member to be appointed at such meeting.

In case of disagreement, precept to be issued for election for a fifth member.

Eight days notice.

Person elected having majority of votes.

Appointment of President.

XIV. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice immediately upon declaring the result of the election, of the time and place at which the members of the Corporation so chosen are first to meet, which meeting shall be at such time and place in the said Town as the Sheriff, after the first election, or the Corporation after every subsequent election shall appoint, being within ten days after each general election of Members; and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as are required by this Act of the other Members to be chosen as aforesaid; and in case they cannot agree in the election or appointment of such fifth person they shall issue a Precept to either of the persons appointed by the Sheriff as aforesaid after the first election, or to any of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the Electors of the Town generally, at which election the person to whom such precept shall be directed shall preside, and shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall within six days thereafter give notice thereof to the person so elected.

XV. *And be it further enacted by the authority aforesaid,* That the five Members elected as aforesaid shall within ten days after their election or appointment, or election of a fifth Member of the Corporation aforesaid, appoint one of their number President, and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of a new Board.

Member refusing to take the oath of office

To forfeit £10.

XVI. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid shall neglect or refuse, after ten days notice thereof, to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace of the Midland District, who

is hereby authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided* that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation. Exemption from such penalty.

XVII. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said Corporation by neglect or refusal to take the oath of office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the remaining Members, or a majority of them, shall under their hands, within ten days after notice of such vacancy, appoint a person duly qualified according to the provisions of this Act to fill such vacancy, and in case the said remaining Members, or a majority of them, cannot agree on such appointment, then and in such case the Corporation shall issue a Precept to the Bailiff to hold an election, giving notice of the time and place of holding such election, and the Member so appointed or elected shall hold his office until the next annual election; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation, by one of the Members neglecting or refusing to take the oath of office as aforesaid or otherwise, then the Precept from the remaining Members shall be issued to either of the persons appointed by the Sheriff, as is hereinbefore provided. Vacancies how supplied.

XVIII. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall 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 or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation. Provision in case of omission to hold election at time appointed.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time to establish such Ordinances, By-Laws and Regulations as they may think reasonable in the said Town; to regulate and license victualing houses, and ordinaries where fruit, victuals and liquors, not distilled, shall be sold to be eaten or drank in such houses or groceries; to regulate wharves and quays; to Corporation to make By-laws.

regulate the weighing of hay and measuring of wood ; to regulate carts and cartmen ; to regulate slaughter-houses ; to prevent the firing of any guns, muskets, pistols, squibs and fire balls ; or injuring or destroying trees growing for shade or ornament in the said Town ; to prevent the pulling down or defacing of sign-boards, or inscribing or drawing any indecent words, or figures or pictures, on any building, wall, fence or other public place, and generally to prevent vice and preserve good order in the said Town ; to enter into and examine all dwelling-houses, ware-houses, shops, yards and out-houses, to ascertain whether any such places are in a safe and secure condition ; to appoint fire wardens and fire Engineers ; to appoint and remove Fire-men ; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation ; to compel any person to aid in the extinguishment of any fire ; to require the inhabitants to provide and keep fire-buckets, and scuttles and ladders to their houses ; to stop, or authorise any other person to stop, any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence ; to regulate the assize of bread ; to prevent and abate and remove any nuisance ; to restrain and prevent any horses, cattle or swine, from running at large ; to prevent and remove encroachments in any streets, and to make such rules and regulations for the improvement good order and government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings, and to fix upon and to appoint such days and hours for the purpose of selling Butcher's meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

Penalties not to exceed £1 10s.

Market days, &c.

Annual Assessment.

XX. *And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any real Estate for the use of the said Town ; to procure fire engines, aqueducts, and a supply of pure and wholesome water ; for lighting, paving, flagging and repairing the streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town ; it shall and may be lawful for the said Corporation to lay an assessment annually upon the persons rated or liable to be rated on any assessments for property in the said Town, not exceeding Four Pence on the Pound, exclusive of the sum such persons may be rated for, in and upon any other assessments of this Province ; and it shall be the duty of the Clerk of the Peace of the said District, to select from a*

Not exceeding 4d. in the pound.

Duty of Clerk of the Peace.

general assésment of the Township of Thurlow, a list or assessment of the rateable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

XXI. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Rates to be levied.
By Distress and Sale.

XXII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other officers as they may require, and assign the duty or services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant, as they shall think proper.

Appointment of Officers.
Salaries.

XXIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person holding Lands within the boundaries of the said Town to lay out any new streets, or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

New streets not to be less than 66 ft. wide.

XXIV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four of the most public places in the said Town of Belleville, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended, and for what purposes.

Rules to be published
And account of moneys expended.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders or regulations made by the said Corporation under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such order, rule or regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Belleville: *Provided always,* that the information and complaint for a breach of any order or regulation of the said Corporation shall be made within fifteen days after the time of the offence committed.

Penalties recoverable.

By distress and sale.

Commitment in default of goods.

Inhabitants competent witnesses.

Information within 15 days.

Application of penalties.

XXVI. *And be it further enacted by the authority aforesaid,* That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury for the public uses of the said Town.

Members of the Corporation to have certain powers of Justices of the Peace.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may, in the said Town of Belleville, perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their Divisions, with respect to making or amending any street, or highway or road within the said Town.

£1000 may be borrowed for building a Market-house.

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the Corporation of the said Town, to borrow the sum of One Thousand Pounds, of and from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market-house, and for purchasing one or more Fire Engine or Fire Engines, and for such other purposes for the benefit of the said Town as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

Payable out of assessments within ten years.

XXIX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall set apart so much of the assessments authorised by this Act to be raised for the use of the said Town, as may be sufficient to pay the yearly interest of the said sum of One Thousand Pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

XXX. *And be it further enacted by the authority aforesaid, That in* Presiding Officer to have casting vote at elections.
 ease an equality of votes shall happen at any election for the Members of
 the said Corporation, it shall and may be lawful for the person presiding
 at the said election to give a casting vote, and that except in case of the
 votes being equal, it shall not be lawful for the person presiding at any
 election under this Act to vote at such election.

XXXI. *And be it further enacted by the authority aforesaid, That if* Limitation of Actions.
 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 mat-
 ter in evidence on the trial.

FORM OF OATH.

“I, A. B. swear, that I will faithfully discharge the duties of a Member Oath of Office.
 “ of ‘The Board of Police of the Town of Belleville,’ to the best of my
 “ skill and knowledge.—So help me God.”

CHAP. XXV.

AN ACT to establish a Police in the Town of Cornwall, in the Eastern District.

[Passed 6th March, 1834.]

WHEREAS from the great increase of the population of the Town of Cornwall, in the Eastern District, it is necessary to make further provision than by law exists for the internal regulation thereof: Preamble. *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” Board of Police to be a body corporate. and by the authority of the same, That there shall be in the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, to be a Body Corporate and Politic in fact and in Law, by the name of the President and Board of Police of Cornwall, and by

that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts, and in all actions, causes and complaints whatsoever; and may have a common Seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying, any Estate real or personal for the uses of the said Town.

Common Seal.

Boundaries as heretofore.

II. *And be it further enacted by the authority aforesaid,* That the said Town of Cornwall shall be comprised within the limits or boundaries of ground heretofore reserved and set apart by Government as a Town Plot, together with the parcel or tract of ungranted land in front thereof, and the Harbour.

Town divided into two Wards.

III. *And be it further enacted by the authority aforesaid,* That for the purpose of electing the Members of the said Corporation, the said Town shall be divided into two Wards in the following manner, that is to say: that part of the Town East of Pitt Street shall comprise the first Ward, and that part West of Pitt Street shall comprise the second Ward.

Each Ward to elect two persons annually.

Qualification of Members.

Of Voters.

IV. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall Elect annually two persons to be Members of the said Corporation from among the Inhabitants of the said Town, who being Subjects of His Majesty shall be Frecholders therein, and assessed for the previous year at the rate of fifty pounds or upwards; or who being Householders shall each, within twelve months before any election, have paid fifteen pounds or upwards for one years Rent of the dwelling House in which they shall have resided; and that the persons entitled to vote at the said Election for either of the said Wards, shall be the male inhabitant Householders of the said Town resident within such Ward, being Subjects of His Majesty rated on the Assessment roll of the Town and possessed of a Freehold estate within the same Ward in which they shall so vote, or Tenants who having been so Assessed shall have paid within one year next before the Election one years Rent for the dwelling House, or dwelling Houses, if they shall within one year have changed their place of residence, within the said Ward in which they shall have resided, at the rate of six pounds per annum, or upwards.

First Election.

Six days notice.

Presiding Officer.

V. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be appointed by the Sheriff of the Eastern District, who shall give public notice thereof at least six days before the said election; and that the said Sheriff of the Eastern District shall preside at the first

election for one of the said Wards, and the Deputy Sheriff, or other person appointed for that purpose by the Sheriff of the said District, shall preside at the first election for the other Ward, that is to say, each respectively shall preside at the first election for such Ward as the Sheriff shall direct, and shall declare the persons in each of the said Wards, having the greatest number of votes, to be duly elected as Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

Notice to persons
Elected.

VI. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen, shall serve until the first Monday in the month of April in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned, and that on the first Monday in the month of April in every year an election shall be holden in each of the said Wards in the said Town for choosing two Members of the said Corporation before the Bailiff of the said Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said election, and shall give notice thereof and proceed in all respects as the Sheriff of the Eastern District aforesaid is hereby required to do at and after the first election to be holden as aforesaid.

Time of service.

Annual Elections.

Before whom.

Place of Election.

VII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act he shall take the following oath, which any Justice of the Peace for the Eastern District shall have authority to administer, that is to say :—

Oath to be taken by
persons holding Elec-
tions.

“ I solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election which I am about to hold for a Member of the Board of Police in the Town of Cornwall—so help me God.”

VIII. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath, or affirmation, (when the party is allowed to affirm) any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office ; and shall also have authority, and is hereby required upon such request as aforesaid, to examine on oath, or affirmation, (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote ; and that the oath to be administered for either of the said purposes shall and may be in the form following :—

Presiding Officer may
examine Candidate
or Voter on oath, as
to Qualification.

Form of Oath.

“ You shall true answer make to all such questions as the officer presiding at this election shall put to you respecting your qualification to be elected at this election, or respecting your qualification to vote at this election, (as the case may be) so help you God.”

And the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

False swearing perjury.

IX. *And be it further enacted by the authority aforesaid,* That if any person, being examined upon oath or affirmation under this Act in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

Presiding Officer to give public notice of result of Election, and of first meeting.

A fifth Member to be appointed at first meeting.

In case of disagreement, such fifth Member

to be elected by inhabitants generally.

Person having majority of votes elected.

Scrutiny.

X. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice, immediately upon declaring the result of the election, of the time and place at which the Members of the Corporation so chosen are first to meet, which meeting shall be within ten days after the election, and at such time and place within the said Town as the Sheriff of the District shall appoint; and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three Members chosen, which person shall possess the same qualifications as the Act provides with respect to the other Members to be chosen; and in case they cannot agree in the election or appointment of such fifth Member they shall issue a Precept to the said Sheriff after the first election, and to the Deputy Sheriff or one of the Bailiffs, so to be appointed as aforesaid, after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the Electors of the Town generally; at which election the said Sheriff of the Eastern District shall preside after the first election of Members, and the said Bailiff, so to be appointed as aforesaid, to whom the said precept shall be directed after every subsequent election; and the Sheriff, his Deputy or Bailiff, (as the case may be) shall declare the Member elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within six days after such election.

XI. *And be it further enacted by the authority aforesaid,* That if the election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal

votes at such election, it shall be the duty of the Sheriff after the first elections to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three Inhabitants of the Town having a right to vote at such elections, to appoint a time and place within the Town or Ward for which the election was held for entering upon a Scrutiny into the matters complained of, and that such time shall be within six days after the election, and the Sheriff shall have power to summon Witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and in case the election shall be declared void but it shall not appear proper to the Sheriff for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then he shall, after giving eight days notice thereof, hold a new election of a Member to serve according to this Act; and that if after any election to be holden after the Board of Police under this Act shall have been completely organized a requisition signed as aforesaid shall, within forty-eight hours after the termination of such election, be served upon the President or any other Member of the Corporation, it shall be lawful for the said Corporation and they are hereby required to appoint a time for entering upon a Scrutiny of the matters complained of at any place within the said Town, which time shall be within six days after the election; and the Corporation, or such Member or Members thereof as shall not be individually concerned in the questions to be determined, shall have power to Summon Witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void but it shall not appear proper for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election as in other cases under this Act.

upon requisition within forty-eight hours,

to be had within six days of election.

If election declared void,

eight days notice of new election.

Scrutiny by Corporation.

Witnesses.

Where election void, Precept to issue for new election.

XII. *And be it further enacted by the authority aforesaid,* That before the Sheriff or any Member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid he shall take an oath in the following form, before some one of the Justices of the Peace for the Eastern District, that is to say:—

Oath to be taken by Sheriff before scrutiny.

“I do solemnly swear that I will truly and impartially, to the best of my knowledge, try and determine the merits of the complaint against the election of A. B.—so help me God.”

Non-attendance of Witnesses, how punished.

XIII. *And be it further enacted by the authority aforesaid,* That any Witness who being duly summoned to attend upon such trial or scrutiny shall wilfully neglect or refuse to attend, shall on conviction before any one of His Majesty's Justices of the Peace for the Eastern District, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such Justice, in the Common Gaol of the District for a time not exceeding one month; and if any Witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he shall be guilty of wilful and corrupt perjury.

Imprisonment not to exceed one month.

Perjury.

Appointment of a President.

XIV. *And be it further enacted by the authority aforesaid,* That the said Members so elected as aforesaid shall, within ten days after the appointment or election of the fifth Member of the said Corporation as aforesaid, appoint one of their number President: and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in the month of April in the ensuing year, and until the election and formation of a new Board.

Member refusing to take oath of office

to forfeit Ten Pounds, how recoverable.

Exemption from penalty.

XV. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any of the said Members so to be elected or appointed as aforesaid is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of Ten Pounds, to be recovered with costs by information before any Justice of the Peace, who is authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided,* that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Vacancies, how to be supplied.

XVI. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said Corporation, by neglect or refusal to take the oath of office hereinafter contained within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election for another Member or Members, and the Member or Members so elected.

shall hold office until the next annual election, or until others are chosen in their places ; and that if the vacancy shall occur in the office of the Member appointed by the four Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation or a majority of them, and in case they cannot agree then in the same manner as is provided for the election of the fifth Member by the Electors of the said Town generally ; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation by one of the Members neglecting or refusing to take the oath of office as aforesaid, or in case it shall happen that the Member appointed by the Members elected after the first election, or the Members elected by the Town generally after the first election, shall neglect or refuse to take the oath of office as aforesaid, then the præcept shall issue to the Sheriff of the said Eastern District as herein before provided.

XVII. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members shall 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 or appointment of Members, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Provision in case of omission to hold election at time appointed.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time to establish such Ordinances, By-Laws and Regulations as they may think reasonable in the said Town ; to regulate and license victualing houses, and ordinaries where fruit, victuals and liquors, not distilled, shall be sold to be eaten or drunk in such houses or groceries ; to regulate wharves and quays ; to regulate the weighing of hay and measuring of wood ; to regulate carts and carmen ; to regulate slaughter-houses ; to prevent the firing of any guns, pistols, squibs and fire-balls, or injuring or destroying trees growing or planted for shade or ornament in the said Town ; to prevent the pulling down or defacing of sign-boards, or inscribing or drawing any indecent words, figures or pictures, on any building, wall or fence, or other public place, and generally to prevent vice and preserve good order in the said Town ; to enter into and examine all dwelling-houses, warehouses, shops, yards, and out-houses, to ascertain whether such places are in a dangerous state with respect to fires, and to direct them to be put in a safe and secure condition ; to appoint fire wardens and fire Engineers ; to appoint and remove Firemen ; to make such rules and

Power of Corporation to make By-laws.

by-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation; to compel any person to aid in the extinguishment of any fire; to require the Inhabitants to provide and keep fire-buckets and scuttles, and ladders to their houses; to stop, or authorise any other person to stop, any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence; to regulate the assize of bread; to prevent and abate and remove any nuisances; to prevent and restrain any horses, cattle or swine, from running at large; to prevent and remove encroachments in any streets; and to make such rules and regulations for the improvement of good order and government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by virtue of this Act, and to enforce the due observance thereof by inflicting penalties on any person for the violation of any by-law or ordinance of the said Corporation, not exceeding the sum of one pound ten shillings; and to fix upon and appoint such days and hours for the purpose of selling Butchers meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

Penalties not to exceed One Pound Ten shillings.

Market days, &c.

Annual Assessment,

not exceeding Four Pence in the Pound.

Duty of Clerk of the Peace.

XIX. And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any Real Estate for the use of said Town, to procure Fire Engines, aqueducts and a supply of pure and wholesome water; for lighting, paving, flagging and repairing the streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an Assessment annually upon the persons rated or liable to be rated upon any Assessments for property in the said Town, not exceeding Four Pence on the Pound, exclusive of the sums such persons may be rated for, in and upon any other Assessments of this Province; and it shall be the duty of the Clerk of the Peace for the said District, to select from the general Assessments of the Township of Cornwall, a List or Assessment Roll of the rateable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually upon its organization after every general Election.

Rates to be levied by distress and sale of goods.

XX. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector, to be appointed by the said Corporation for that purpose, the said Collector shall and he is hereby required

to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said Assessment, and to render the overplus, if any there shall be over and above the said rate to the owner thereof, after deducting the legal charges of the distress and sale.

XXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the said Corporation of the said Town to borrow, upon the security of the Assessments to be raised under the authority of this Act, of and from any person or persons, body politic or corporate, willing to lend the same, the sum of One Thousand Pounds, upon such terms and conditions as it shall deem proper, and to repay the same at such time and place as it shall think expedient, for the purpose of building a Market-house, and purchasing one or more Fire Engine or Engines, and for such other purposes for the benefit of the said Town as may be deemed necessary.

£1050 may be borrowed for building a Market-house, &c.

XXII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of Streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other officers as they may require, and assign the duty or services to be performed by each, with such salaries and allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant, as they shall think proper.

Appointment of Officers

salaries.

XXIII. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the Newspapers of the said Town, or on the Court-house and three of the most public places within the said Town, in the event of there being no Newspaper therein, or the proprietor thereof refusing to publish the same; and that in like manner shall be published in each and every year, before the annual election, an account of all monies received, and in the Treasury, and the amount expended, and for what purpose.

Rules to be published.

Annual accounts of monies expended.

XXIV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders or regulations made by the said Corpo-

Penalties, how recoverable.

Distress and sale, or
Commitment for de-
fault.

Inhabitants compe-
tent Witnesses.

Information within
fifteen days.

Application of
penalties.

Power of Members
of the Corporation
in respect to streets,
&c.

Site for Market may
be purchased.

Notice.

On objection to such
site, signed by twelve
persons, public meet-
ing to be called.

ration under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such order, rule or regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Cornwall: *Provided always*, that the information and complaint for a breach of any orders or regulations of the said Corporation shall be made within fifteen days of the time of the offence committed.

XXV. And be it further enacted by the authority aforesaid, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

XXVI. And be it further enacted by the authority aforesaid, That the said Corporation shall and may, in the said Town of Cornwall, perform all the functions and exercise all the authority now by law given to Justices of the Peace acting within their Divisions, with respect to making or amending any street, or highway or road within the said Town.

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Corporation to fix upon a site for a Market in the said Town, and to enter into and make such arrangements or agreements in behalf of the said Town for the purchase of such site, or for procuring the same from Government, as shall to them or a majority of them appear just and reasonable, and the said Corporation shall give at least six weeks notice in some Newspaper published in the said Town of Cornwall, (or on the Court-house and three most public places within the said Town, in the event of there being no Newspaper therein, or the proprietor thereof refusing to publish the same,) of the site intended for such Market, and if any objection, in writing, to such site shall within the said period of six weeks be presented or declared to the said Corporation, or any Member thereof, signed by twelve persons entitled to vote within the said Town, a public meeting of the Inhabitants shall be called, and a time and place for such meeting shall be fixed by the said Corporation, who shall give at least six days notice thereof, and a majority of the persons present at such meeting, entitled to vote under

this Act, shall decide whether such proposed site shall be confirmed or not, and the Sheriff of the said District shall preside at such meeting, and conduct the proceedings thereof, and that when the site for the said Market shall be established, it shall then and in such case be the Market-place of said Town, any thing herein contained to the contrary in any wise notwithstanding.

XXVIII. *And be it further enacted by the authority aforesaid,* That the said Corporation, when such site shall have been obtained and confirmed, shall have full power and authority to establish a Market thereon, for the sale of such commodities as may be deemed necessary, and shall also have power to make and establish such Rules, By-laws and Regulations, for the good order and government of the said Market, and the buildings, avenues, passages and appurtenances thereto belonging, as may to them appear necessary: *Provided always, nevertheless,* that such Rules, By-laws and Regulations shall have no force or effect whatever, until the same shall be examined and approved of by the General Quarter Session of the Peace, in and for the said District, and signed in testimony thereof by the Chairman of the said Court.

XXIX. *And be it further enacted by the authority aforesaid,* That in case an equality of votes should happen at any election for the Members of the said Corporation, it shall and may be lawful for the person presiding at the said election to give a casting vote, and he shall not be required to be possessed of the qualifications necessary to enable him to vote at the said Elections for the said Town, and that except in case of the votes being equal, it shall not be lawful for the person presiding at any election under this Act to vote at such election.

3. FORM OF OATH.

“ I, A. B. do swear, that I will faithfully discharge the duty of a Member of ‘The Board of Police of the Town of Cornwall,’ to the best of my skill and knowledge.”

XXX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Sheriff of the Eastern District to preside at all elections under the authority of this Act, so long as he shall reside within the limits of the said Town of Cornwall, any thing in this Act to the contrary in anywise notwithstanding.

XXXI. *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 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.

59 Geo. 3, c. —,
repealed.

XXXII. *And be it further enacted by the authority aforesaid,* That a certain Act passed in the fifty-ninth year of the reign of His Majesty, King George the Third, entitled "An Act to empower the Commissioners of the Peace for the Eastern District in their Court of General Quarter Sessions assembled, to establish and regulate the time for holding a Market in the Town of Cornwall, in the said District" be, and the same is hereby repealed.

CHAP. XXVI.

AN ACT to define the limits of the Town of Port Hope, and to establish a Police therein.

[Passed 6th March, 1834.]

Preamble.

WHEREAS from the great increase of population in the Town of Port Hope, in the District of Newcastle, it is necessary to make further provision than by law exists for the internal regulation thereof: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,"* and by the authority of the same, That there shall be in the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared to be a Body Corporate and Politic in fact and in Law, by the name of the "President and Board of Police of Port Hope," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts, and in all actions, causes and complaints whatsoever; and may have a common Seal, and may alter the same at pleasure; and shall be in law capable

Board of Police to be
a body corporate.

Common Seal.

of purchasing, holding and conveying, any Estate real or personal for the uses of the said Town.

II. *And be it further enacted by the authority aforesaid,* That the said Town of Port Hope be comprised within the following limits or boundaries, that is to say: Lots numbers four, five, six, seven and eight, in the first Concession, in the Township of Hope, and the broken fronts of the said Lots.

Boundaries of Port Hope.

III. *And be it further enacted by the authority aforesaid,* That the said Town shall be divided into four Wards in the following manner, that is to say: all that block of land South of Walton Street and West of the Port Hope river, shall comprise the first Ward; and all that part of the Town East of the River and South of a line to be run due East from the centre of the Bridge across the River at the termination of Walton Street, shall comprise the second Ward; and all that part of the Town East of the River and North of the aforesaid line, shall comprise the third Ward; and all that part of the Town North of Walton Street and West of said River, shall comprise the fourth Ward.

Divided into four wards.

IV. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall Elect annually one person to be a Member of the the said Corporation from among the Inhabitant Householders of the said Town, who being a Subject of His Majesty shall be a Freeholder therein to the assessed value of sixty pounds; and that the persons entitled to vote at the Election for either of the said Wards shall be Subjects of His Majesty and the male Inhabitant Householders resident within such Ward, who shall severally be possessed for their own use and benefit of a dwelling House and lot of ground within the Ward in which they shall so vote, such dwelling House and lot of ground being by them held in Freehold, or who being Subjects of His Majesty and male Inhabitant Householders within the said Ward at the time of such Election, shall bona fide have paid within one year next before the Election one years Rent for the dwelling House, or dwelling Houses, if they shall within one year have changed their place of residence, within the said Ward in which they shall have resided, at the rate of five pounds per annum, or upwards.

One member for each ward to be elected annually.

Qualification of members.

Of voters.

V. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be nominated by the Sheriff of the District of Newcastle, who shall give public notice thereof at least six days before the said election, and who shall preside at the election for one of the said Wards,

First election.

Six days notice. Sheriff to preside.

and the Deputy Sheriff, High Constable, and a Bailiff or Constable, or other person appointed for that purpose by the Sheriff of the said District, shall preside at the first election for each of the other three Wards, that is to say, each respectively shall preside at the first election for such Ward as the Sheriff shall direct, and shall declare the person in each of the said Wards who shall have the greatest number of votes to be duly elected a Member of the said Corporation, and shall give notice thereof to the person so elected in the said Ward as a Member of the said Corporation within six days after such election.

Notice to persons elected.

Members to serve till first Monday in March.

Annual election.

VI. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in March in every year an election shall be holden in each of the Wards of the said Town for choosing a Member of the said Corporation, before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said election, and shall give notice thereof and proceed in all respects as the Sheriff is hereby required to do at and after the first election to be holden as aforesaid.

Oath to be taken by person holding election.

VII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act he shall take the following oath, which any Justice of the Peace for the District of Newcastle is hereby authorised to administer (that is to say :)

“ I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of presiding officer at the election which I am about to hold for a Member of the Board of Police in the Town of Port Hope—so help me God.

Presiding officer may examine candidate or voter on oath respecting qualification.

VIII. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any person qualified to vote at such election, to examine on oath, or affirmation, (when the party is allowed to affirm) any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office; and shall also have authority, and is hereby required upon such request as aforesaid, to examine on oath or affirmation, (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the following form :—

“ You shall true answer make to all such questions as the officer presiding at this election shall put to you respecting your qualification to be elected at this election, or respecting your qualification to vote at this election, (as the case may be) so help you God.”

And the affirmation to be taken shall be in the common form of an affirmation to the same effect.

IX. *And be it further enacted by the authority aforesaid,* That if any person, being examined upon oath or affirmation under this Act in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury. False swearing perjury.

X. *And be it further enacted by the authority aforesaid,* That if the election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the Sheriff after the first elections to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three Inhabitants of the Town having a right to vote at such election, to appoint a time and place within the Town or Ward for which the election was held for entering upon a Scrutiny into the matters complained of; and that such time shall be within six days after the election, and the Sheriff shall have power to summon Witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and in case an election shall be declared void but it shall not appear proper to the Sheriff for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then he shall, after giving eight days notice thereof, hold a new election of a Member to serve according to this Act; and that if after any election to be holden after a Board of Police under this Act shall have been completely organized a requisition signed as aforesaid shall, within forty-eight hours after the termination of such election, be served upon the President or any other Member of the Corporation, it shall be lawful for the said Corporation and they are hereby required to appoint a time for entering upon a Scrutiny of the matters complained of at any place within the said Town, which time shall be within six days after the election; and the Corporation, or such Member or Members thereof as shall not be individually concerned in the questions to be determined, shall have power to Summon Witnesses. Scrutiny.
upon requisition within forty-eight hours.
to be held within six days after election.
If election void.
eight days notice of new election.
Scrutiny by Corporation.
Witnesses.

and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void but it shall not appear proper for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election as in other cases under this Act.

In case of void election,

Corporation to issue Precept for new election.

Oath to be taken by Sheriff before scrutiny.

XI. *And be it further enacted by the authority aforesaid,* That before the Sheriff or any Member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid he shall take an oath in the following form, before some one of the Justices of the Peace for the District of Newcastle, that is to say:—

“I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B.—so help me God.”

Non-attendance of Witnesses, how punished.

Imprisonment not to exceed one month.

Perjury.

XII. *And be it further enacted by the authority aforesaid,* That any Witness who, being duly Summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend upon such trial or scrutiny, shall, on conviction before any one of His Majesty's Justices of the Peace for the District of Newcastle, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such Justice, in the Common Gaol of the District, for a time not exceeding one month; and if any witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Presiding officer to give public notice of result of Election, and of first meeting.

A fifth member to be appointed.

In case of disagreement,

such fifth Member to be elected by the Town.

XIII. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice immediately upon declaring the result of the election, of the time and place at which the Members of the Corporation are first to meet, which meeting shall be at such time and place as the Sheriff of the said District shall appoint, being within ten days after the election; and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as this Act provides with respect to the other Members to be chosen; and in case they cannot agree in the election or appointment of such fifth Member they shall issue a Precept to Sheriff of the District after the first election, and to any one of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of the said

fifth Member of the Corporation by the Electors of the Town generally, at which election the said Sheriff shall preside after the first election of Presiding Officer. Members, and the said Bailiff so to be appointed as aforesaid (to whom the said precept shall be directed after every subsequent election,) and the Sheriff or Bailiff (as the case may be) shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within six days after such election.

XIV. *And be it further enacted by the authority aforesaid,* That the said five Members elected as aforesaid shall within ten days after the appointment, or election of the fifth Member of the said Corporation as aforesaid, appoint one of their number President, and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of the new Board. Appointment of a President.

XV. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace, who is authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided* that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation. Member refusing to take oath of office, To forfeit £10. Exemptions from such penalty.

XVI. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said Corporation by neglect or refusal to take the oath of office hereinafter contained, within the time hereinbefore limited; or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election, and the Member so elected shall hold his office until the next annual election, and until another is chosen in his place; and that if the vacancy shall occur in the office of the Member appointed by the four Members Vacancies, how supplied.

electd as aforesaid; or electd by the Town generally, such vacancy shall be filld by the appointment of the then Members of the said Corporation or a majority of them, and in case they cannot agree, then in the same manner as provided for the election of the fifth Member by the electors of the Town generally; and in case any such vacancy shall happen among the Members electd at the first election of Members of the said Corporation, by one of the Members neglecting or refusing to take the oath of office as aforesaid, or in case it shall happen that the Member appointed by the Members electd respectively after the first election, or the Members electd by the Town generally after the first election, shall neglect or refuse to take the oath of office as aforesaid, then the Precept shall issue to the Sheriff of the District as hereinbefore provided.

Provision in case of omitting to hold election at time appointed.

XVII. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall 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 or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Power of Corporation to make By-laws.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time to establish such ordinances, By-laws and regulations, as they may think reasonable in the said Town; to regulate and license victualling houses and ordinaries where fruits, victuals and liquors, not distilled, shall be sold to be eaten or drank in such houses or groceries; to regulate the weighing of hay and measuring of wood; to regulate carts and cartmen; to regulate slaughter-houses; to prevent the firing off any guns, muskets, pistols, squibs and fire balls, or injuring or destroying trees planted or growing for shade or ornament in the said Town; to prevent the pulling down or defacing of sign-boards, or inscribing or drawing any indecent words, or pictures or figures, on any building, wall, bridge, fence or other public place, and generally to prevent vice and preserve good order in the said Town; to enter into and examine all dwelling-houses, ware-houses, shops, yards and out-houses, to ascertain whether any such places are in a dangerous state with respect to fires, and direct them to be put in a safe and secure condition; to appoint fire wardens and fire Engineers; to appoint and remove Fire-men; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation; to compel any person to aid in the extinguishment of any fire; to require the inhabitants to pro-

vide and keep fire-buckets, and scuttles and ladders to their houses ; to stop, or authorise any other person to stop, any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence ; to regulate the assize of bread ; to prevent and abate and remove any nuisances ; to restrain and prevent any horses, cattle or swine, from running at large ; to prevent and remove encroachments in any streets, and to make such rules and regulations for the improvement, good order and government of the said Town, as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings, and to fix upon and appoint such days and hours for the purpose of selling Butcher's meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

Penalties not to exceed One Pound Ten Shillings.
Markets.

XIX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for the purchasing any real Estate for the use of the said Town ; to procure fire engines, aqueducts, and a supply of pure and wholesome water ; for lighting, paving, flagging and repairing the streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town ; it shall and may be lawful for the said Corporation to lay an assessment annually upon the persons rated or liable to be rated upon any assessment for property in the said Town, not exceeding Four Pence on the Pound, exclusive of the sum such persons may be rated for, in and upon any other assessments of this Province ; and it shall be the duty of the Clerk of the Peace of the said District, to select from a general assessment of the Township of Hope, a list or assessment of the rateable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

Annual Assessments,

not exceeding Four Pence in the Pound.

Duty of Clerk of the Peace.

XX *And be it further enacted by the authority aforesaid,* That every Town Lot in the said Town of Port Hope shall be rated upon the Assessment Roll at twenty-five pounds, and that every Lot, or portion of a Lot on which a House shall be built, shall be deemed and taken to be a Town Lot.

Town lots to be rated at twenty-five pounds.

XXI. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he or she stands

Rates to be levied.

by distress and sale
of the goods.

rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace for the said District, any one of whom is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Appointment of
Officers'

salaries.

XXII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other officers as they may require, and assign the duties to be performed by each, with such salaries and allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant as they may think proper.

New streets not to be
less than sixty-six
feet wide.

XXIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person holding Lands within the boundaries of the said Town to lay out any new streets, or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

Rules to be published.

XXIV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the newspapers of the said Town, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended, and for what purpose.

Accounts of monies
expended, &c.

Penalties, how
recoverable.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations made by the said Corporation under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such order, rule or regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be

Distress and sale.

committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Port Hope: *Provided always*, that the information and complaint for a breach of any orders or regulations of the said Corporation must be made within fifteen days of the time of the offence committed.

Commitment in default of goods.

Inhabitants competent Witnesses.

Information within fifteen days.

XXVI. *And be it further enacted by the authority aforesaid*, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Application of penalties.

XXVII. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may, in the said Town of Port Hope, perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their Divisions, with respect to making or amending any street, or highway or road within the said Town.

Members of the Corporation to have certain powers of Justices of the Peace.

XXVIII. *And be it further enacted by the authority aforesaid*, That the Market for the said Town of Port Hope shall be established in such place within the said Town as the said Corporation shall deem most convenient and advantageous to the interests of the Inhabitants of the said Town: *Provided always* that the said Corporation shall make such selection, and shall give due notice thereof in the same manner as other notices are by this Act required to be given, within three months after the organization of the said Corporation: *And provided also*, that the plot or piece of ground required for a Market as aforesaid shall not be of less extent than one Acre, and shall be either such ground (if any there be) as has been hitherto reserved for the site of a Market, or such ground as any proprietor or proprietors shall convey for that purpose to the said Corporation either gratuitously, or for a consideration to be paid by the said Corporation.

Site for Market.

Not to be less in extent than one acre.

XXIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful, to and for the Corporation of the said Town to borrow the sum of One Thousand Pounds, of and from any person or persons, body politic or corporate, who may be willing to lend the same, for the purpose of building a Market-house, and for purchasing one or more Fire Engine or Engines as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

£1000 may be borrowed for building a Market-house.

To be repaid out of
the Assessment.

XXX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall set apart so much of the Assessments, authorised by this Act to be raised for the use of the said Town, as may be sufficient to pay the yearly interest of the said sum of one thousand pounds, and the principal in a term not longer than ten years from and after making the said loan.

Presiding Officer to
have casting vote.

XXXI. *And be it further enacted by the authority aforesaid,* That in case an equality of votes shall happen at any election for the Members of the said Corporation in either of the said Wards, or in case of an election of a fifth Member, it shall and may be lawful for the person presiding at the said election to give a casting vote whether he shall be otherwise duly qualified to vote in such Ward or not, and that except in case of the votes being equal it shall not be lawful for the person presiding at any election under this Act to vote at such election.

Limitation of actions.

XXXII. *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.

FORM OF OATH :

Oath of office.

I, A. B. do swear that I will faithfully discharge the duties of a Member of the Board of Police of the Town of Port Hope, to the best of my skill and knowledge—so help me God."

CHAP. XXVII.

AN ACT to Incorporate the Village of Prescott and to establish an Elective Police therein.

[Passed 6th March, 1834.]

Preamble.

WHEREAS from the great increase of Population in the Town of Prescott, in the District of Johnstown, it is necessary to make further provision than by Law exists for the internal regulation thereof : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to re-

peal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That there shall be in the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared to be a Body Corporate and Politic in fact and in Law, by the name of the "President and Board of Police of the Town of Prescott," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts, and in all actions, causes and complaints whatsoever; and may have a common Seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying, any Estate real or personal for the uses of the said Town.

Board of Police to be a body corporate.

Style.

Common Seal.

II. *And be it further enacted by the authority aforesaid,* That the said Town of Prescott shall be comprised within the following limits or boundaries, that is to say: commencing at the South East corner of Lot number one in the first Concession of the Township of Augusta; thence running North twenty-four degrees West one mile; thence South sixty-six degrees West one mile; thence South twenty-four degrees East to the River Saint Lawrence; thence along the waters edge to the place of beginning, including the Harbour in front of the said Town.

Boundaries of Prescott,

including the Harbour,

III. *And be it further enacted by the authority aforesaid,* That for the purpose of electing the Members of the said Corporation the said Town of Prescott shall be divided into two Wards in the following manner, that is to say: all that part of the Town on the East side of the Street called Centre Street, leading from the River Saint Lawrence to the rear line of the said Town, shall comprise the East Ward; and all that part of the Town on the West side of the aforesaid street called Centre Street, shall comprise the West Ward.

to be divided into two wards.

IV. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall Elect annually two persons to be Members of the the said Corporation from among the Inhabitant Householders of the said Town, who being Subjects of His Majesty shall be Freeholders therein to the assessed value of sixty pounds; and that the persons entitled to vote at the Election for either of the said Wards shall be Subjects of His Majesty, and the male Inhabitant Householders resident within such Ward, who shall severally be possessed for their own use and benefit of a dwelling House and lot of ground within the Ward in which

Two members to be elected annually for each Ward.

Qualification of members.

Of voters.

they shall so vote, such dwelling House and lot of ground being by them held in Freehold, or who being Subjects of His Majesty and male Inhabitant Householders within the said Ward at the time of such Election, shall bona fide have paid within one year next before the Election one years Rent for the dwelling House, or dwelling Houses, if they shall within one year have changed their place of residence, within the said Ward in which they shall have resided, at the rate of five pounds per annum, or upwards.

First election

V. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be appointed by the Register of the County of Grenville, who shall give public notice thereof at least six days before the said election, and who shall preside at the election for one of the said Wards, and such other person appointed by the said Register for that purpose shall preside at the first election for the other Ward, and the said Register, and the person by him appointed, shall declare the two persons in each of the said Wards, who shall have the greatest number of votes, to be duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

Six days notice.
Presiding Officer.

Notice to persons
Elected.

Period for service of
Members.

VI. *And be it further enacted by the authority aforesaid,* That the Members of the Corporation so chosen, shall serve until the first Monday in April in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned, and that on the first Monday in April in every succeeding year, an election shall be holden in each of the Wards in the said Town for choosing two Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said election, and shall give notice thereof, and proceed in all respects as the Register is hereby required to do at and after the first election to be holden as aforesaid.

Annual Elections.

Oath to be taken by
person holding Elec-
tions.

VII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act he shall take the following oath, which any Justice of the Peace for the District of Johnstown shall have authority to administer, that is to say:—

“I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election which I am about to hold for a Member of the Board of Police in the Town of Prescott—so help me God.”

VIII. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath, or affirmation, (when the party is allowed to affirm) any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office; and shall also have authority, and he is hereby required upon such request as aforesaid, to examine on oath, or affirmation, (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote; and that the oath to be administered for either of the above purposes shall be in the following form:—

Presiding Officer may examine Candidate or Voter on oath, respecting his qualification.

“You shall true answer make to all such questions as the officer presiding at this election shall put to you respecting your qualification to be elected at this election, (or respecting your qualification to vote at this election, as the case may be,)—so help you God.”

And the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

IX. *And be it further enacted by the authority aforesaid,* That if any person examined upon oath or affirmation under this Act in regard to his qualification to vote or to be elected shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer as in other cases of wilful and corrupt perjury.

False swearing, perjury.

X. *And be it further enacted by the authority aforesaid,* That if the election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification of the persons returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the Register aforesaid, after the first election to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition, signed by any three inhabitants of the Town having a right to vote at such election, to appoint a time and place within the Town or Ward for which the election was held, for entering into a scrutiny as to the matters complained of, and that such time shall be within six days after the election, and the Register shall have power to summon witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and in case an election shall be declared void, but it shall not appear proper to the officer who presided at such election to amend the return by substituting the name of any

Scrutiny upon requisition made within forty-eight hours,

within six days after election.

If election void,

eight days notice of new election.

Scrutiny by Corporation.

If Election declared void, Precept for new election to be issued.

Oath to be taken by Officer holding scrutiny.

Penalty for non-attendance as witnesses.

For Perjury.

other person as entitled to have been returned at such election, then he shall, after having given eight days notice thereof, hold a new election of a member to serve according to this Act; and that if after any election to be holden after a Board of Police under this Act shall have been completely organized, a requisition, signed as aforesaid, shall within forty-eight hours after the termination of such election be served upon the President, or any other member of the Corporation, it shall be lawful for the said Corporation, and they are hereby required to appoint a time for entering upon a scrutiny of the matters complained of, at any place within said Town, which time shall be within six days after the election; and the Corporation, or such member or members thereof as shall not be individually concerned in the questions to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matter to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence, and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election, as in other cases under this Act.

XI. And be it further enacted by the authority aforesaid, That before the Register or any Member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following form, before some one of the Justices of the Peace of the District of Johnstown, that is to say :—

“I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B.—so help me God.”

XII. And be it further enacted by the authority aforesaid, That any person who being duly summoned to attend as a Witness upon such trial or scrutiny shall wilfully neglect or refuse to attend, shall on conviction before any one of His Majesty's Justices of the Peace for the District of Johnstown, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such Justice, in the common Gaol of the District for a term not exceeding one month; and if any Witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

XIII. And be it further enacted by the authority aforesaid, That the person presiding at any such election shall give public notice, immediately

upon declaring the result of the election, of the time and place at which the Members of the Corporation so chosen are first to meet, which meeting shall be at such time and place within the said Town as the Register aforesaid shall appoint, being within ten days after the election; and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as this Act provides with respect to the other Members to be chosen; and in case they cannot agree in the election or appointment of such fifth Member they shall issue a Precept to the Register aforesaid after the first election, and to any one of the Bailiffs so to be appointed as aforesaid, after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the Electors of the Town generally; at which election the said Register shall preside after the first election of Members, and the said Bailiff, so to be appointed as aforesaid, to whom the said precept shall be directed, after every subsequent election; and the said Register or Bailiff, (as the case may be) shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within six days after such election.

Presiding officer to give notice of result of Election, and of first meeting.

Fifth member to be appointed.

In case of disagreement, fifth Member to be elected by the Town.

Presiding Officer.

XIV. *And be it further enacted by the authority aforesaid,* That the said five Members elected as aforesaid shall, within ten days after the appointment or election of the fifth Member of the said Corporation as aforesaid, appoint one of their number President: and the said President and Members shall form the said Corporation, and shall hold their offices until the first Monday in April in the ensuing year, and until the election and formation of the new Board.

Appointment of President.

XV. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any one of the Members so elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of Ten Pounds, to be recovered with costs by information before any Justice of the Peace, who is authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided,* that no person elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the

Member refusing to take oath of office,

To forfeit £10.

Exemptions.

officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Vacancies, how supplied.

XVI. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said Corporation, by neglect or refusal to take the oath of office hereinafter contained within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward for which the Member whose office has become vacant was chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election, and the Member so elected shall hold his office until the next annual election, and until an other is chosen in his place ; and that if the vacancy shall occur in the office of the Member appointed by the four Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation or a majority of them, and in case they cannot agree then in the same manner as provided for the election of the fifth Member by the Electors of the Town generally ; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation by one of the Members neglecting or refusing to take the oath of office as aforesaid, or in case it shall happen that the Member appointed by the Members elected respectively after the first election, or the Members elected by the Town generally after the first election, shall neglect or refuse to take the oath of office as aforesaid, then the precept shall issue to the Register aforesaid, as is herein before provided.

Provision in case election not held on day appointed by Act.

XVII. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall 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 make and hold an election or appointment of Members, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Authority of Corporation to make By-Laws.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time to establish such Ordinances, By-Laws and Regulations as they may think reasonable in the said Town ; to regulate and license victualing houses, and ordinaries where fruit, victuals and liquors, not distilled, may be sold to be eaten or drunk in such houses or groceries ; to regulate wharves and quays ; to

regulate the weighing of hay and measuring of wood ; to regulate carts and cartmen ; to regulate slaughter-houses ; to prevent the firing off any guns, muskets, pistols, squibs and fire-balls, or injuring or destroying trees planted or growing for shade or ornament in the said Town ; to prevent the pulling down or defacing sign-boards, and inscribing or drawing any indecent words, or figures or pictures, on any building, wall, fence, or other public place, and generally to prevent vice and preserve good order in the said Town ; to enter into and examine all dwelling-houses, warehouses, shops, yards, and out-houses, to ascertain whether any such places are in a dangerous state with respect to fires, and to direct them to be put in a safe and secure condition ; to appoint fire wardens and fire Engineers ; to appoint and remove Firemen ; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation ; to compel any person to aid in the extinguishment of any fire ; to require the Inhabitants to provide and keep fire-buckets and scuttles, and ladders to their houses ; to stop, and authorise any other person to stop, any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence ; to regulate the assize of bread ; to prevent and abate and remove any nuisances ; to restrain and prevent any horses, cattle or swine, from running at large ; to prevent and remove encroachments in any street ; and to make such rules and regulations for the improvement, good order and government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof by inflicting penalties on any person for the violation of any by-law or ordinance of the said Corporation, not exceeding two pounds ten shillings ; and to fix upon and to appoint such days and hours for the purpose of selling Butchers meat, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

Maximum of penalty
two pounds ten shillings.

Market days, &c.

XIX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for the purchasing any Real Estate for the use of the said Town, to procure Fire Engines, aqueducts and a supply of pure and wholesome water ; for lighting, paving, flagging or repairing the streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an Assessment annually upon the persons rated or liable to be rated upon any Assessment for property in the said Town, not exceeding Four Pence on the Pound, exclusive of the sum such person may be rated

Annual Assessment,

to the extent of four pence in the pound.

Duty of Clerk of the Peace. for, in and upon any other Assessment of this Province; and it shall be the duty of the Clerk of the Peace of the said District, to select from a general Assessment of the Township of Augusta, a List or Assessment of the rateable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually upon its organization after every general Election.

Town Lots rated at twenty-five pounds. *XX And be it further enacted by the authority aforesaid,* That every Town Lot in the said Town of Prescott shall be rated upon the Assessment Roll at twenty-five pounds, and that every lot or portion of a lot on which a house shall be built shall be deemed and taken to be a 'Town Lot.

Rates to be levied by distress and sale. *XXI. And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector, to be appointed by the said Corporation for that purpose, the said Collector shall and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said Assessment, and to render the overplus, if any there shall be over and above the said rate to the owner thereof, after deducting the legal charges of the distress and sale.

Appointment of Officers. *XXII. And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of Streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many other such officers as they may require, and assign the duty or services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant, as they shall think proper.

Salaries.

New streets not to be less than 66 ft. wide. *XXIII. And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any persons holding Lands within the boundaries of the said Town to lay out any new streets, or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

XXIV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, shall before it has any effect, be published in one or more of the Newspapers of the said Town; and that in like manner shall be published in each and every year, before the annual election, an account of all monies received, and in the Treasury, and the amount expended, and for what purpose.

Rules to be published.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations made by the said Corporation under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such order, rule or regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Prescott: *Provided always,* that the information or complaint for a breach of any orders or regulations of the said Corporation shall be made within fifteen days of the time of the offence committed,

Recovery of penalties

by distress.

Imprisonment in default of goods.

Inhabitants competent witnesses.

Complaint to be lodged within fifteen days.

XXVI. *And be it further enacted by the authority aforesaid,* That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Application of penalties.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall within the said Town of Prescott, perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their Divisions, with respect to making or amending any street, or highway or road within the said Town.

Members of Corporation to have certain powers of Justices of the Peace.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Market for the said Town of Prescott shall be established in such place within the said Town of Prescott as a majority of the Justices of the Peace for the District of Johnstown shall determine at any Court of general Quarter Sessions of the Peace to be holden after the passing of this Act: *Provided always nevertheless,* that such determination shall be made on the second day of the sitting of the Court at the Sessions in

Site for Market.

Notice of choice.

which it shall be made, and when not less than ten Magistrates shall be present ; and that the said Market be located on such ground as any proprietor or proprietors shall voluntarily convey for that purpose to the said Corporation, either gratuitously, or for a consideration to be paid by the said Corporation.

£1000 may be borrowed for purposes of Market.

XXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the Corporation of the said Town to borrow the sum of One Thousand Pounds, of and from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market-house, and for purchasing one or more Fire Engine or Engines as may be deemed necessary, and to provide fit and proper places where the same may be kept.

Money borrowed to be repaid out of assessments.

XXX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall set apart so much of the Assessments authorised by this Act to be raised for the use of the said Town as may be sufficient to pay the yearly interest of the said sum of one thousand pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

Officer presiding at elections to have casting vote.

XXXI. *And be it further enacted by the authority aforesaid,* That in case an equality of votes should happen at any election for the Members of the said Corporation in either of the said Wards, or in case of an election of a fifth Member, it shall and may be lawful for the person presiding at such election to give a casting vote, whether he shall be otherwise duly qualified to vote in such Ward or not, and that except in case of the votes being equal, it shall not be lawful for the person presiding at any election under this Act to vote at such election.

Limitation of actions.

XXXII. *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.

Public Act.

XXXIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and is hereby declared 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.

CHAP. XXVIII.

*AN ACT to Incorporate certain persons under the style and title of the
Cobourg Rail Road Company.*

[Passed, 6th March, 1834.]

WHEREAS, James Gray Bethune, Ebenezer Perry, Benjamin Throop, Anthony Morton, Charles Clark, Wilson Seymour Conger, John Crease Boswell, Kenneth McKenzie, George Moss Boswell and others, of the District of Newcastle, 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 Rice Lake at any point, and extending to Lake Ontario at or near Cobourg: *And whereas* it is expedient to Incorporate the said Petitioners for the purposes 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 the said James Gray Bethune, Ebenezer Perry, Benjamin Throop, Anthony Morton, Charles Clark, Wilson Seymour Conger, John Crease Boswell, Kenneth McKenzie and George Moss Boswell, 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 Cobourg 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, 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 Cobourg 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,

Preamble.

Company formed.

Company a body corporate.

Common Seal.

Company may hold Land, &c.

for purposes of the
Rail Road only.

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.

Power of Company to
construct and use
Rail Road,

between Rice Lake
and Lake Ontario, at
or near Cobourg,

for transport of pas-
sengers and property.

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 Rice Lake, and Lake Ontario at or near Cobourg, 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 contract for
Lands

or damages.

In case of disagree-
ment, each party may
appoint arbitrators ;

who, with one other
to be elected by ballot
shall determine
amount of compensa-
tion.

Award of majority
final.

Arbitrators to meet
in the vicinity of Rail
Road,
after eight days notice,

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 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, 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 consi-

deration 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 hereinbefore provided.

to be sworn before a Justice of the Peace.

Award subject to be set aside by Court of King's Bench.

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 hereof, free from any claim or interference of the said Company.

Money awarded to be paid within three months.

In default of payment property may be resumed.

V. *And be it further enacted by the authority aforesaid*, That the said Cobourg Rail Road Company shall have full power and authority to explore the Country lying between the Rice Lake and Cobourg, 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 Rail ways, to connect the Rice Lake with Lake Ontario, on or near the route surveyed by F. P. Rubidge, Deputy Surveyor; 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 may be actually 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 ways, roads and conveniencies, as the said Com-

Company empowered to explore country between Rice Lake and Cobourg,

and appropriate and hold Land for use of the Company, for purposes for a Rail Way,

near the route surveyed by F. P. Rubidge,

and make roads, &c.

pany 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 conveniences 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 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 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 owners or occupiers of such Lands, Tenements and Hereditaments.

and alter and enlarge the same from time to time,

for general purposes.

Materials may be manufactured on the ground near the line of road.

May repair and alter fences or passages through the Rail Road.

Piers, &c. upon Rivers.

General authority for purposes of the Rail Road.

Causing as little damages as may be.

President and Directors to establish and regulate tolls and rates.

Rail Road and tolls; &c. to be vested in the Company.

Tolls, when payable.

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.

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 or merchandise or passengers, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company, and their Successors forever.

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.

Power to regulate the time and manner for transport of goods and passengers, and of collecting the tolls.

To erect toll houses.

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 course, or any road or high-way, lying on the route of the said Rail Road or Way, between Rice Lake and Lake Ontario, at or near Cobourg, 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 high-way, 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.

Company may construct their Rail Way, if necessary, across any stream or water course, highway, &c.

restoring the former usefulness of such stream, &c.

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 wilfully injuring the works, to pay double the amount of damages done.

How to be recovered.

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 offices 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 Cobourg, at such time of the day as a majority of the Directors for the time being shall appoint; and

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

Qualification of Directors.

Time and place of election.

Thirty days notice of election.

To be chosen by ballot.

In case of equality of votes.

Election of President.

Supply of vacancies in current year.

Ratio of votes, according to number of Shares.

Corporation not dissolved by non-election of Directors: a day appointed.

Directors empowered to make By-Laws;

public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said District of Newcastle 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 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.

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.

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. and appoint Officers.

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 Cobourg, 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 President, and shall continue in 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 per cent 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 District of Newcastle. First meeting of Stockholders
to elect Directors, who shall choose a President.
Period of service.
Meeting not to be held until 10 per cent of the capital shall have been taken; and thirty days notice.

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 Company may have or hold by virtue of this Act, shall not exceed in value Forty Thousand Pounds, to be held in four thousand Shares of ten pounds 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. Capital, including real estate not to exceed £40,000,
in 4000 Shares.
Shares transferable after first instalment paid.
Transfer to be registered.
Company not to act as Bankers.

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 Newcastle, 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 Upon appointment of Directors, a call of Ten Pounds per cent may be made; or thirty days notice.
Residue payable as majority of Stockholders shall at special meeting determine,
by instalments not exceeding 10 per cent, on thirty days' notice.

Work not to commence till first instalment paid.

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.

Shares forfeited by non-payment of any instalment.

Forfeited Shares may be sold.

Application of proceeds.

Purchaser to pay the instalment required.

Thirty days' notice of sale of forfeited Shares to be given.

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 Newcastle, 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.

Annual dividends of profits to be made;

and statement of accounts.

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 adviseable; 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.

Public Act.

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.

Power to His Majesty, &c. fifty years after completion of work, to assume possession upon certain conditions.

XXI. *And be it further enacted by the authority aforesaid*, That at any time after fifty 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 the then 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.

Rail Road to be then vested in the Crown.

Proviso in case profits have not averaged Twelve Pounds Ten Shillings per cent.

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 hereinbefore authorized, 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 two years, and completed within eight 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.

After possession assumed by the Crown, the tolls to be paid to the Receiver General for the use of the Province.

Rail Road to be commenced within two years.

XXIII. *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

Legislature may alter provisions of this Act.

way or right of way, public or private, that may be affected by any of the powers given by this Act.

XXIV. And be it further enacted by the authority aforesaid, That if
mutation of actions. 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. XXIX.

AN ACT to Incorporate certain persons under the style and title of the London and Gore Rail Road Company.

[Passed, 6th March, 1834.]

Preamble. **WHEREAS** certain Inhabitants of the District of London, and others, 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 London, in the London District, and extending to the Harbour of Burlington Bay, at the head of Lake Ontario, in the District of Gore, and also to the navigable waters of the River Thames and Lake Huron; *And whereas* it is expedient to Incorporate a Joint Stock Company for the purposes 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,
Company formed. That Edward Allan Talbot, Thomas Parke, George J. Goodhue, Allan Napier McNab, Colin Campbell Ferrie, John McFarlane, Wm. Robertson, Thomas Gibbins, Lawrence Lawreison, Denis O'Brien, John Scat-cherd, James Hamilton, Joseph Cowley, Nicholas Gaffeny, Joseph L. O'Dell, John O'Niel, James Farley, John Jennings, Harvey Shepherd, John Kent, Albert S. O'Dell, Henry Shennick, Hiram D. Lee, William

B. Lee, Burley Hunt, Nathan Griffith, Andrew Drew, Robert Alway, Peter Carroll, Charles Duncombe, Thomas Horner, Oliver Turner, E. A. Spalding, George W. Whitehead, Peter Bamberger, Manuel Overfield, James McFarlane, James Bell Ewart, Thomas J. Hornor, Joseph Grier, G. W. Bremyer, Nathan Jacobs, Charles Goulding, Thomas U. Howard, Thomas J. Jones, James Ingersoll, John Young, John Wier, A. McDonell, William Bull Sheldon, Ebenezer Stinson, Samuel Mills, Peter Hunter Hamilton, Abraham K. Smith, Joseph Rolestone, Thomas Taylor, Henry Carrol, Calvin Martin, James Ritchie, E. Jackson, Jedediah Jackson, Welcome Yale, Luke V. Spurr, Ira Schofield, Mahlon Burwell, Andrew Miller, David Archibald McNab, William Notman, Matthew Crooks, Oliver Tiffany, Plumer Burley, George T. Tiffany, Edward Vanderlip, Oliver G. Tiffany, William Case, A. Smith, John Law, and Miles O'Reilley, 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 London and Gore 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 London and Gore 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.

Company a Body
Corporate.

Common Seal.

Style of the Company.

May hold real Estate,

for purposes of Rail
Road only.

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 Town of London and Burlington Bay, and to the navigable waters of the River Thames, and also to Lake Huron;

Company empowered
to construct Rail
Road,

Between London
and Burlington Bay,
to navigable waters
of River Thames,
and to Lake Huron;

for transport of passengers and property.

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.

May contract for Lands,

or for damage done.

In case of disagreement, each party may appoint Arbitrators;

who with one other, to be elected by ballot, shall determine amount of compensation.

Award of majority final.

Arbitrators to meet in the vicinity of the Rail Road, on eight days notice;

Arbitrators to be sworn before a Justice of the Peace.

Award subject to jurisdiction of Court of King's Bench.

Compensation awarded shall be paid within 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 London or Gore, 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 hereinbefore 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.

or property may be resumed.

V. *And be it further enacted by the authority aforesaid,* That the said London and Gore Rail Road Company shall have full power and authority to explore the Country lying between the Town of London, in the London District, and Burlington Bay, and also lying between the said Town of London and the navigable waters of the River Thames, and also between the said Town of London and Lake Huron, 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 Rail-ways to connect the Town of London, in the London District, with the Burlington Bay, the navigable waters of the River Thames, and also Lake Huron; and for the purposes aforesaid, the said Company and their Agents, Servants, and Workmen, are hereby authorized 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 let 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 conveniences 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 conveniences 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 conveniences 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 or belonging to the said Rail Road; and also place, lay, work and manufacture, the

Company empowered to explore country along intended line of road,

And appropriate and hold land necessary for their Rail Road,

And make Roads &c.

And alter and enlarge the same from time to time,

for general purposes.

Materials &c. may be manufactured on the ground near the line of road.

May repair and alter fences and passages through the Rail Road;

Piers and Bridges &c.

General authority for the purposes of the Rail Road;

Doing as little damage as may be.

President and Directors to establish and regulate tolls and rates.

Rail Road and tolls &c. vested in the Company.

Tolls when payable,

Power to regulate transport of goods and passengers, and collection of tolls;

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 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 owners or occupiers of such Lands, Tenements and Hereditaments.

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.

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 forever.

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 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 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 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.

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 high-way, lying on the route of the said Rail Road or Way, between the Town of London, in the London District, and Lake Ontario, 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 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.

To erect toll-houses.

Company may construct their Rail Way across any stream or water course, high-way &c.

Restoring the former usefulness of such stream &c.

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 wilfully injuring the works to forfeit double the amount of damage done;

How to be recovered.

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 London aforesaid and Burlington Bay, the navigable waters of the River Thames, and Lake Huron; 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 consent of the owner thereof, or by virtue of reference authorised by this Act.

Company in erecting Rail Road not to encroach upon private rights without consent of owner.

Affairs of the Corporation to be managed by seven Directors;

One of whom to be President;

Qualification of Directors.

One months notice of election;

To be chosen by ballot.

Provision in case of equality of votes.

Election of President.

Supply of vacancies during current year

Ratio of votes according to the number of shares.

Corporation not dissolved by non election of Directors on day appointed.

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 London, 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 Districts of London and Gore 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 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.

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.

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.

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.

Directors empowered to make by-laws; and appoint officers.

XVI. *And be it further enacted by the authority aforesaid,* That on the first Monday in the month of April next, a Meeting of the Stockholders shall be held at London, 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 twenty-five 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 London and Gore.

First meeting of Stockholders; to elect Directors, who shall appoint President. Period of service Meeting not to be held until £25,000 stock shall have been taken; and thirty days notice given.

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 Company may have or hold by virtue of this Act, shall not exceed in value One Hundred Thousand Pounds, with a privilege to the said Company of extending the amount of such capital to the sum of Two Hundred Thousand Pounds, in the event of the extension of the works to the navigable waters of the River Thames or to Lake Huron, and that such capital or Stock of one hundred thousand pounds, or two hundred thousand pounds, (if increased) be held in eight thousand, or sixteen thousand Shares, of twelve pounds 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 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.

Capital, including real estate, not to exceed £100,000. May be extended to £200,000 if Rail Road carried to River Thames or Lake Huron. 8,000 or 16,000 shares, at £12 10s. each; May be transferred after first instalment paid. Transfer to be registered. Company not act as Bankers.

Upon appointment of Directors a call of 5 per cent may be made

by thirty days notice.

Residue payable as majority of Stockholders shall at special meeting determine.

by instalments not exceeding 5 per cent, and on not less than 30 days notice.

Work not to commence until first instalment paid.

Shares forfeited by non payment of any instalment.

Forfeited shares to be sold, and proceeds accounted for.

Purchaser to pay the instalment due.

30 days notice of sale of forfeited Shares.

Annual Dividends of Profits to be made,

and statement of accounts to be rendered.

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 London and Gore, 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 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 five per cent, nor become payable in less than thirty days after public notice in the Newspaper or Newspapers 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.

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 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 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 London or Gore Districts, 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.

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 adviseable; 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.

Public Act.

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, 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 or 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 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 and Ten Shillings for every one Hundred Pounds, they shall be possessed of in the said concern.

Power to His Majesty Forty years after completion of work to assume possession,

on paying amount of Shares &c. and 25 per cent on money advanced.

Rail Road then vested in the Crown.

Subject to provisions of the Legislature.

Proviso in case profits have not amounted to £12. 10 per cent.

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 hereinbefore authorized, 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

After possession assumed by the Crown, the tolls &c. to be paid to the Receiver General, to be disposed of by the Legislature.

To be commenced within two years.

graciously pleased to direct: *Provided always*, That the said double or single iron or wooden Rail Road or Way shall be commenced within two years, after the passing of this Act, and finished from the Town of London to Burlington Bay within ten years, and from the said Town of London to the navigable waters of the River Thames and to Lake Huron in twelve years; otherwise, this Act and every matter and thing herein contained shall cease and be utterly null and void.

Company's works on Grand River not to interfere with its navigation.

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 either the Grand River or River Thames, so as to interfere in any manner with the free use and navigation thereof.

This Act may be modified by Legislature.

XXV. *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.

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. XXX.

AN ACT to Incorporate certain persons under the style and title of the President, Directors and Company, of the Port Hope and Rice Lake Canal Company.

[Passed 6th March, 1834.]

Preamble.

WHEREAS John David Smith, Richard Bullock, John Allan, Thomas Ward, John Crawford, Charles Hughes, Thomas Benson, John McSpadden, Richard Grierson, and others, have petitioned to be Incorporated

for the purposes of this Act: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said John David Smith, Richard Bullock, John Allan, Thomas Ward, John Crawford, Charles Hughes, Thomas Benson, John McSpadden, Richard Grierson, or either of them, together with all such persons as shall become Stockholders of the Company hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be, a Body Corporate and Politic, in fact, and by the name of "The Port Hope and Rice Lake Canal Company;" and by that name they and their successors shall and may have continued succession, and by that 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 causes 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 Port Hope and Rice Lake Canal 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 or expedient.

Port Hope and Rice
Lake Canal Com-
pany incorporated.

II. *And be it further enacted by the authority aforesaid*, That the Directors of the Port Hope and Rice Lake Canal Company shall have full power and authority to explore the country lying between the Rice Lake, in the Newcastle District, and Port Hope, in the said District, 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 the intended Canal, with its necessary locks, towing-paths, basins and rail-ways, to connect the Rice Lake with Lake Ontario at the Port Hope Harbour; and also to select such convenient sites for such and so many Mills, Manufactures, Ware-houses and other erections, as may be required by the said Company for the purposes thereof, and to purchase the same to and for the use of the said Company: *Provided always*, that nothing hereinbefore contained shall extend,

General powers to
Company to appro-
priate lands, &c.

Proviso in favour of owners of Mill-seats.

or be construed to extend, to compel the owner or owners of any Mill-seat to sell, convey, or otherwise depart with the same to the said Company : *Provided also*, that the owner or owners of any Mill-seat or Mill-seats using any additional supply of water brought thereto by the said Canal shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damages done to property by the said Company.

Canal may be supplied with water from springs within 1,000 yards therefrom.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered, from and after the passing of this Act, to supply the said Canal whilst making, and when made, with water from all such brooks, springs, streams, water-courses, hollows, or other repositories of water as shall be found in making the said Canal, or within the distance of one thousand yards (except as hereinbefore or hereinafter mentioned) from any part of the said Canal, or from any reservoir or reservoirs to be made for supplying the said Canal with water ; and the said Company are hereby also authorised and empowered, by themselves and their Deputies, Agents, Servants and Workmen, to make one or more reservoir or reservoirs, and such or so many feeders, tunnels and aqueducts, for supplying the said reservoirs and Canal with water, and conveying water from any such reservoir or reservoirs to the said Canal, as to them shall seem necessary and proper, (except as hereinafter or above mentioned,) 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 most Excellent Majesty, His Heirs and Successors, or to any other person or persons, Bodies Politic or Corporate, (excepting as is hereinbefore provided) 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 Canal, and any such reservoir or reservoirs, feeders, tunnels and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, in the said intended navigation ; and also to bore, dig, cut, trench, remove, take, carry away and lay, earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug or got in the making of the said Canal, or in making of any reservoir or reservoirs, feeder or feeders, aqueduct or aqueducts, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be proper, requisite or convenient, for carrying on, continuing or repairing the said Canal, or other the said works, or which may hinder, prevent or obstruct, the making, using, completing or main-

Reservoirs and Feeders.

Company may enter on and set apart lands, and do such things as are necessary for the navigation.

taining the same ; and also to make, build, erect and set up, in and upon the said Canal, or upon the lands adjoining or near the same, such and so many bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water, tanks, reservoirs, drains, wharves, quays, landing-places and other works, ways, roads and conveniences, as the said Company shall think requisite and convenient for the purposes of the said navigation ; and also from time to time to alter, repair, amend, widen or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and from the said Canal, 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 Navigation ; 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 locks, bridges, works and erections belonging thereto ; and also to to make, maintain, repair and alter, any fences or passages over, under or through the said Canal, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses and sluices respectively, which shall communicate therewith ; and also to make, set up and appoint drawing boats, barges, vessels or rafts passing in, through, along or upon the said Canal, as they the said Company shall think convenient ; and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using, maintaining and repairing the said Canal, and the towing paths on the sides thereof ; 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 Canal, 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 hereinafter mentioned for all damages to be sustained by the owner or occupier of such Lands, Tenements or Hereditaments: *Provided*, that nothing in this Act contained shall extend, or be construed to extend, to authorise the said Company to divert or take away, for the use of the said Canal, the water of any stream or river so as to injure any Mills within the limits of the said intended Canal, without the consent of the owner or owners thereof.

Causing as little damage as may be.

Not to take water from mills without owners' consent.

IV. *And be it further enacted by the authority aforesaid*, That should the owner or owners, occupier or occupiers, of any Mill-seats on the line of the said Canal, or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated from

Company may purchase mill-seats, if owners consider them deteriorated by operations under this Act.

the erection of rival establishments, or from any other cause growing out of the cutting and making the said Canal, and for the compensation of which no provision is made in this Act, it shall and may be lawful for the said Company, and they are hereby required, to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by Arbitrators, as hereinafter provided, to ascertain the value of lands or tenements to be purchased, or the amount of damages in any case sustained: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to compel the said owner or owners, occupier or occupiers of any such Mill-seats, to sell, convey, or otherwise dispose of the same to the said Company.

Owners not hereby compelled to sell.

Water may be taken from Rice Lake for use of Canal.

Piers may be erected.

Water not to be abstracted so as to affect navigation of Rivers Trent and Otanabee.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, in constructing and making the said Canal from Rice Lake to Port Hope, to take and appropriate for the use of the said Canal as much water as they may find necessary from out of the said Rice Lake; and it shall and may be lawful for the said Company to erect at the mouth of the Canal a Pier or Piers, if necessary, and at the point of departure of the said Canal from the said Rice Lake, for the use of the said Company and the purposes of transport on the said Canal: *Provided, nevertheless*, that the said Company shall not at any time, nor in any way, take from the Rice Lake any greater quantity of water than is necessary for the purpose of the said Canal for navigation only, and shall not lower the depth of water in the Rivers Otanabee and Trent, so as in any way to affect their navigation, or the machinery thereon erected, or that may be hereafter erected on either of the said Rivers.

Bodies corporate, Guardians, Trustees, &c. may contract and sell lands to Company on behalf of those they represent.

VI. *And be it further enacted by the authority aforesaid*, That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said Canal, and other purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, communities, corporations, aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, femmes covert, or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid; and that all such contracts, agreements and sales, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage, to the contrary thereof in any wise notwithstanding; and the amount thereof shall be established

in the manner hereinafter mentioned for the determination of the value of lands or other tenements to be purchased by the said Company, and of the amount of damages committed thereby.

VII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and the same 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 Canal, with all necessary and convenient locks, towing-paths, rail-ways and other erections and constructions contemplated by this Act to be cut, erected, constructed and built, 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 and may be entitled to recover from the said Company in consequence of the said intended Canal, locks, towing-paths, rail-ways and other constructions and erections being cut and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors or any of the said owners or occupiers shall 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 indifferent person, and for the said Directors to nominate and appoint another person, who, together with one other person to be elected by ballot by the said 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 a majority of whom shall be final; and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said intended Canal, to be appointed by the said Directors, within eight days after notice being given them by the said Directors for that purpose, 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 no Arbitrator shall be compellable to attend any such meeting of the Arbitrators aforesaid who shall usually reside more than fifty miles from the place of meeting; *And provided always,* that the damages so awarded shall be paid by the said Company

Directors may contract with owners of lands through which Canal is to pass,

or for damages occasioned thereby.

In case of disagreement, Arbitrators to determine amount of compensation.

Arbitrators to attend on eight days notice.

To be sworn before a Justice of the Peace.

Not compellable to attend if residing more than 50 miles distant.

within three months after such award shall have been made, and in default thereof, the owner or owners may re-enter, possess and enjoy the same, as if this Act had not been passed.

Award subject to be set aside by Court of King's Bench.

VIII. *And be it further enacted by the authority aforesaid,* 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 Arbitrators as hereinbefore provided.

If Canal pass a highway, Company shall erect a bridge.

IX. *And be it further enacted by the authority aforesaid,* 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, and keep the same in repair, under the penalty of five 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.

Penalty for neglect.

Penalty on persons wilfully injuring works.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break, throw down, damage or destroy any bank, lock, gate, sluice, or any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution or completing, supporting or maintaining the said Canal, every such person or persons so offending, shall forfeit and pay to the said Company the value of the damage proved by the oath of two or more credible witnesses to have been done, such damages, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the common Gaol for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

How recoverable.

Persons obstructing navigation,

XI. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber on the said Canal, or shall suffer the overloading of any boat, or vessel or raft, navigating in or upon the said Canal, so as by such overloading to obstruct the passage of any other boat, vessel or raft, and shall not immediately, upon due notice given to the owner or person having the care of such boat, vessel or raft so obstruct-

ing the passage aforesaid, remove the same, so as to make a free passage for the other boats, vessels or rafts, every such owner or person floating such timber, or having the care of such boat, vessel or raft, so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of Five Pounds, currency; and if any person shall throw any ballast, gravel, stones or rubbish, into any part of the said Canal, every such person shall, for every such offence, forfeit a sum not exceeding Five Pounds currency, which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said navigation.

to forfeit £5.

Throwing ballast, &c. into Canal liable to same penalty.

Application of penalty

XII. *And be it further enacted by the authority aforesaid,* That if any boat, vessel or raft, shall be placed in any part of the said Canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel or raft, shall not immediately, upon the request of any of the Servants of the said Company made for that purpose, remove the same, he shall for every such offence forfeit a penalty of ten shillings of lawful money of the Province of Upper Canada for every hour such obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company to cause any such boat, vessel or raft, to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in the said Canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company to cause such boat or vessel to be weighed or drawn up, and to retain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Obstructing navigation with boats or rafts.

Penalty of 10s. per hour during its continuance.

Boats, &c. may be detained till costs paid.

Sunken boats to be raised at cost of owners.

XIII. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said Canal to use any pleasure boats, or any boats, upon the said Canal for the purpose of husbandry, or for conveying cattle from one farm or part of a farm or lands to any other farm or lands of the same owner or occupier, (not passing through any Lock without the consent of the said Company, their successors or their principal Agent, for the time being,) without interruption from the said Company or their successors, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares or merchandize, to market, or for sale, or for any person or persons

Privilege to owners of land adjacent, in using Canal.

Not to extend to carriage of merchandize, &c. to market.

for hire, and shall not obstruct or prejudice the navigation of the said intended Canal, or the towing-paths thereof.

XIV. *And whereas* it may hereafter happen, from floods or from some unexpected accident, that weirs, flood-gates, dams, banks, reservoirs, trenches or other works of the said Navigation, may be damaged or destroyed, and the adjacent lands, or the property thereon, thereby damaged, and that it may be necessary that the same should be immediately repaired or re-built, to prevent further damages: *Be it therefore further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Company from time to time, or for their or any of their Servants, Agents or Workmen, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds or hereditaments adjoining or near to the said intended Canal, or branches, reservoirs or trenches, or any of them, (not being an orchard, garden or yard) and to dig for, work, get and carry away, and use all such stones, gravel and other materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in such lands, grounds, property or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away and using such stones, gravel and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined, by the ways and means hereinbefore described with respect to other damages done by the making and completing the said Navigation.

Company may procure materials for repairs, &c. on lands adjacent.

Orchards, &c. excepted.

On making compensation for damage done.

Spaces may be cut at intervals to enable vessels to pass or turn.

XV. *And be it further enacted by the authority aforesaid,* That the said Company shall and may, in such parts of the said Canal as shall not be of sufficient breadth for admitting a boat, vessel or raft to turn about or lie, or for two boats or other vessels or rafts to pass each other, to open or cut proper spaces or places in the lands adjoining to the said Canal, at convenient distances from each other, for the turning, lying and passing of any such boat, vessel or raft; and that the said boats, vessels and rafts, being hauled or navigated upon the said Canal, shall, upon meeting any other boat or vessel, stop at or go back to and lie in the said places or spaces, in such manner as the said Directors, or the major part of them, under their hands shall direct and appoint.

XVI. *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 to regulate from time to time and establish the rates of Toll payable by persons navigating upon the said Canal; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the Tolls collected upon the said Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares and merchandize transported in and along the same: *Provided always,* that if at any time after the expiration of five years from the time of the commencement of the navigation upon any part of the said Canal, the Legislature shall deem the tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than twenty per cent. on the Capital actually expended in making the said Canal.

President and Directors to establish and regulate Tolls,

and exhibit annually to Legislature accounts of sums collected and expended, goods transported &c.

When Canal five years in operation, Legislature may regulate Tolls, if deemed excessive.

XVII. *And be it further enacted by the authority aforesaid,* That the said Company shall, at their first general meeting held after any part of the Canal shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act, and that it shall and may be lawful for the Directors of the said Company to alter the said rates at any subsequent meeting, after giving three months public notice of the same, and that a Schedule of Rates shall be affixed on the different public places on the route of the said Canal.

Rates to be fixed at first meeting after Canal finished.

Rates may be subsequently altered, on giving 3 months notice.

XVIII. And for preventing disputes touching the tonnage of any boat, barge or other vessel navigating upon the said Canal, *be it further enacted by the authority aforesaid,* That the owner or master of every such boat, barge or vessel, shall permit and suffer every such boat, barge or vessel to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of Five Pounds; and it shall be lawful for the said Company, or their Toll-gatherer, or such person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues, and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company, or their Toll-gatherer, shall have alone the power of ascertaining such tonnage.

Admeasurement of Vessels for ascertaining their tonnage.

Choice of person to measure vessel.

All persons entitled to use of Navigation on payment of established dues.

XIX. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have free liberty to use with horses, cattle and carriages, the private roads and ways to be made as aforesaid (except the towing paths) for the purpose of conveying any goods, wares, merchandize, timber and commodities whatsoever, to and from the said Canal, and also to navigate on the said Canal with any boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber and commodities, and also to use the said towing-paths with horses for drawing and hauling such boats and vessels, upon payment of such rates or dues as shall be established by the said Company.

Company may either sue for dues or seize and detain vessels in default of payment.

XX. *And be it further enacted by the authority aforesaid,* That the said several dues shall be paid to such person or persons at such place or places near to the said Canal, in such manner and under such regulations as the said Directors shall direct or appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates ought to be paid, may, and he is and they are hereby empowered to seize and detain such boat, vessel, barge or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Number and amount of shares.

XXI. *And be it further enacted by the authority aforesaid,* That each Share in the said Company shall be Twelve Pounds Ten Shillings, and the number of Shares shall not exceed Four Thousand, and that Books of Subscription shall be opened at such places in this Province, within two months after the passing of this Act, by such person or persons and under such regulations as the majority of the said Petitioners assembled at a meeting to be called by three or more of them in the Town of Port Hope for that purpose shall direct.

First subscription limited to 80 shares.

XXII. *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 eighty Shares,) the amount whereof shall be due and payable to the said Company in the manner hereinafter mentioned; that is to say: ten per cent on each Share so subscribed shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than ten per cent, at such periods as the President

10 per cent to be paid on the election of Directors.

Remainder by instalments not exceeding 10 per cent.

and Directors shall from time to time direct and appoint for the payment thereof: *Provided*, that no instalment shall be called for in less than ninety days after public notice shall have been given in three or more of the Newspapers of this Province: *Provided always*, that if any Stockholder or Stockholders as aforesaid, shall neglect or refuse to pay to the said Company the instalment 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 as aforesaid, with the amount previously paid thereon, and the Share or Shares shall be sold by the Directors at public auction, after having given ninety days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said Company: *Provided always*, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the Share or Shares to be purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to a certificate of the transfer of such Share or Shares so to be purchased as aforesaid.

Ninety days notice of call.

Shares forfeited if instalments not paid.

XXIII. *And be it further enacted by the authority aforesaid*, That if the whole number of Shares shall not be subscribed within two months after the Books of Subscription shall have been opened as aforesaid, then and in such case it shall and may be lawful for any former subscriber to increase his, her or their subscription; and that after the first instalment shall have been paid to the said Company the said Shares shall become transferable on the books of the said Company; *Provided always* that until the said Canal shall be completed from the Rice Lake to the Port Hope Harbour no part of the funds paid in shall be applied to any other purpose whatsoever, and the said Company shall proceed to the completion of the whole with as little delay as possible.

After two months, first subscribers may increase their stock.

After first instalment paid, shares transferable.

Until Canal completed, funds not to be applied to any other purpose.

XXIV. *And be it further enacted by the authority aforesaid*, That so soon as five thousand pounds shall have been subscribed, it shall be lawful for such subscribers, or any of them, to call a meeting at some place to be named in the said Town of Port Hope, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of Shares, voted for in manner hereinafter prescribed in respect of 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 April succeeding their election; and the Directors so chosen shall, as soon as a deposit amounting to five hundred pounds upon the Shares subscribed as aforesaid shall be paid to the said Directors, commence the business and

First meeting for choice of Directors.

Period of Directors' service.

Thirty days' notice
of meeting.

operations of the said Company : *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published in three or more Newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

Affairs of Corporation
to be managed by
five Directors.

Qualification of
Directors.

Notice of election.

Elections by ballot.

President to be
elected.

Two Directors to be
ineligible the next
election.

President always
eligible as Director.

Non-resident Stock-
holders ineligible.

XXV. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns of the said Corporation, shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall be Stockholders, and shall be Inhabitants of this Province, and be elected on the first Monday in April in every year, at such time of the day and at such place near the line of the said intended Canal, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in three or more Newspapers printed within this Province of such time and place, not more than sixty nor less than thirty days previous to the time of holding the said election, and the said election shall be held and made by such of the 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 five persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter directed; and if it shall 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 five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed by 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 five; and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors, and in case a greater number than three of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the smallest number of votes, shall be considered void, and such other Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible as aforesaid, and the President for the time being shall always be eligible to the office of Director, but Stockholders not residing within the Province shall be ineligible, 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 should at any time happen among the Directors, or in the office of President, 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: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least ten Shares.

Supply of vacancies in Direction during current year.

XXVI. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name at least three months prior to the time of voting (except at the first election) according to the following rates: (that is to say) at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

Ratio of votes according to number of shares.

XXVII. *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.

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

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

Directors to declare half-yearly Dividends.

Triennial statement.

XXIX. *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

Directors may make By-laws;

and appoint Officers, &c. duty and conduct of the Officers, Clerks and Servants employed by 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 meet; *Provided* that such rules and regulations be not repugnant to the laws of this Province.

Treasurer to give security.

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

Penalties for offences against this Act recoverable before two Justices,

XXXI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the said Corporation, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is hereinbefore directed, shall, upon proof of the offences respectively before any two Justices of the Peace for the District of Newcastle, either by confession of the party or parties, or by the oath of one credible witness, (which oath such Justices are hereby empowered and required to administer without fee or reward) be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such Justices, (which warrant such Justices are hereby empowered to grant,) and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned upon demand to the owner or owners of such goods and chattels, and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not forthwith be paid, it shall and may be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common Gaol of the Newcastle District, there to remain without bail or mainprize, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same shall be sooner paid and satisfied, all which said penalties and forfeitures, when levied and satisfied in manner aforesaid, shall be paid to the said Company, to be by them applied for the purposes of the said Navigation.

by distress and sale of goods.

Commitment for default,

not exceeding 20 days.

Land taken for Canal and Towing-paths, &c. not to exceed forty yards.

(Exceptions.)

XXXII. *And be it further enacted by the authority aforesaid,* That the land and ground to be taken and used for the said Canal, the towing paths and the ditches, drains and fences, to separate any such towing paths from the adjoining lands shall not exceed forty yards in breadth, except in such places where the said Canal shall be raised higher or cut above four feet deeper than the present surface of the land, and in such places where it shall be judged necessary for boats and other vessels and

rafts to turn, lie or pass each other, not more than sixty-five yards in breadth in any of those places, without the consent of the owner or owners of such land or ground respectively, under his, her or their hand or seal, in writing, first had and obtained, nor shall any land or ground be let out, ascertained, contracted for or sold, for the purpose of making any navigable cut, trench or sluice, to convey goods or other things to or from the said Canal, without such consent as aforesaid, any thing in this Act contained to the contrary notwithstanding.

Without consent of owner.

XXXIII. *And be it further enacted by the authority aforesaid,* That after a period of fifty years after the making and completing of the said Canal, it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging or in anywise appertaining, upon paying to the said Company, their heirs, executors, administrators and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing of the said Canal, 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 Canal 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 or stead of the said Company, their heirs and assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

Power to His Majesty fifty years after completion of Canal, to assume possession thereof, on certain conditions.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages, shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be so done, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

Limitation of actions.

Defendant may plead general issue.

Right of the Crown
and of bodies corpo-
rate &c. saved.

XXXV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever the right of His Majesty, His Heirs and Successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided.

Canal to be com-
pleted within seven
years.

XXXVI. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefit and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Canal within seven years from and after the passing of this Act.

Owners of adjacent
Lands may erect
bridges.

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons possessing lands through which the said Canal shall pass to erect a Bridge or Bridges at his or their own expense to connect the parts of such land which shall be divided by the said Canal: *Provided always,* that such Bridge or Bridges shall not present greater obstacles to the navigation of the said Canal than the Bridges erected thereon by the said Company.

Legislature may vary
the provisions of this
Act.

XXXVIII. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred on the said Company, the Legislature may at any time hereafter make such alterations of 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, privilege or convenience connected therewith.

Company not to act
as Bankers.

XXXIX. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to authorise the said Company to carry on the business of Banking.

Dimensions of Locks.

XL. *And be it further enacted by the authority aforesaid,* That the Locks on the said Canal shall not be less than seven feet in width and sixty feet in length, and the quantity of water in said Locks not less than three feet in depth over the mitre sill.

CHAP. XXXI.

An Act to incorporate certain persons therein mentioned under the style and title of the Richmond Canal Company.

[Passed 6th March, 1834.]

WHEREAS George T. Burke, Joseph Maxwell, Edward Mallock, Charles P. Thompson, James Johnston, Anthony Philip, John McNaughton, and others, of the Town of Richmond and vicinity, in the County of Carleton, in the Bathurst District, have by Petition prayed to be Incorporated as a Joint Stock Company, for the purpose of improving and rendering navigable the River Goodwood, with such other persons as may feel disposed to undertake the said improvement; *And whereas* by an Act passed in the eighth year of His late Majesty's reign, entitled "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining or using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned," power and authority were given to any officers or persons employed by His Majesty, in case His Majesty should desire to improve the navigation of the Rivers Tay and Goodwood, which empty their waters into the River Rideau, to enter into or upon the lands or grounds of or belonging to any person or persons on the borders of the said Rivers Tay and Goodwood, in the same manner and for the like purposes, and subject to the same conditions as His Majesty is by the said Act authorised to do with respect to the lands bordering on the River Rideau; *And whereas* it is expedient to repeal so much of the said Act as authorises His Majesty to cause the navigation of the River Goodwood to be improved according to the provisions of the said Act, and to Incorporate the Petitioners for the purposes therein mentioned: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, That so much of the said in part recited Act as relates to the improvement of the River Goodwood be, and the same is hereby repealed.

Preamble

Part of 8 Geo. 4, ch. 1,
repealed.

Richmond Canal
Company incorpo-
rated.

II. *And be it further enacted by the authority aforesaid,* That the said George T. Burke, Joseph Maxwell, Edward Mallock, Charles P. Thompson, James Johnston, Anthony Philip and John McNaughton, 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 "Richmond Canal Company," and by such 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, in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their Successors 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 "Richmond Canal 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 demising, 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.

Capital stock not to
exceed Six Thousand
Pounds.

III. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock, inclusive of any real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Six Thousand Pounds of lawful money of this Province, which Capital shall be composed of Six Hundred Shares, of the value of Ten Pounds each, and that the said Shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing or holding the same, to other person or persons: *Provided always,* that such transfer be entered or registered in a book or books to be kept for that purpose by the said Company, and that no such transfer shall be made by any Stockholder of the said Company, until after the expiration of one year from the period when the said work is completed.

Shares not transfer-
able until a year after
completion of work.

Shares to be paid for
by instalments.

IV. *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 fifty,) the amount whereof shall be due and payable to the said Company, in the manner hereinafter mentioned; that is to say: ten per cent on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than twenty per cent, at such periods as the President and Direc-

tors shall from time to time direct and appoint for the payment thereof: *Provided*, that no instalment shall be called for in less than thirty days after public notice shall have been given in Hand-bills or in all the Newspapers of the District of Bathurst: *Provided always*, that if any Stockholder or Stockholders as aforesaid 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 as aforesaid, with the amount previously paid thereon, and the share or shares shall be sold by the Directors at public auction, after having given ten days notice; and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other proceeds of the said Company: *Provided always*, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares to be purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

Calls to be advertised.

Shares to be forfeited if calls not paid.

V. *And be it further enacted by the authority aforesaid*, That so soon as two hundred shares shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named, (in the Town of Richmond,) for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of shares voted for in the manner hereinafter prescribed, in respect of 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 January succeeding their election; and the said Directors, so soon as may be after the first election, shall proceed in like manner to elect by ballot one of their number to be President for the like period, and the President and Directors so chosen shall, as soon as a deposit, amounting to Ten Pounds per centum upon the shares subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Company: *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published in Hand-bills or in the Newspapers of the District of Bathurst, at the distance of not less than thirty days from the time of such notification.

First meeting for choice of Directors.

Period of service.

When ten per cent paid, operations to commence.

Thirty days notice of meeting.

VI. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns of the said Corporation shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall

Affairs to be managed by five Directors.

Qualification.

be Stockholders, and shall be Inhabitants of this Province, and be elected on the first Monday in January in every year, at such time of the day and at such place near the line of the said intended navigation as the majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in Hand-bills, or in the Newspapers printed within the District of Bathurst, of such time and place, not more than thirty nor less than fifteen 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 Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter directed; and if it shall 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 five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed by 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 five, and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors, and in case a greater number than three Directors, exclusive of the President who served for the last year shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest number of votes, shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes shall be considered as elected in the room of such last described person or persons who are hereby declared ineligible as aforesaid, and the President for the time being shall always be eligible to the office of Director, but Stockholders not residing within the Province shall be ineligible, and if any Director shall absent himself from this Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, or in the office of President, by death, resignation or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least five shares.

Elections by ballot.

President.

Provision for a mutual change of two Directors.

Stockholders not resident within the Province ineligible.

Supplying vacancies in direction during current year.

VII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say: at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

Qualification of voters and ratio of votes, according to number of shares.

VIII. *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.

Corporation not dissolved by non-election of Directors at time appointed.

IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Company as to them or to the majority of them shall appear advisable, and that once in every year, and oftener if thereunto required, by a majority of the votes of the Stockholders, to be given agreeable to the ratios hereinbefore established at a general meeting to be called for that purpose, 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.

Directors to declare half yearly dividends; and render statement of affairs to Stockholders.

X. *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 amount of tolls to be collected on the said Navigation, the duty and conduct of the Officers, Clerks and Servants employed by the said Company, 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 meet: *Provided,* that such rules and regulations be not repugnant to the laws of this Province.

Directors may make By-laws,

regulate tolls,

and appoint officers.

Treasurer, to give security.

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

General powers to Company to explore and appropriate lands, &c. for the purposes of the navigation.

XII. *And be it further enacted by the authority aforesaid,* That the said Company, or any person authorised by them, shall have full power and authority to explore the country through which the River Goodwood runs, and to enter into and upon the lands and grounds of or belonging to any person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and set out and ascertain such parts thereof as he or they shall think proper and necessary for making locks, dams, aqueducts, tunnels, culverts, bridges, and all such other improvements, matters and conveniences as he shall think proper and necessary for making, effecting, preserving, improving, completing and using the said Navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel, or sand, or any other matter or things which may be dug or got in the making of the said navigation, locks, dams, tunnels, aqueducts, culverts, or other improvements, or out of any lands or grounds of any person or persons, adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said works or improvements, or which may obstruct the making or maintaining the said navigation; and also to make, build, erect and set up, in and upon the said River, or upon the lands adjoining or near to the same, such and so many dams, bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water, tanks, reservoirs, drains, wharves, quays, landing places, and other works, ways, roads and conveniences, as the said Company or any person or persons authorised by them as aforesaid shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, amend, repair, widen or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and from the said navigation, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening or enlarging, the works of and belonging to the said navigation; and also to 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 construct the several locks, dams, bridges, works and erections, belonging thereto; and also to make, maintain, repair and alter, any fences or passings, over, under or through the said River, or the reservoirs and tunnels, aqueducts, passages, gutters, water-courses and sluices respectively which shall com-

Bridges and other works may be erected.

municate therewith; and also to make, set up and appoint, drawing boats, barges, vessels or rafts, passing in, through, along or upon the said River, as the Company or person or persons authorised by them as aforesaid shall think convenient, and to construct, erect and keep in repair any piers, arches or other works, in, upon and across any rivers or brooks, for making, using, maintaining and repairing the said navigation, and the towing paths on the sides thereof; and also to construct, make and do all other matters or things which he or they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said navigation, in pursuance and within the true meaning of this Act, doing as little damage as may be in the execution of the several powers to them hereby granted.

XIII. *And be it further enacted by the authority aforesaid,* That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said navigation, and other purposes and conveniences hereinbefore mentioned, the said Company, or person or persons authorised by them as aforesaid, is hereby empowered to contract, compound, compromise and agree with all bodies politic, communities, corporations, aggregate or sole guardians, and all other person or persons, for themselves or as trustees, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, femmes covert, or other person or persons, who shall occupy, be possessed of, or interested in any lands or grounds which shall be set out or ascertained as aforesaid, for the absolute surrender to the said Company of so much of the said land as shall be required, or for the damages which he, she or they, may reasonably claim in consequence of the said improvement or other the works of and belonging to the said navigation, and other constructions and erections being cut and constructed in and upon his, her or their respective lands, and that all such contracts, agreements and surrenders shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, or usage to the contrary notwithstanding.

Company may contract for purchase of lands, &c. necessary for their use.

XIV. *And be it further enacted by the authority aforesaid,* That such parts and portions of land or lands covered with water, as may be so ascertained and set out by the Company, or person or persons appointed as aforesaid, as necessary to be occupied for the purposes of the improvement of the said navigation, and also such parts and portions as may, upon alteration or deviation, be ascertained and set out as necessary for the purposes thereof, shall be forever thereafter vested in the said Company.

Lands set apart for purposes of this Act vested in the Corporation.

Questions of compensation to be left to Arbitration.

XV. *And be it further enacted by the authority aforesaid,* That if before the completion of the said navigation through the lands or grounds of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages, according to this Act, the person or persons superintending the said work shall, at any time after the completion of such portion of the improvement of the said navigation, upon the notice or request in writing of the proprietor of such lands, or his agent, legally authorised, to appoint an Arbitrator, who at a day to be named in such notice shall attend upon the premises in question, to meet an Arbitrator to be appointed by such claimant, and such two Arbitrators shall and may, before proceeding to consider the claim, appoint a third Arbitrator, which three Arbitrators, being first sworn by some one of His Majesty's Justices of the Peace, then there present to give a just and true award upon the claim submitted to them, shall, upon the statements of the parties and view of the premises, and upon the testimony of witnesses to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said Arbitrators is hereby authorised to administer,) make their award in writing, under their hands, of the amount of damages to be paid to such claimant.

Witnesses to be examined on oath.

Party declining to abide by award to give notice in writing, and bear the costs of assessment.

XVI. *And be it further enacted by the authority aforesaid,* That if either the person or persons superintending the said work, or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing, within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the party refusing to abide by such award.

Notice of assessment of damages by Jury to be served on party dissenting from award.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases in which awards shall be made, to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party dissenting from such award, to serve on the other party a notice in writing, appointing a day not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation, according to this Act, assessed in the manner hereinafter provided, and that the party giving such notice shall also specify some day therein, which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the Office of the Sheriff of the District of Bathurst, for the purpose of striking a Jury to assess the damages so claimed as aforesaid.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed as last aforesaid, the parties, their Attornies or Agents, shall attend at the Sheriff's Office, and that the Sheriff shall, at the hour of one o'clock in the afternoon, proceed in the presence of the parties, or such of them, their Attorney or Agent as may be present, to select the names of twenty-one persons from among those qualified to serve on special Juries, and in the manner directed by law for selecting Special Juries, and that the names of such twenty-one persons so drawn being fairly written out by such Sheriff, each party, or his Attorney or Agent attending for that purpose, shall alternately strike off one, that party beginning at whose instance such Jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a Jury for assessing the damages to be paid to such claimant as aforesaid: *Provided always,* that in case either party shall omit to attend personally or by Agent at the time appointed, the Sheriff or his Deputy shall strike in behalf of such person not attending.

Sheriff to strike a Jury from special Jury list.

XIX. *And be it further enacted by the authority aforesaid,* That the seven persons so struck to serve as aforesaid, shall be summoned by the Sheriff to attend upon the premises, in respect to which the damages are claimed as aforesaid, giving not less than ten days notice of such attendance, and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order in which they shall stand upon the original list, the oath following, that is to say:

Sheriff to summon persons struck as Jurors.

“I, A. B. do swear, that I will well and truly assess the damages upon the claim of C. D., according to the Act in that behalf;”

Jurors oath.

and thereupon the said Jury having viewed the premises, and received the testimony upon oath or affirmation of such witnesses as shall be brought before them, (which oath or affirmation the said Sheriff or his Deputy is hereby authorised to administer) shall deliver their verdict by the opinion of the majority of such Jury, of the amount of damages to be paid to such claimant.

XX. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any individual to compensation for property taken or for damage done under the authority of this Act, the Arbitrators or Juries assessing such damages, shall take into their consideration the benefit likely to accrue to each individual from the improvement of the said navigation, by its enhancing the value of his property or producing other advantages, or to award any claimant any sum as damages for the overflowing of any lands below the usual high water mark: *Provided always, never-*

Mode of estimating damages.

theless, that it shall not be competent to any Arbitrators or Jury to direct any individual claiming as aforesaid to pay any sum in consideration of such advantages, over and above the amount at which the damages of such individual shall be estimated.

Party requiring a Jury, to pay all expenses.

XXI. *And be it further enacted by the authority aforesaid*, That the party desiring such Jury to be summoned, shall pay to the Sheriff for striking and summoning the same, and for attending and taking the verdicts, the sum of Two Pounds; and to each Jurymen attending in pursuance of such summons, the sum of Ten Shillings.

Compensation to be paid within 3 months, or property may be resumed.

XXII. *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.

Wilfully injuring Company's works, a misdemeanor.

XXIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully or maliciously break down, damage or destroy any bank, lock, gate, sluice, or any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution or completing, supporting, or maintaining the said navigation, every such person or persons so offending, shall be deemed guilty of a misdemeanor.

Penalty for obstructing the navigation.

XXIV. *And be it further enacted by the authority aforesaid*, That if any person shall float any timber upon the said navigation, or shall suffer the overloading of any boat, or vessel or raft, navigating in or upon the navigation of the said River, so as by such overloading the same, to obstruct the passage of any other boat, vessel or raft, and shall not immediately, upon due notice given to the owner or person having the care of such boat, vessel or raft so obstructing the passage aforesaid, remove the same, so as to make a free passage for other boats, vessels or rafts, every such owner or person floating such timber, or having the care of such boat, vessel or raft so obstructing the passage as aforesaid, shall forfeit and pay for every such offence, the sum of Five Pounds; and if any

person shall throw any ballast, gravel, stones or rubbish, into any part of the said navigation, every such person shall, for every such offence, forfeit a sum not exceeding Five Pounds.

XXV. *And be it further enacted by the authority aforesaid,* That if any boat, vessel, raft or timber shall be placed in any part of the navigation of the said River, so as to obstruct the same, and the person having the care of such boat, vessel, raft or timber, shall not immediately, upon the request of any of the persons employed by the said Company, remove the same, he shall for every such offence forfeit a penalty of Ten Shillings for every hour such obstruction shall continue, and it shall be lawful for the Agents, Toll-gatherers, or others, employed by the said Company, or person or persons by them appointed to the charge of said works, to cause any such boat, vessel, raft or timber to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, raft or timber, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in any part of the said navigation, and the owner or owners, or the person or persons having the care of such boat, vessel or timber, shall not without loss of time, weigh or draw up the same, it shall be lawful for the Agents, Toll-gatherers, or other persons employed by the said Company, to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Penalty for leaving any boats, &c. in the navigation.

Such boats, &c. may be detained until costs paid.

Sunken boats to be raised at cost of owner.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the owners and occupiers of any land adjoining to the said river or navigation, to use any boats thereon for the purpose of husbandry, or for conveying cattle from one farm, part of a farm or lands, to any other farm or lands of the same owner or occupier, not passing through any lock without the consent of person or persons in charge for the time being, without interruption and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares or merchandize to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the said navigation or the towing paths thereof.

Privilege to persons inhabiting banks of the River,

not to extend to carriage of goods, &c. to market.

XXVII. *And whereas* it may hereafter happen from floods, or from unexpected accidents, that weirs, gates, dams, banks, reservoirs, trenches or other works of the said navigation may be damaged or destroyed, and the adjacent lands, or the property thereon, thereby damaged, and that it may be necessary that the same should be immediately repaired or re-

Company may procure materials for repairs, &c. on lands adjacent,

except orchards, &c.

on making compensation for damage done.

built to prevent further damages ; *Be it therefore further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall and may be lawful for any person or persons employed by the said Company from time to time, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds or hereditaments, adjoining or near to the said navigation, or branches, reservoirs or trenches, or any of them, (not being an orchard, garden or yard) and to dig for, work, get, and carry away and use, all such stones, gravel and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners thereof, or other persons interested in such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away and raising, such stones, gravel and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined, by the ways and means hereinbefore described with respect to the other damages done by the making and completing the said navigation.

Spaces may be cut at intervals, to enable vessels to pass or turn.

XXVIII. *And be it further enacted by the authority aforesaid,* That the person or persons employed by the said Company shall and may, in such parts of the said navigation as shall not be of sufficient breadth for admitting a boat, vessel or raft to turn about or lie, or for two boats or other vessels or rafts to pass each other, open or cut proper places or spaces in the lands adjoining to the said navigation, at convenient distances from each other, for the turning, lying and passing of any such boat, vessel or raft, and that the said boats, vessels and rafts being hauled or navigated upon the said River, shall, upon meeting any other boat or vessel, stop at or go back to and lie in the said places or spaces, in such manner as shall be notified by the person or persons in charge of such navigation.

Admeasurement of vessels for ascertaining their tonnage.

XXIX. And for preventing disputes touching the tonnage of any boat, barge or other vessel, navigating upon the said River, *Be it further enacted by the authority aforesaid,* That the owner or master of every such boat, barge or vessel, shall permit and suffer every such boat, barge or vessel, to be gauged or measured, and refusing so to permit and suffer shall forfeit and pay the sum of Forty Shillings ; and it shall be lawful

for the Toll-gatherer, or such other person or persons as shall be appointed for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates and dues; and if such owner or master shall refuse or decline to choose a person on his behalf as aforesaid, then the person appointed on behalf of the Company shall have alone the power of ascertaining such tonnage.

Choice of person to measure vessel.

XXX. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have free liberty to use with horses, cattle and carriages, the roads and ways to be made as aforesaid, (except the towing paths) for the purpose of carrying any goods, wares, merchandize, timber and commodities whatsoever to and from the said navigation; and also to navigate on the said river improvement with any boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber and commodities; and also to use the said towing-paths with horses, for drawing and hauling such boats and vessels, upon payment of such rates and dues as shall be established by the said Company.

All persons entitled to use navigation on payment of established dues.

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to take, occupy, use and enjoy, such lands along the said navigation for the purposes of a towing-path, and for the security and convenience of the several locks and dams, as to the Directors shall seem necessary: *Provided always,* that the said towing-path does not exceed forty feet in width, and the ground so taken at each dam and lock shall not embrace a greater quantity than one acre on each side of the navigation: *And provided also,* that the value of the land so taken shall be ascertained and compensated for in the manner herein before prescribed for the payment of lands taken for the other purposes of this Act: *Provided always,* that the said Company shall from time to time, and at all times hereafter, have power and authority to enter any lands or premises on the border of the said River Goodwood for the purpose of removing any fallen timber, or any other matter or thing that may have become, or shall be likely to become, an obstruction in the said navigation.

Land may be taken for towing path, &c.

To what extent.

XXXII. *And be it further enacted by the authority aforesaid,* That in case of refusal or neglect of payment of any such rates or dues as may be imposed by the said Company as aforesaid for passing along the said navigation, or any part thereof on demand to the person or persons appointed to receive the same, such person may, in his own name, sue

Company may either sue for dues, or detain vessels until payment made.

for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid may, and he is and they are hereby authorised and empowered, to seize and detain such boat, vessel, barge or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Penalties to be levied by distress and sale of goods.

XXXIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the said Company, or person or persons appointed by the said Company to be made in pursuance thereof, shall, upon proof of the offences respectively before any two Justices of the Peace for the District in which such offence has been committed, either by the confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such Justices, and the overplus (if any) after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned upon demand to the owner or owners of such goods and chattels; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common Gaol of such District, there to remain without bail or mainprise, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

In default of distress, offender may be committed,

not exceeding twenty days.

Penalties to be transmitted to Receiver General.

XXXIV. *And be it further enacted by the authority aforesaid,* That all penalties imposed by this Act, when levied and satisfied in manner aforesaid, shall be paid to the said Justices to be by them transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's treasury for the time being.

Powers given to Company extended to their Servants.

XXXV. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities given by this Act to the said Company, or to the person or persons to be employed by them in superintending the construction of the said navigation, or to the person at any time hereafter in charge thereof, shall extend, so far as may be required for the purposes of this Act, to all and every the persons employed, or to be employed, in the execution of any matter authorised to be done by this Act.

Powers given in regard to the River extends to parts to be excavated.

XXXVI. *And be it further enacted by the authority aforesaid,* That all and every the powers, authorities and privileges by this Act given, relating

in any manner to the improvement of the said River intended to be made as aforesaid, shall extend and apply to that of the navigation to be made or improved, which shall lie along the said River, as well as to such parts as shall require to be wholly made and excavated through lands affording no natural channel.

XXXVII. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons, for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the doing or committing of such damages, shall cease and not afterwards, and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

Limitation of actions.

General issue may be pleaded.

XXXVIII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear that the tolls received by the said Richmond Canal Company, in any one year shall exceed twenty per cent on the capital invested, it shall and may be lawful for the Legislature of this Province to regulate the tolls to be received by the said Company, in such manner as to them may appear just, by any Act to be passed for that purpose.

When tolls shall exceed 20 per cent Legislature may regulate them.

XXXIX. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing in this Act contained, it shall and may be lawful to authorise one or more public Ferry or Ferries across the said River, if it shall appear expedient, and to erect, maintain, and use such bridge or bridges over the said river, and to make and use such Highways leading to and from the same, as shall be found necessary for public convenience, in the same manner as Highways and Bridges are constructed and made in other parts of this Province, and as if this Act had not been passed: *Provided always,* that such Bridges shall be so constructed and made with swings and other openings, as to occasion no unnecessary inconvenience to the said Navigation by Steam Boats or other vessels.

Ferries may be established if expedient; and bridges.

Power to His Majesty fifty years after completion of the work, to assume the same, on certain conditions.

XL. *And be it further enacted by the authority aforesaid,* That at any time after fifty years, after the making and completing the said Navigation, 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, or of the sums furnished and advanced by each subscriber, towards the making and completing the said Navigation, 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 Navigation 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 Navigation, 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 hundred pounds they shall be possessed of in the said concern.

When assumed by His Majesty, the tolls to be paid to Receiver General, for use of Province.

XLI. *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 Navigation, shall have been assumed by His Majesty, His Heirs or Successors, as herein before authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty 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 Navigation 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.

Period within which Navigation to be completed.

Act to cease if within 2 months it be ascertained that this navigation is to be improved on behalf of His Majesty.

XLII. *And be it further enacted by the authority aforesaid,* That if within two months after the passing of this Act, it shall be ascertained by the Governor, Lieutenant Governor, or person administering the Government of this Province, that the Officer superintending the construction of

the Rideau Canal is instructed to undertake the improvement of the Navigation of the River Goodwood, or deems it expedient that the same shall be undertaken by His Majesty's Government, under authority given by the twenty-fifth section of the Act passed in the eighth year of His late Majesty's reign, then it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by Proclamation, to be issued by and with the advice of the Executive Council thereof, to suspend the operation of this Act, and from thenceforth it shall cease to have any force or effect, any thing herein contained to the contrary notwithstanding.

XLIII. *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.

Legislature may vary the provisions of this Act.

CHAP. XXXII.

AN ACT to Incorporate certain persons therein mentioned under the style and title of the President, Directors and Company, of the Credit Harbor.

[Passed 6th March, 1834.]

WHEREAS the construction of a safe and commodious Harbor at the mouth of the River Credit, in the Home District, would manifestly tend to the advantage of that part of this Province: *And whereas,* William Thompson, John Barnhart, John McGill, Alexander Proudfoot, Robert Young, William H. Patterson, John Carey, Thomas McGrath, Joseph Sawyer, Peter Jones, and John Jones, (the three last being Indian Chiefs) have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbor 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

Preamble.

Petitioners.

Incorporated by the name and style of the President, Directors and Company of the Credit Harbor.

Capable of purchasing and conveying real or personal Estate.

Not to carry on business of Banking.

Empowered to construct Harbor at the mouth of the Credit.

Capital not to exceed \$5,000,

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 Thompson, John Barnhart, John McGill, Alexander Proudfoot, Robert Young, William H. Patterson, John Carey, Thomas McGrath, Joseph Sawyer, Peter Jones, and John Jones, 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 President, Directors and Company of the Credit Harbour, and that 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 and places whatsoever, in all manner of suits, actions, complaints, matters and causes 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 President, Directors, and Company of the Credit Harbor," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal and mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on the 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.

II. *And be it further enacted by the authority aforesaid,* That the said Company are hereby authorised and empowered, at their own costs and charges, to construct a Harbor at the mouth of the River Credit aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate Lake Ontario; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be safe and proper for the protection of the said Harbor, 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.

III. *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 Company may have or hold by virtue of this Act, shall not exceed in

value Five Thousand Pounds, to be held in four hundred Shares of twelve pounds ten shillings each ; and that the Shares of the said capital Stock may, after the first instalment shall have been paid in, be transferred by the respective persons subscribing or 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 two hundred of such Shares shall, for sixty days after the opening of the books for subscription, be left open for subscription in the name or on the behalf of the Mississagua Indians, living on the reserve at or near the mouth of the said River Credit.

IV. *And be it further enacted by the authority aforesaid*, That William J. Kerr, William Chisholm, and Jesse Ketchum, Esquires, shall be and they are hereby appointed Commissioners to ascertain, determine and point out what portion or portions of land it shall and may be necessary for the said Company to take possession of and occupy in order to construct the said Harbor, with all necessary and convenient roads, streets and approaches thereto, (which portion or portions of land so ascertained and pointed out, the said Company are hereby authorised to enter into and upon, and to take possession of, and to hold and enjoy the same for the purposes aforesaid,) and also to award, adjudge, order and determine, the respective sum or sums of money which the said Company shall pay to the person or persons respectively entitled to receive the same, for or on account of any lands to be so taken as aforesaid, which award shall be final ; and the said Commissioners shall and they are hereby required to attend from time to time at some convenient place in the vicinity of the said intended Harbor, to be appointed by the Directors of the said Company for the time being, after eight days notice given them for that purpose by the said Directors, then and there to do and perform all things necessary to be by them done under and by virtue of this Act : *Provided always*, that any award or awards 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 had to the Commissioners herein-before named : *Provided always*, that the Commissioners aforesaid shall not be authorised to select, nor the said Company to take possession of a greater portion of land than one acre, with a front of not more than one hundred feet on the water, for the purpose of the erection of Wharves and Store-houses.

V. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbor shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and au-

in 400 shares.

200 shares to be left open 60 days for Mississagua Indians.

Commissioners to determine land necessary for the Harbor.

Power to enter and hold the same,

and award compensation for Lands taken.

Commissioners to attend after 8 days notice.

Awards subject to be set aside by Court of King's Bench.

Quantity of land which may be taken by the Company.

When tolls to be taken.

thority to ask for, demand, receive, recover and take, as toll, to and for their own proper use, benefit and behoof, on all goods, wares and merchandize shipped or landed on board or out of any vessel or boat from or upon any part of the lake shore lying in front of the Indian reserve of lands to the eastward and westward of the said River Credit, or from or upon the banks of the said river within the distance of one quarter of a mile on each side from the mouth thereof, and upon all vessels and boats entering the said Harbor, according to the rates following, that is to say:—

Table of Tolls.

Pot and Pearl Ash per barrel—Four Pence.
 Pork, Whiskey, Salt, Beef and Lard, per barrel—Three Pence.
 Flour per barrel—Two Pence.
 Merchandize per barrel bulk—Nine Pence.
 Butter and Lard per keg—One Penny Half-penny.
 Merchandize per hundred weight—Three Pence.
 West India Staves per thousand—Two Shillings and Six Pence.
 Pipe Staves per thousand—Twelve Shillings and Six Pence.
 Wheat and other Grain per sixty pounds—One Penny.
 Lumber per thousand feet, board measure—One Shilling and Three Pence.
 Pine Timber per thousand feet, running measure—One Shilling and Three Pence.
 Oak Timber per thousand feet, running measure—Two Shillings and Six Pence.
 Boats and Vessels above five and under twelve tons—One Shilling and Three Pence.
 Boats and Vessels above twelve tons and not over fifty—Two Shillings and Six Pence.
 Vessels over fifty tons—Five Shillings.
 Boats and Vessels under five tons—free.
 On every cord of Fire-wood—Three Pence.

Property vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That the said Harbor, Moles, Piers, Wharves, Buildings, Erections, and all materials which shall from time to time be got or provided for constructing, building, maintaining or repairing the same, and the lands so to be occupied as hereinbefore is provided, together with the said tolls on goods, wares or merchandize, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Tolls may be levied by seizure and sale of goods.

VII. *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 or detain the goods, vessels or boats 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, as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

VIII. *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 first Monday in May in each and every year, at such place in the Township of Toronto, and at such time of the day, as a majority of the Directors for the time being shall direct and appoint, and public notice thereof shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the Home District, 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 persons 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 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 named by a majority of the Directors.

Seven Directors to be elected annually, one of whom to be chosen President.

Qualification.

Time of Election.

Notice in Gazette, &c.

Manner of Election.

In case of equal numbers.

Election of President.

Vacancies how supplied.

IX. *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,

Stockholders' votes in proportion to number of shares,

held one month
previous to election.

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 dis-
solved by non-elec-
tion at time appointed.

X. *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 at 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 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.

Power to frame Rules
and Regulations.

XI. *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 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 Company; 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.

Officers, Clerks and
Servants.

Meeting to be held
1st Monday in May.

XII. *And be it further enacted by the authority aforesaid,* That on the first Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at the mouth of the River Credit, in the Township of Toronto, 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 such election, and who during such continuance in office shall discharge the duty of Directors in the same manner as if they had been elected at the annual election.

Directors may call
for 10 per cent on
Shares.

Giving 30 days
notice.

Residue payable as
majority of Stock-
holders shall agree.

XIII. *And be it further enacted by the authority aforesaid,* That as 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 the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the said District, for an instalment of ten per cent upon each share which they or any of them respectively may subscribe, and that the residue of the sum or shares of the Stockholders shall be payable by instalments, in 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 no such in-

instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Upper Canada Gazette, or other newspaper or newspapers as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Harbor until the first instalment shall be paid in.

No instalment to exceed 10 per cent.

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 that 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 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 shares so purchased as aforesaid: *Provided always, nevertheless*, that thirty days notice of the sale of such forfeited shares shall be given in the Upper Canada Gazette, or in any newspaper or newspapers published in the said District, and that the instalment due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

Stockholders refusing to pay instalments, forfeit their shares.

Sale of forfeited shares.

Purchaser to pay the instalment required over and above his purchase money.

30 days notice of sale, with power of redemption in the meantime.

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 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, and statement of accounts.

Open to Stockholders.

XVI. *And be it further enacted by the authority aforesaid*, That the said Company shall forfeit and lose all benefit of this Charter, and the privileges and powers hereby conferred, unless the said Harbor shall be begun within two years, and completed within five years from the passing of this Act.

Harbor to be begun within two years, and completed within five.

Resumption by His Majesty,

on payment of the shares and 20 per cent, with 6 per cent interest,

if tolls shall not have paid so much.

Provisions of this Act may be altered by Legislature.

XVII. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing of the said Harbor it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in anywise appertaining, upon paying to the said Company of proprietors, their successors and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Harbor, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the monies so advanced and paid, as a full indemnification to the Stockholders, allowing moreover, six per centum per annum interest upon the stock paid in, provided the tolls that shall have been received have not yielded that rate of interest, or allowing what may be necessary, in addition to the tolls received, to make up that rate of interest, as the case may require; and the said Harbor, and all the works and dependencies thereunto belonging, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Company of proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Harbor or undertaking.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto, which may seem to them expedient.

CHAP. XXXIII.

An Act to Incorporate certain persons by the name of the Bath School Society, and for other purposes therein mentioned.

[Passed, 6th March, 1834.]

Preamble:
Reciting bargain and sale of 1st November 1811 of land in the village of Bath to Trustees in trust for the Ernestown Academy.

WHEREAS by Indenture of Bargain and Sale, bearing date the first day of November, in the year of our Lord one thousand eight hundred and eleven, Peter Davy, of Ernestown, in the Midland District, did grant, bargain, sell and convey unto Robert McDowall, William Fairfield the younger, Benjamin Fairfield, Stephen Fairfield, Solomon Johns, William Willcox, Samuel Neilson, George Baker, and William McKee,

a certain parcel or tract of land, being part of the east half of Lot number Ten, in the first concession of the Township of Ernestown, in the said Midland District, the said tract or parcel of land being composed of Town Lots numbers Twenty-one and Twenty-six, in the Village of Bath, in said District, containing half an acre and eighteen rods of land, and particularly described in the said Indenture, to be held by the aforesaid Grantees, and the survivors of them, as Trustees of a certain School called the Ernestown Academy, the building for which had been before that time erected on the said parcel of land, by private subscription, such Academy being thereby declared to be under the care and inspection of the said Trustees and their successors in the said trust, forever: *And whereas* the said Trustees, and others, are desirous that the persons who contributed to the original erection of the said Seminary, or to the recent repairs thereof, or who may contribute to the future support thereof, to the amount of two pounds ten shillings annually, either for tuition or as a donation, should be incorporated as hereinafter provided: *And whereas* a compliance with their wishes may be important to the prosperity of the said School, and to the encouragement and advancement of Learning in the said Village of Bath: *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 all such persons as contributed by subscription to the original building and erection, or to the recent repairs of the School, Academy or Seminary of learning, so erected and built as aforesaid upon the parcel of land hereinbefore mentioned, together with all such persons as now do, or hereafter shall aid in and contribute to the support of the said School, to the amount of two pounds ten shillings annually, either for tuition or as donations, so long as they shall pay and contribute such annual sum of two pounds ten shillings, but no longer, together with such other persons as shall hereafter contribute by subscription, donation or advances for tuition, to the erection or support, (as the case may be) of any future Academy to be erected and built upon the said parcel of land, to the amount of the aforesaid sum of two pounds ten shillings annually, shall be, and they are hereby declared to be, one Body Corporate and Politic in deed and in law, by the name of the "Bath School Society;" and shall have perpetual succession, and a common Seal, with power to change, alter or make anew the same; and they and their successors, by

That the said Trustees and others were desirous of being incorporated.

Subscribers to the amount of two pounds ten shillings, incorporated.

Style of "Bath School Society."

Common Seal.

Authorised to take conveyance of School land in trust for benefit of Society,

and receive all monies paid or bequeathed to the Society.

No person to be considered a member who shall not have paid his subscription before the first election of President, &c.

Present Trustees empowered to convey the School Lands to the Society.

Affairs of the Society to be conducted by a President, Secretary and three Trustees.

Vacancies, how supplied.

the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of record and places of jurisdiction within this Province; and that they and their successors by the name aforesaid shall be able and capable in law to accept a conveyance or surrender of, and to have, hold, receive, enjoy, possess and retain, for the ends and purposes of this Act, and in trust and for the benefit of the said Society, the parcel or tract of land hereinbefore mentioned with the aforesaid building erected thereon, with the appendages and appurtenances thereunto belonging; and also all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised or bequeathed, by any person or persons to and for the uses and support of the said Society and School: *Provided always*, that no person shall on account of any subscription to the original erection, or recent repairs of the said building be considered a member of the said Society who shall not have paid his subscription on or before the first election of President, Secretary and Trustees, according to this Act.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for a majority of the Trustees hereinbefore named, or of the survivors of them, by Indenture under their respective hands and seals, to be duly enregistered in the Register's office of the proper County, according to the laws in that behalf now in force, to grant, bargain, sell, transfer, surrender and convey, to the said Society by the name aforesaid, the said parcel or tract of land hereinbefore mentioned, with the Academy erected thereon, and all other the appendages and appurtenances thereunto belonging, to hold the same to the said Society and their successors forever in trust for the uses of the said School, and the purposes of this Act.

III *And be it further enacted by the authority aforesaid*, That the affairs of the said Society shall be conducted by a President, a Secretary and three Trustees, to be chosen as hereinafter provided at the end of every year out of the Members for the time being of the said Society, and who shall in all things superintend and manage the said School: *Provided always*, that in case it shall happen that the President, Secretary or either of the said Trustees, shall during his office cease by the terms of this Act to be a Member of the said Society, or die, or leave this Province to reside permanently abroad, his place shall be supplied by some other Member, to be nominated by the President, Secretary and Trustees, (or the majority of them) for the time being, exclusive of the person ceasing to be such Member of the said Society dying, or leaving the Province as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That on the first Monday in May next, and on the first Monday in May annually, at the end of each succeeding year from the said first day of May next, there shall be held a Meeting of the Members of the said Society in the said building, at which Meeting a President, Secretary and three Trustees, any two of whom, with the President, shall be a quorum for transacting business, shall be chosen from among the Members of the said Society, by a majority of such Members then there personally present, each Member being entitled to one vote and no more.

Meeting for election of President, &c. on first Monday in May annually.

Quorum.

Each member entitled to one vote.

V. *And be it further enacted by the authority aforesaid,* That after the first election of President, Secretary and Trustees under this Act, public notice of such Meetings for the election of Officers of the said Society be given in one or two of the Newspapers published in the Midland District, signed by the President for the time being, at least one calendar month before the period of such Meeting and election.

Public notice of election of Officers,

one calendar month before the meeting.

VI. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of President, Secretary and Trustees, should not be made on any day when pursuant to this Act it ought to be made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any subsequent day, notice thereof, signed by at least five Stockholders, having been affixed on some come conspicuous place on the said building, and a copy thereof printed in one or more of the Newspapers published in said District, for at least thirty days previously, to make and hold an election of President, Secretary and Trustees, in the same manner as if the election had been held on the day appointed by this Act: *Provided,* that when two or more notices shall be given as aforesaid, naming different days for an election as aforesaid to take place, the earliest day named in either of said notices, of which thirty days notice shall be given, shall be the day for proceeding to the election in manner aforesaid.

Corporation not dissolved by non-election of President, &c. on appointed day.

Election may be held on any subsequent day, on giving thirty days notice.

If more than one notice, the earliest named day to be the day of election.

VII. *And be it further enacted by the authority aforesaid,* That the President, Secretary and Trustees so to be elected and chosen as aforesaid, or a quorum as aforesaid, shall and may transact and manage all and singular the affairs and business of the said Society, of what nature and kind soever, and shall have the full and absolute superintendance of the said School or Academy, and shall and may select and appoint, or dismiss and remove the Teacher or Teachers thereof, and shall and may make and establish such rules and regulations for the good government of the said School, with respect to the Teachers, Scholars,

Authority of President, Secretary, &c. or a quorum.

To appoint Teachers, &c.

to make rules and regulations.

books used, subjects taught, and all other matters whatsoever, as to them shall seem expedient.

Record to be kept.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the President, Secretary and Trustees aforesaid, to keep a plain, distinct and accurate record of all their proceedings, and to deliver over the same, with all books or records belonging to said Society, to their successors.

None but British subjects eligible to be President, &c.

IX. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to the office of President, Secretary, or Trustee in the said Society, or be capable of being chosen or appointed to be a Teacher in any School or Academy under their superintendance, who is not a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or by an Act of the Legislature of this Province.

Limitation of stock.

X. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to hold stock, property or effects, for the purposes aforesaid, to a larger amount than five thousand pounds.

Future alteration of this Act.

XI. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may, at any time hereafter, make such alterations in this Act, as to them may seem expedient.

CHAP. XXXIV.

An Act to authorize the construction of a Road from Hamilton, in the Gore District, to Port Dover in the London District.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS a direct Road, connecting the Eastern parts of the District of London with Burlington Bay, at the head of Lake Ontario, would manifestly tend to the advantage of all Settlers in that part of the Province: *And whereas* it appears from actual survey, that such Road might be laid out on a line at least twenty miles shorter than the one at present travelled: *And whereas* divers Inhabitants of that part of the country have, by Petition, set forth their desire that such Road should be laid out and established by law: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, con-

stituted 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 McNeilidge, Thomas Choate, William Wilson, Allan Napier McNab, George Hamilton, Colin Campbell Ferrie, and James Hughson, be and they are hereby appointed Commissioners for surveying and laying out the said Road.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall have full power and authority to explore the country, commencing from the point where the continuation of the Road leading from the Town of Hamilton, in the Gore District, through Glanford to the Grand River, intersects the Westerly bank of the said River, proceeding thence to the junction of Patterson's Creek with Black Creek, and thence to Port Dover, at the mouth of the said Creek, in the London District, and to enter in and upon the Lands of any person or persons, bodies politic or corporate, lying in and upon the route and course aforesaid; and to survey and mark out such parts thereof as they shall find most fitting and proper for a public Highway: *Provided always,* that it shall not be lawful to lay out the said public Highway, so as to lead the same through any Orchard or Garden, or to remove any building, without the consent of the owner first had and obtained, any thing in this Act contained to the contrary notwithstanding.

Power to explore line of Road,

to enter upon Lands,

and survey and mark out such parts as shall be proper for a Highway,

not to lead through any Orchard or Garden, or remove building without owners consent.

III. *And be it further enacted by the authority aforesaid,* That such parts or portions of Land or Lands covered with water as shall be surveyed and marked out by the said Commissioners as aforesaid, shall be thereafter a common public Highway: *Provided always,* that the same shall be laid out one chain in width throughout, and no more.

Land so marked out, to be a common public Highway,

one chain in width.

IV. *And be it further enacted by the authority aforesaid,* That after such new Road shall have been surveyed and marked out as aforesaid, the Commissioners aforesaid, or a majority of them, are hereby empowered to contract, compound, compromise and agree with all bodies politic, communities, corporations, aggregate or sole guardians, and all and every other person or persons, for themselves or as Trustees, not only for or on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, femmes covert, or other person or persons who shall occupy, be possessed of, or

Commissioners empowered to contract for surrender of Land appropriated for such Highway.

interested in any Lands which shall be surveyed and marked out as aforesaid, for the absolute surrender of the same for the said new Road or Highway, to His Majesty, His Heirs and Successors, and that all such contracts, agreements and surrenders shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage to the contrary thereof notwithstanding.

if no voluntary agreement made, Arbitrators to be appointed.

Arbitrators to be sworn.

Authorized to administer oath.

Award to be in writing.

Claims for damages to be made within twelve months.

V. *And be it further enacted by the authority aforesaid*, That if no voluntary agreement for such land as aforesaid shall be made, the said Commissioners, or a majority of them, shall at any time after the surveying and opening of the said Road, upon the notice or request in writing of the Proprietor of such lands, or his Agent duly authorised, appoint an Arbitrator, who at a day to be named in such notice, shall attend upon the premises in question to meet the Arbitrator to be appointed by such Claimant, and such two Arbitrators shall and may, before proceeding to consider the claim, appoint a third Arbitrator, which three Arbitrators, being first sworn by some one of His Majesty's Justices of the Peace to give a just and true award upon the claim submitted to them, shall upon the statements of the parties and view of the premises, and upon the testimony of witnesses, to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said Arbitrators is hereby authorised to administer) make their award in writing under their hands of the amount of damages to be paid to such Claimant: *Provided always*, that no such claim for damages shall be allowed unless the same shall be made and notice thereof given as aforesaid within twelve months after the surveying and opening the said Road.

Damages awarded to be paid by District Treasurer, within twelve months after making of award.

VI. *And be it further enacted by the authority aforesaid*, That the amount of damages so to be awarded, shall be paid to the party entitled to the same, or his agent lawfully authorized, by the Treasurer of the District in which such Land shall lie, within twelve months after such award shall have been made, and notice thereof given to the Magistrates at any General Quarter Sessions after the making thereof, in discharge of such order or orders as the Magistrates for such District assembled in General Quarter Sessions may issue from time to time in that behalf.

CHAP. XXXV.

An Act for the construction of Piers at the Isthmus of Long Point, on Lake Erie.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it would greatly tend to the safety and convenience of Navigation upon Lake Erie, if Piers were constructed to make permanent the present opening across the Isthmus of Long Point, in the County of Norfolk, on Lake Erie: *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 that may be appointed under the authority thereof, to construct good and sufficient Piers, to secure and make permanent the opening or passage lately made across the Isthmus of Long Point, on Lake Erie, as they shall judge most proper to effect that object.

Preamble.

Commissioners to be authorized to erect piers for securing opening across Long Point.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint three Commissioners for the purposes of this Act.

Commissioners to be appointed by Governor, &c.

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 unappropriated, there be granted to His Majesty the sum of three thousand pounds, to enable His Majesty to defray the expense of constructing the said Piers; 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 such Commissioners, or any of them, and shall be ac-

Three thousand pounds granted to defray the expenses.

counted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Account to be rendered on or before 1st January 1835,

to be laid before Legislature.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners so appointed for the purposes of this Act shall, on or before the first day of January, one thousand eight hundred and thirty-five, render an account in detail to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, of the monies expended by them under this Act, which account shall be laid before the Legislature at their next Session.

Contracts not to exceed sum granted.

Tenders to be advertised for.

Three per cent allowed to Superintendant on amount expended.

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 construction and completion of the said Piers, 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 or tenders, with such two good and sufficient sureties; and also, that no further sum shall be allowed any Superintendant than three per cent upon the amount expended.

CHAP. XXXVI.

AN ACT to authorise Richard Tunks, to erect a Mill Dam upon the River Thames, in the London District.

[Passed 6th March, 1834.]

Preamble.

WHEREAS it hath been represented by the Petition of sundry persons, inhabiting upon or near the banks of the River Thames, in the Townships of Westminster and London, in the London District, that the erection of Mills upon the said River in front of Broken Lot number thirty-nine, in the Broken Front of the Township of Westminster, would greatly increase the general prosperity and wealth of the surrounding Country, and that the natural fall of the said River at the said place is almost sufficient for the above mentioned purpose, but that to render the water privilege completely efficient at all seasons of the year it will be necessary to erect a Dam across the said River at the above mentioned site, at such height as will not flood or otherwise injure any Lands lying above 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 it shall and may be lawful for Richard Tunks, having first obtained permission by an instrument under his or their hands and seals from the proprietor or proprietors of the Lands adjoining his, or their heirs and assigns, to erect one Dam upon the above mentioned site, of such height only as will not flood or otherwise injure any Lands lying above the same: *Provided* Richard Tunks empowered, having permission from proprietor of adjoining lands, to erect a Dam, *always*, that such Dam shall be constructed with suitable Locks, to be constructed with suitable Locks, for passage of boats, &c. for the safe and convenient passage of such boats or other craft as are now or may hereafter be in use upon the said River; *And also* inclined planes of Inclined planes for passage of rafts, &c. not less than forty feet in length and thirty feet in width, and good and sufficient Aprons for the safe passage of rafts and the ascent of fish, and to maintain and keep the same in good repair, free from toll or other charge, as long as the said Dam shall exist. to be kept in repair free from toll.

II. *And be it further enacted by the authority aforesaid*, That if the passage aforesaid shall at any time be obstructed for the period of twenty days successively, the grant hereby intended to be made shall be absolutely void. If passage obstructed 20 days successively this grant to be void.

III. *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, when in their opinion the public interest shall require it, either to amend or repeal this Act. Future amendment or repeal of this Act.

CHAP. XXXVII.

AN ACT to provide for the Maintenance and Government of the Provincial Penitentiary, erected near Kingston, in the Midland District.

[Passed 6th March, 1834.]

WHEREAS, if many offenders convicted of crimes were ordered to solitary imprisonment, accompanied by well regulated labor and religious instruction, it might be the means under Providence, not only of deterring Preamble.

others from the commission of like crimes, but also of reforming the individuals, and inuring them to habits of industry: *And whereas* it is expedient to provide for the maintenance and good government of the Provincial Penitentiary erected near Kingston, in the Midland District, and to define the general powers and duties of the Officers who are to be connected therewith: *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 Penitentiary shall be under the direction of five Inspectors, to be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, immediately after the passing of this Act, and to hold their office during pleasure; and that the said Board of Inspectors shall, from time to time, choose one of their number to be their President, and shall have full power and authority to make all necessary rules and regulations respecting the discipline and Police of the said Penitentiary.

Penitentiary to be under direction of five Inspectors to be appointed by the Governor.

Board of Inspectors to choose a President,

and make rules for discipline of the Penitentiary.

Duty of Inspectors.

II. *And be it further enacted by the authority aforesaid*, That the Inspectors of the said Penitentiary shall have power, and it shall be their duty from time to time, to examine and inquire into all matters connected with the Government, Discipline and Police of the said Penitentiary; the punishment and employment of the prisoners therein confined; the financial concerns and contracts for work; and the purchases and sales of the articles provided for such Penitentiary, or sold on account thereof; and that they may from time to time require reports from the Warden or other Officers of the Penitentiary, in relation to any or all of the said matters.

Inspectors to enquire into charges against Warden and officers.

May subpoena witnesses,

and examine on oath.

III. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Board of Inspectors to inquire into any improper conduct which may have been alleged to have been committed by the Warden or other Officers of the said Penitentiary; and for that purpose they shall have power to issue Subpœnas to compel the attendance of Witnesses, and the production of papers and writings before them; and that any Witnesses who shall appear before them, may be examined on oath, to be administered by the President of the Board.

IV. *And be it further enacted by the authority aforesaid,* That any Witness or Witnesses who shall wilfully and corruptly forswear themselves, such Witness or Witnesses shall, on conviction, suffer the pains and penalties inflicted on persons guilty of wilful and corrupt perjury. Perjury under this act.

V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Warden and other Officers of the said Penitentiary, to admit the Inspectors of such Penitentiary, or any of them, into every part of said Penitentiary; to exhibit to them, on demand, all the books, papers, accounts and writings pertaining to the Penitentiary, or to the business, management, discipline and government thereof, and to render them every facility in their power to enable them to discharge their several duties. Warden to admit Inspectors, and exhibit books and accounts.

VI. *And be it further enacted by the authority aforesaid,* That the Board of Inspectors shall keep regular minutes of its meetings and proceedings, which shall be signed by the Members of the Board, and preserved in the Penitentiary; and it shall be the duty of the said Board of Inspectors to meet once in every two months at the Penitentiary, and then to inspect the same; and they shall annually, on or before the first day of November, make a report to the Legislature of the state and condition of the said Penitentiary; of the Prisoners confined therein; of the monies expended and received, and generally of all their proceedings during the past year: *Provided always,* that no Inspector of the said Penitentiary shall be Warden thereof, or be concerned in the business of such Warden, or hold any other appointment connected with the Penitentiary. Board to keep minutes of their proceedings, to meet once in two months and make annual report. Inspector not to hold other office in the Penitentiary.

VII. *And be it further enacted by the authority aforesaid,* That the Officers of the said Penitentiary shall be as follows: one Warden or Principal Superintendent, who shall reside at or near the Penitentiary; one Clerk; one Chaplain; one Physician and Surgeon; one Deputy Warden, who shall also reside at or near the Penitentiary; and not exceeding twenty Keepers; such Clerk and Keepers to be appointed by the Board of Inspectors, and to hold office during pleasure; and the Warden, Chaplain, Physician, and Deputy Warden, to be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of the Province, and to hold their respective offices during pleasure. Officers. Warden. Clerk, Chaplain, Physician, Deputy Warden, Keepers. Clerks, &c. to be appointed by board. Warden, &c. by the Governor.

VIII. *And be it further enacted by the authority aforesaid,* That the Governor, Lieutenant Governor, or Person Administering the Government, is hereby authorised to procure a Guard, which said Guard, while on duty at the Penitentiary, shall be subject to the orders of the Warden or his Deputy. Guard,

Warden's Bond
£2,000.

IX. *And be it further enacted by the authority aforesaid,* That the Warden of said Penitentiary, before entering on the duties of his office, shall execute a Bond to His Majesty, with sufficient sureties to be approved by the Inspectors of the Penitentiary, in the penal sum of two thousand pounds, conditioned for the faithful performance of the duties of his Office according to law, which Bond shall be according to the form annexed, and shall be filed in the Office of the Secretary of the Province; and the said Warden, Clerk, Deputy Warden and Keepers of said Penitentiary shall, before they enter on the duties of their respective offices, severally take and subscribe, before the Chairman of the Quarter Sessions of the Midland District, the following Oath of Office, such Oath to be filed in the Office of the Clerk of the Peace of the said District.

Oath of office.

“I, A. B. do promise and swear, that I will faithfully, diligently and justly serve and perform the office and duties of —, of the Provincial Penitentiary in Upper Canada, according to the best of my abilities,—
“So help me God.”

Duty of Warden.

X. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Warden, or his Deputy, to attend constantly at the Penitentiary, except when performing some other necessary duty connected with his office; to exercise a general supervision over the Government, Discipline and Police of the said Penitentiary; to give the necessary directions to the Keepers, and to examine daily into the state of the Penitentiary, and the health, conduct and safe keeping of the Prisoners; to use every proper means to furnish such Prisoners with employment the most beneficial to the public, and the best suited to their various capacities; and to superintend all the manufacturing and mechanical business that may be carried on within the Penitentiary; to receive the articles so manufactured, and to sell and dispose of the same for the benefit of the Province, when the labor of the Convicts is not let out by contract.

All transactions on
account of Peniten-
tary to be in name of
the Warden.

XI. *And be it further enacted by the authority aforesaid,* That all transactions and dealings on account of the said Penitentiary, shall be conducted by and in the name of the Warden, who shall be capable in law of suing and being sued in all Courts and places, and in all matters concerning the said Penitentiary, by his name of office of “Warden of the Provincial Penitentiary in Upper Canada;” and by that name the said Warden shall be and is hereby authorised to sue for and recover all sums of money that may become due from any person to the Province, on account of the said Penitentiary; and it shall be the duty of the said Warden, to enforce the payment of all debts due to the Institution under his charge, as soon and with as little expense to the Province as possible:

but he may, with the approbation of the Inspectors, accept of such security from any debtor, on granting time, as may be conducive to the interests of the Province.

XII. *And be it further enacted by the authority aforesaid,* That whenever any controversy shall arise, relative to any claim or demand which any person may have against the said Warden, or relative to any claim or demand which the said Warden may have against any person on account of the Penitentiary, such controversy may be referred to the arbitration of two or more persons mutually chosen by such Warden, and the person with whom such controversy may exist.

Disputed claims to be referred to arbitration.

XIII. *And be it further enacted by the authority aforesaid,* That whenever the Inspectors of said Penitentiary shall so direct, it shall be the duty of the Warden of the said Penitentiary to make contracts from time to time for the labor of the Convicts confined therein, or of any of the said Convicts, with such persons and upon such terms as may be deemed by the said Warden most beneficial to the Province; and all contracts so to be made, shall be reduced to writing, and a counterpart or copy of every such contract shall be filed with the Clerk of the Penitentiary, and a copy thereof shall be delivered to the Inspectors.

Warden to make contracts for labour of convicts,

upon such terms as he shall deem beneficial.

Counterpart to be filed with Clerk of the Penitentiary.

XIV. *And be it further enacted by the authority aforesaid,* That the Prisoners confined in the said Penitentiary shall be supplied with provisions by contract, unless the Inspectors shall otherwise direct, which contract shall be made by the Warden annually or semi-annually, under direction of the Inspectors, with such persons as may be willing to accept the lowest terms, at a fixed price per day for each Prisoner; the articles of food, and the quantities of each kind, to be prescribed by the Inspectors, and inserted in the contract; and so many rations shall be delivered at the Penitentiary daily, or at such other times as may be agreed on, as there are Convicts confined therein; and for the purpose of ascertaining who will furnish supplies on the lowest terms, the Warden shall cause a notice to be published in two of the Newspapers printed in the District in which the Penitentiary is situated, and in such other Newspapers and for such time as the Inspectors shall direct, stating the particular supplies wanted, the manner in which they are to be delivered, and the time during which proposals will be received by such Warden for furnishing the same; the proposals to be offered, pursuant to such notice, shall specify the lowest price per ration per day, and the contracts shall be made with those persons whose terms shall be the most advantageous to the Province, and who shall give satisfactory security for the performance of their con-

Contracts for supply of provisions;

to be made annually or semi-annually,

at a fixed price for each prisoner;

Daily Rations;

Notice for Tenders;

Security to be given for performance of contract;

tracts, unless the Inspectors shall deem it expedient to decline all the proposals and advertise anew.

Medicines and
Hospital stores.

XV. *And be it further enacted by the authority aforesaid,* That the necessary medicines and other Hospital stores, for the use of the Penitentiary, shall be purchased from time to time, as may be requisite, by the Warden of the Penitentiary, with the advice of a Physician, and under the direction of the Inspectors.

Raw materials to be
purchased by the
Warden ;

XVI. *And be it further enacted by the authority aforesaid,* That the Warden may purchase such raw materials as may be necessary to be manufactured by the Convicts in the Penitentiary, and to be paid for by the said Warden, out of any money in his hands belonging to the Province; and whenever any supplies or materials for the Penitentiary shall be purchased, it shall be the duty of the Warden to take bills thereof at the time of such purchase, and the Clerk shall compare such bills with the articles delivered at the Penitentiary, and if found to be correct, shall enter them in books to be provided for the purpose; and whenever any services shall be rendered for the said Penitentiary, it shall in like manner be the duty of the Warden to take bills thereof at the time of making payment therefor, every such bill to be entered by the Clerk in the books of the Penitentiary, unless he shall know or have reason to believe that such bills are erroneous.

Bills to be compared
with articles delivered,
and entered by
Clerk ;

Bills for services
rendered to be taken
by Warden at time
of payment.

No Inspector, War-
den or Officer, to be
interested in any
Contract,

under penalty of £100.

XVII. *And be it further enacted by the authority aforesaid,* That no Inspector, Warden, or other Officer or person employed at the Penitentiary, shall be directly or indirectly interested in any contract, purchase or sale, for, by or on account of said Penitentiary, under the penalty of one hundred pounds, to be recovered by action of debt in any of His Majesty's Courts in this Province, which penalty so recovered, shall be paid into the hands of His Majesty's Receiver General, for the public uses of the Province.

Warden to keep ac-
count of money
received and paid ;

And deliver monthly
returns on oath.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Warden to keep a regular and correct account of all monies received by him from any source whatever, by virtue of his office, including all monies taken from Convicts, or received as the proceeds of property taken from them, and of all sums paid by him, and the persons to whom, and the purposes for which the same were paid; and to make out and deliver to the Inspectors, or one of them, monthly, on oath, a return of all monies received by him on account of the Penitentiary during the preceding month, specifying from whom received and

to whom paid, and on what account, and stating also the balance in his hands at the time of rendering such account.

XIX. *And be it further enacted by the authority aforesaid,* That the said Warden shall annually close his account on the first day of October in every year; and on or before the first day of November thereafter, shall render to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature, a full and true account of all monies received by him on account of the Penitentiary, and of all monies expended by him for the uses thereof, with sufficient vouchers for the same; and also an inventory of the goods, raw materials and other property of the Province on hand, exhibiting a complete detail of the transactions of the Penitentiary for the year; and to the several returns, accounts and inventories required to be rendered by the preceding clauses, there shall be annexed an affidavit of the Warden and Clerk of the Penitentiary, stating that the same are correct and true, in every respect, to the best of their knowledge and belief.

Warden to close his accounts annually, on 1st October, and by the 1st of Nov'r. render to the Governor a full account, to be laid before the Legislature.

Also an inventory of property on hand,

with affidavits of their correctness.

XX. *And be it further enacted by the authority aforesaid,* That the Warden shall, on or before the fifteenth of October in every year, transmit to the Inspectors of the Penitentiary a report, exhibiting a complete and comprehensive view of the transactions of the Penitentiary during the preceding year; of the number of Convicts confined therein; the various branches of business in which they are employed; the number employed in each branch, and the profits to the Province, if any, arising therefrom.

Warden to transmit to Inspectors annual report of proceedings;

number of convicts, &c.;

and profits.

XXI. *And be it further enacted by the authority aforesaid,* That the Warden, Deputy Warden, Keepers and other Officers of the Penitentiary, shall not receive any perquisites or emoluments for their services, other than the compensation provided by this Act; except that the Warden and his Deputy shall be provided with dwellings at or near the Penitentiary, and shall be furnished with fuel and candles from the stock provided for the use of the Province, and with servants from among the Convicts, if they shall think proper.

No perquisites or emoluments to be received other than provided by this Act.

XXII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Warden annually, on or before the first day of October in each year, to make a report to the Governor, Lieutenant Governor, or Person Administering the Government of the Province, of the names of the Convicts discharged in the preceding year from the said Penitentiary, either by pardon or upon the expiration of the term for

Annual report to the Governor of Convicts discharged, and particulars relating to their offences, &c.

which they were respectively to be confined; the Districts in which they were tried; the crimes for which they were convicted; the terms of time for which they were severally committed; the ages and description of their persons; and in cases of pardons, the terms unexpired of the time for which such Convicts were respectively sentenced; when such pardons were granted; and the conditions, if any, upon which they were granted.

Deputy Warden to supply the place of Warden in his absence.

XXIII. *And be it further enacted by the authority aforesaid,* That whenever there shall exist a vacancy in the office of Warden of the said Penitentiary, or when the Warden shall be absent from the Penitentiary, all the duties and powers of said Warden, so far as the same relate to the safe keeping of the Prisoners and the discipline of the Penitentiary, shall devolve upon and be executed by the Deputy Warden of said Penitentiary, until such vacancy be filled, or the Warden return to the Penitentiary.

Duty of Physician as to register of the sick, &c.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Physician of the said Penitentiary, to keep a register of all the sick Convicts placed under his care, stating the disease with which they are or were afflicted, and the date of their entering and leaving the Hospital; also, a register of the deceased Convicts, stating their names, ages, time and cause of death, and all other circumstances which they may deem necessary; which register shall always remain at the Penitentiary, and be open for inspection.

Books of account.

XXV. *And be it further enacted by the authority aforesaid,* That all books of account, registers, returns, and other documents and papers relating to the affairs of the Penitentiary, shall be considered as public property, and remain therein; and the Warden of the said Penitentiary shall preserve therein at least one set of copies of all official reports made to the Legislature respecting the same, for which purpose a suitable number of such reports, when printed, shall be supplied to him.

Salary of Warden;

Of Deputy Warden, &c.

Remuneration of other officers.

Time of their commencement.

XXVI. *And be it further enacted by the authority aforesaid,* That the Warden of the Penitentiary shall receive annually, the sum of two hundred pounds; and the Deputy Warden, the annual sum of one hundred and fifty pounds, to be paid out of any monies that may be provided for that purpose; and that the Physician and Surgeon, the Chaplain, the Clerk, the Keepers and the Guard, shall respectively receive such annual remuneration for their services, as the Inspectors, with the approbation of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, may deem just and reasonable: *Provided always,* that none of the salaries mentioned in this Act shall commence

until the said Penitentiary shall be so far completed as to be in readiness for the reception and confinement of Prisoners.

XXVII. *And be it further enacted by the authority aforesaid,* That all Convicts in the Penitentiary, other than such as are confined in solitude for misconduct in the Penitentiary, shall be kept constantly employed at hard labor during the day time, except when incapable of laboring by reason of sickness or bodily infirmity, and except on Sunday, Christmas-day and Good Friday, and that it shall be the duty of the Warden to keep each Prisoner singly in a cell at night, and also during the day time when unemployed.

Convicts to be kept constantly employed at hard labor, except in case of sickness, and on certain holy-days.

XXVIII. *And be it further enacted by the authority aforesaid,* That the clothing and bedding of the Convicts shall be of coarse materials, manufactured, when it can be done, in the Penitentiary; they shall be supplied with a sufficient quantity of inferior and wholesome food; and it shall be the duty of the Warden to furnish at the expense of the Province, a bible to each Convict confined in the Penitentiary who can read.

Clothing, bedding and food.

Bible to each convict.

XXIX. *And be it further enacted by the authority aforesaid,* That when several Convicts combined, or any Convict alone shall offer violence to any Officer of the Penitentiary, or to any other Convict, or do or attempt to do any injury to the Building or any Workshop, or to any appurtenances thereof, or attempt to escape, or resist or disobey any lawful command, the Officers of the Penitentiary or either of them shall and may use all suitable means to defend themselves, to enforce the observance of discipline, to secure the persons of the offenders, and to prevent any such escape.

Violent conduct of Convicts how to be suppressed.

XXX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Warden to take charge of any property which any Convict shall have with him at the time of entering the Penitentiary, and if it be not demanded by any Trustee of the estate of such Convict, appointed pursuant to law, the Warden shall preserve the same for the benefit of such Convict or his representatives, and the said Warden shall keep a correct account of all such property, and shall pay the amount thereof to such Convict when released or to his legal representatives; and in case of the death of such Convict without being released, if no legal representative shall demand such property within one year, then the same shall be applied to the use of the Province.

Warden to take charge of convicts' property;

and keep an account.

Disposal in case of owners' death.

XXXI. *And be it further enacted by the authority aforesaid,* That whenever any Convict shall be discharged either by pardon or otherwise,

Donation to convicts on their discharge.

it shall be the duty of the Warden to furnish such Convict necessary clothing, not exceeding three pounds in value, and such sum of money not exceeding one pound, as the said Warden may deem proper and necessary.

Conveying letters to or from convicts a misdemeanor.

XXXII. *And be it further enacted by the authority aforesaid,* That no person shall without the consent of the Warden, bring into or convey out of the Penitentiary any letter or writing to or from a convict: and whoever shall violate the provisions of this clause shall be deemed guilty of a misdemeanor.

Certain persons privileged to visit the prison, and no others, except by special permission.

XXXIII. *And be it further enacted by the authority aforesaid,* That the following persons shall be authorised to visit the Prison at pleasure, namely, the Governor, Lieutenant Governor or Person Administering the Government of the Province, the Members of the Legislature, the Judges of the Court of King's Bench, and the Attorney and Solicitor Generals, and no other persons shall be permitted to enter within the walls where the Convicts are confined, except by the special permission of the Warden, or under such regulations as the Inspectors shall prescribe.

Duty of Officer on delivering Convict to the Warden.

XXXIV. *And be it further enacted by the authority aforesaid,* That whenever any Convict shall be delivered to the Warden or his Deputy, the Officer having such Convict in charge, shall deliver to such Warden the certified copy of the sentence received by such Officer from the Clerk of the Court, and shall take from such Warden a certificate of the delivery of such Convict; and whenever any Convict confined in said Penitentiary shall escape therefrom, it shall be the duty of the Warden of such Penitentiary to take all proper measures for the apprehension of such Convict, and for that purpose he may offer a reward, not exceeding fifty pounds, for the apprehension and delivery of such Convict.

In case of escape.

Coroner's Inquest on request of Warden.

XXXV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any Coroner to hold an inquest in the said Penitentiary, upon the body of any deceased Convict, unless requested by the Warden of the Penitentiary, or one of the Inspectors, but it shall be the duty of the Warden to call the Coroner in all cases of death of any Convict, from any cause other than ordinary sickness; and whenever a Convict shall die, it shall be the duty of the Warden, unless the body of such Convict shall be taken away for interment by the relatives of the deceased, within twenty-four hours after his death, to deliver on demand such dead body to the Agent of the Medical Society of the District wherein the Penitentiary shall be situated.

Disposal of body of deceased convict.

XXXVI. *And be it further enacted by the authority aforesaid,* That in case any pestilence or contagious disease should break out among the Convicts of the said Penitentiary, or in the vicinity thereof, the Inspectors of the Prison may cause the Convicts confined in such Penitentiary, or any of them, to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical assistance; such Convicts shall be returned as soon as may be to the Penitentiary, to be confined therein according to their respective sentences, if the same be unexpired.

Removal of Convicts
in case of pestilence.

XXXVII. *And be it further enacted by the authority aforesaid,* That whenever, by reason of the Penitentiary being on fire, or any building contiguous or near the said Penitentiary being on fire, there shall be reason to apprehend, that the Convicts confined therein may be injured or endangered by such fire, the Warden of said Penitentiary may, in his discretion, remove such Convicts to some safe and convenient place, and there confine them so long as it may be necessary to avoid such danger.

Removal of Convicts
in case of fire.

XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Warden of the Penitentiary to receive into the said Penitentiary, and safely to keep therein, subject to the discipline of the said Penitentiary, any criminal convicted of any offence against our Sovereign Lord the King; sentenced to imprisonment therein by any Court of the Province, until such sentence be executed, or until such Convict shall be discharged by due course of law, the Province supporting such Convict, and paying the expenses attendant upon the execution of such sentence, except that the District in which such conviction shall take place shall defray the expense of conveying such Convict to the Penitentiary.

Warden's duty to
receive criminals, &c.

XXXIX. *And be it further enacted by the authority aforesaid,* That in case any Prisoner shall escape or attempt to escape out of the custody of any Officer to whom such Prisoner may have been so committed, he shall be liable to the like punishment as if he had been committed by virtue of a commitment or conviction under the authority of a Court of Justice, and the Officer shall be liable to the like penalties and punishment for any neglect or violation of duty in respect to the custody of such Prisoner, as if such Prisoner had been committed by virtue of a commitment or conviction under the authority of a Court of Justice.

Punishment for an
escape or attempt.

XL. *And be it further enacted by the authority aforesaid,* That the Warden of the Penitentiary, and all persons actually employed in said Penitentiary, shall be exempted during their continuance in office from

Warden and persons
employed in Peniten-
tiary, exempt from
serving on juries or
in Militia, &c.

serving on Juries and from Militia duty, and also from serving as Town or Parish Officers.

Spirituous Liquors prohibited,

XLII. And be it further enacted by the authority aforesaid, That no spirituous or fermented liquors shall on any pretence whatever be sold within the said Penitentiary, nor shall any kind of spirituous or fermented liquors be brought into the Penitentiary, for the use of any Convict confined therein, without a written permit, signed by the Physician of the said Penitentiary, specifying the quantity and quality which may be furnished to any Prisoner, for whom, and the time when the same may be furnished, which permit shall be delivered to and kept by the Keeper of the Penitentiary.

Payment of Salaries,

XLII. And be it further enacted by the authority aforesaid, That the sums necessary to pay the salaries mentioned in this Act, shall be paid by the Receiver General of the Province to the Warden, in discharge of such Warrant or Warrants as may be issued for that purpose 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 or Successors shall be graciously pleased to direct.

FORM OF BOND.

Bond.

“ Know all Men by these presents, that we, A. B., Warden of the Provincial Penitentiary erected in the Midland District ; C. D., of——, in the——; and E. F., of——, in the——, are held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the sum of——, that is to say, the said A. B. in the sum of——, and the said C. D. and E. F. in the sum of——, each, to be paid to our Sovereign Lord the King, His Heirs and Successors, for which payment to be well and truly made, we bind ourselves severally and respectively, and each of us, His Heirs, Executors and Administrators, firmly by these presents, sealed with our seals, and dated this—— day of——, in the year of our Lord——.”

The condition of this obligation is such, that if the above bounden A. B. shall faithfully demean himself in his said office of Warden, according to Law, and shall duly account for all monies that may come into his hands by virtue of his said office, then this obligation to be void, otherwise to remain in full force and virtue.

Signed and delivered }
in presence of— }

L. S.
L. S.
L. S.

CHAP. XXXVIII.

AN ACT to repeal part of an 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."

[Passed, 6th March, 1834.]

WHEREAS by an 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 expenses of erecting a Penitentiary in this Province, and for other purposes therein mentioned," it is provided that the sum of twelve thousand five hundred pounds so granted shall be advanced by three equal annual instalments: *And whereas* it is expedient that the Commissioners named in the said Act to receive the said sum of money at earlier periods than the Act contemplates: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said Act as provides that the said sum of twelve thousand five hundred pounds shall be advanced by three equal annual instalments, the first instalment to be paid on the first day of May next after the passing of the said Act, and the two remaining instalments on the first day of May in each succeeding year, be and the same is hereby repealed.

Preamble.

£12,500 granted by
3rd Wm. 4, c. —

expedient that money
should be received at
earlier period.

So much of the Act
as limits the payment
to 3 instalments,
repealed.

CHAP.

CHAP. XXXIX.

AN ACT to alter and amend the Charter and increase the Stock of the Welland Canal Company, and to authorise His Majesty's Receiver General to subscribe Stock in the said Company on behalf of this Province.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS it is expedient to amend the Charter and increase the Capital Stock of the Welland Canal Company, and to authorise the taking additional Stock on behalf of this Province in the said Company, for the purpose of enabling the said Company to pay the debts now due on account of the said Welland Canal, and to carry into effect certain improvements recommended by the Commissioners appointed during the last Session of the Legislature of this Province to inspect and report thereon, and to make further provision for the direction of the affairs of the said 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 first clause of an Act passed in the sixth year of His late Majesty's reign, entitled "An Act to repeal part of and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, entitled 'An Act to Incorporate certain persons therein mentioned under the style and title of the Welland Canal Company'", be, and the same is hereby repealed.

5 Geo. 4, c. —, s. 1, repealed.

Number of shares not to exceed 20,000, at £12 10s. each.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the number of Shares constituting the Capital Stock of the Welland Canal Company shall not exceed Twenty Thousand, at Twelve Pounds Ten Shillings each.

Governor authorized to direct Receiver General to subscribe further stock to amount of £50,000,

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, to direct His Majesty's Receiver General to subscribe further Stock in the Welland Canal Com-

pany to the amount of Fifty Thousand Pounds, which Stock shall from thenceforth be held as and deemed to be public Stock, and to be in addition to and form part of the Capital Stock of said Company; and that the Government of this Province shall, as the holders of such Stock, be subject to the same conditions, and have the same powers, advantages and privileges as other Stockholders in the said Company.

upon same conditions as other Stockholders.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, on Debenture, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum not exceeding Fifty Thousand Pounds, Provincial Currency, in sums not less than One Hundred Pounds each, which Debentures shall be payable at the expiration of not less than twenty nor more than forty years from the date of such Debentures, bearing an interest not exceeding six per cent per annum, payable half yearly in this Province, or at an interest not exceeding five per cent, payable half yearly in London, on the transfer of the debt of this Province, by His Majesty's Receiver General.

To be raised by Government Bills or Debentures,

in sums not less than £100, payable in not less than 20 nor more than 40 years.

Interest 6 per cent in this Province, or 5 per cent payable in London.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to issue his Warrant on the Receiver General of this Province for the time being, for the said sum of Fifty Thousand Pounds, so to be raised by Debenture as aforesaid, or such part thereof as may be from time to time required by the Directors of the said Company.

Governor, &c. to issue Warrants to Receiver General for money so raised.

VI. *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.

Debentures made chargeable on public monies at disposal of Legislature.

VII. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled "An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company,"

Provisions of 7 Geo, 4, c. —, relative to Debentures, to extend to Debentures under this Act.

respecting the Debentures authorised by the said Act, passing current with certain public Accountants; the payment of interest upon the same by such Accountants, and the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such Debentures; the remuneration to the Receiver General for the services required by the said Act; paying off and cancelling the said Debentures; and also, the provisions made in the seventh section of the said Act, for punishing the forging of any Debenture thereby authorised to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged Debenture or other matter as aforesaid, shall apply and be in force in respect to the Debentures which shall be issued according to this Act, save and except that the punishment upon conviction of forging or uttering any Debenture issued under the authority of this Act, shall be the same as in cases of Felony which are not punishable with death.

Forgery.

Directors to be chosen annually, of whom 3 to be appointed by House of Assembly.

VIII. *And be it further enacted by the authority aforesaid*, That the number of Directors to be appointed annually for the management of the affairs of the said Company, shall not exceed seven; three of whom shall be annually appointed by a resolution of the House of Assembly of Upper Canada.

CHAP. XL.

AN ACT to repeal part of, amend and extend the provisions of an Act passed in the last Session of the present 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."

[Passed 6th March, 1834.]

Preamble.

WHEREAS it is expedient to make further provision for the improvement of the Navigation of the River Saint Lawrence, and to amend and extend the provisions of an Act passed in the third Session of the present 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": *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 first, second, and twenty-fifth clauses, and also so much of the forty-first clause of the said Act as requires that the Commissioners shall meet at least once in each month for the purposes of inspecting and investigating all matters relating to the said works, at such place as a majority of them shall appoint, and shall have power at such meetings to allow to the person appointed by them to act in all matters relating to the management and control of the works to be carried on under their orders and directions, out of the monies which shall come into their hands, such sum as they may consider proper, not exceeding Three Hundred Pounds per annum, be and the same is hereby repealed.

3rd Wm. 4, c. 18, sections 1, 2, and 25, and so much of sec. 41 as relates to monthly meetings of the Commissioners, repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise by Loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding Three Hundred and Fifty Thousand Pounds, at a rate of interest not more than six per cent per annum, payable half yearly in this Province; or five per cent per annum, payable half yearly in London: *Provided always,* that nothing in this Act contained shall extend or be construed to extend to affect any Debentures heretofore issued under the provision: of the said Act.

Governor may direct Receiver General to raise £350,000 upon Debentures.

Interest 6 per cent in this Province, or 5 per cent in London.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to cause or direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Three Hundred and Fifty Thousand Pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be payable in three instalments, the first of which shall become due in a period not less than twenty years, and the last at a period not exceeding forty years, and every such Debenture shall and may be signed by the said Receiver General of this Province for the time being.

Debentures to be made in such form as Receiver General shall think fit,

payable in three instalments,

to be signed by the Receiver General.

Nature of proposed improvements, for vessels drawing nine feet water;

Dimensions of Locks.

IV. *And be it further enacted by the authority aforesaid,* That all the improvements by the said Act authorised to be made, shall be constructed so as to admit of the passage or navigation of vessels drawing nine feet water; and that all Locks which may be erected or constructed in the course of such improvement, shall be not less than two hundred feet in length, fifty-five feet in breadth, and with nine feet water above the mitre sill.

Commissioners may alter highways;

another road to be made, and compensation to parties affected.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, when it shall be necessary, for the purpose of carrying on the works authorised by the said Act, to alter any highway which may intersect or in manner interfere with the line of improvements to be made under the provisions of the said Act; and it shall be the duty of the said Commissioners to cause to be made, for the accommodation of the public, a road equally good and as convenient as the situation of the place and circumstances may allow, and to satisfy any person or persons whatsoever, for all damages which he or they may sustain in consequence of such alteration, in the same manner as other damages are required to be ascertained and satisfied under the said Act.

Value of houses to be removed shall be ascertained according to 3, W. 4, c. 18.

VI. *And be it further enacted by the authority aforesaid,* That in all cases where it may be necessary to pull down or remove any dwelling-house or houses or other buildings, to carry into effect the provisions of the Act for the improvement of the Navigation of the River Saint Lawrence, it shall and may be lawful for the person or persons to whom such house, or houses, or other buildings may belong, and the said Commissioners, to ascertain the value of such house or houses or other buildings, and the damages occasioned by the removal or pulling down thereof, in the manner pointed out by the said Act, and the said Commissioners shall pay to the owner or owners thereof, the amount which shall be so ascertained, within three months after the making of any award relating to the same.

Application and account of monies.

VII. *And be it further enacted by the authority aforesaid,* That all monies which shall be raised by Debenture under the provisions of this Act, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, in favor of such Commissioners, and shall be accounted for 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.

VIII. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled "An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures authorised by the said Act passing current with certain public Accountants; the payment of interest upon the same by such Accountants, and the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such Debentures; the remuneration to the Receiver General for the services required by the said Act; paying off and cancelling the said Debentures; and also, the provisions made in the seventh section of the said Act for punishing the forging of any Debenture thereby authorised to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged Debenture or other matter as aforesaid, shall apply to and be in force in respect to the Debentures which shall be issued according to this Act, save and except that the punishment upon conviction for forging or uttering any Debenture issued under the authority of this Act, shall be the same as in cases of Felony which are not punishable with death.

Provisions of 7, Geo. 4, c. 20, relative to Debentures under that Act extended to Debentures under this Act.

Forging Debentures.

CHAP. XLI.

AN ACT to revive and continue an Act granting to His Majesty a Duty on Licenses to Auctioneers, and on Goods, Wares and Merchandize sold by Auction.

[Passed 6th March, 1834.]

WHEREAS an Act passed in the Reign of King George the Fourth, entitled "An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, entitled 'An Act granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandize sold by Auction,'" has expired, and it is expedient to revive and continue for a limited time 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 Go-

Preamble.
58, Geo. 3, c. 6.

Revived and continued four years.

vernment of the Province of 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 revived and continued for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP. XLII.

AN ACT to authorise a Loan to the Tay Navigation Company.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS, it appears by the Petition of the Tay Navigation Company, presented to the Legislature during the present Session, that the Directors of that Company have, at an expense of Five Thousand Pounds, rendered the River Tay navigable for boats and vessels, drawing three and a half feet of water, to the Town of Perth, in the Bathurst District; *And whereas* the expense of constructing the necessary works has exceeded the means at the disposal of the Company, and they are unable to pay the debts due to the Workmen, and others, for labor, materials and provisions furnished in the prosecution of the undertaking: *And whereas* it is desirable to give aid to individuals who have completed an important navigation to a part of the Province hitherto inaccessible by water communication; it is therefore expedient to advance, by way of Loan, to the said Company, on the credit of the works of the said navigation, the sum of One Thousand Pounds; 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 the money hereby loaned to the Tay Navigation Company, 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 for the time being, upon the Receiver General of this Province, in favor of the President of the said Company, and shall be

£1,000 to be paid to the Company by the Receiver General;

upon warrant of Governor, &c.

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.

II. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of One Thousand Pounds, hereby authorised to be loaned to the Tay Navigation 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 re-payment in ten years of the said sum of One Thousand Pounds, and for the annual payment on the first day of March of Six Pounds per centum, as interest on the said Loan.

Security for repayment in ten years with interest.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to cause any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the sum of One Thousand Pounds, at a rate of interest not exceeding six per centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be redeemable at a period not exceeding ten years, and shall and may be signed by the said Receiver General for the time being.

Such sum to be raised on Debentures bearing 6 per cent interest;

redeemable within ten years.

CHAP. XLIII.

AN ACT to grant a sum of Money to defray the expense of erecting a Bridge over the Grand River at Dunnville, and for other purposes therein contained.

[Passed 6th March, 1834.]

WHEREAS certain persons, Inhabitants of the London and Niagara Districts, have Petitioned that a Toll Bridge may be erected over the Grand River at Dunnville; *And whereas* it is expedient for the benefit of His Majesty's Subjects, that a permanent Bridge should be erected at that place, and a sum of money provided to defray the expense of erecting and keeping the same in repair: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the

Preamble.

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 Alpheus S. St. John, William Milne, and George Thompson, be Commissioners, whose duty it shall be to procure plans and estimates of a Bridge across the Grand River at Dunnville, and to contract with such person or persons as shall undertake to build and erect the same, and the works and approaches therewith connected, or any part thereof, and who shall do and perform all and whatsoever act and acts, thing and things necessary and proper to carry the intentions of this Act into full effect, and shall and may from time to time, after the completion of such Bridge and the approaches thereto, fix such rates and tolls as to them may seem just, and shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the information of the Legislature, on or before the first day of November in each and every year, all matters by them annually done or performed by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

Commissioners
to prepare plans and
estimates,
and make contracts,

to fix tolls.

Annual report to the
Governor,

with account of
monies.

Receiver General to
raise a loan,

upon Government
securities,

not exceeding £1250
at six per cent.
interest.

Debentures may be
issued for such sum
of £1250.

Three Debentures to
be issued for each
advance.

Date.

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, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty’s Receiver General of this Province to raise by Loan, from any person or persons, body politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of Money not exceeding Twelve Hundred and Fifty Pounds, at a rate of interest not exceeding six per cent, payable half yearly in this Province.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General of this Province, for the time being, to cause or direct any number of Debentures to be made out for any such sum or sums of money not exceeding in the whole the said sum of Twelve Hundred and Fifty Pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty’s Receiver General shall think most safe and convenient ; and that for each Loan or advance, three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one-

third of the sum so advanced at the expiration of eight, nine and ten years respectively, with interest, at the rate aforesaid, from the date of each Debenture until the same shall be discharged, and every such Debenture shall and may be signed by the Receiver General of this Province for the time being.

Each Debenture for payment of one-third of loan.
Payable in 8, 9, and 10 years, with interest.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debentures as aforesaid, which shall be issued under the authority of this Act and uncanceled, or any stamp, indorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment or to be exchanged, or the indorsement or writing thereupon or therein to be forged or counterfeited, with intent, to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony.

Forging or uttering counterfeit Debentures, &c., felony.

V. *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, correct accounts of the numbers, amounts and dates of the different Debentures which he may have issued under the authority of this Act; of the amount of the Debentures redeemed by him, and the interest paid thereon respectively; and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of this Province.

Receiver General to render account of number and dates of Debentures issued, to be laid before the Legislature.

Debentures redeemed
Interest paid.
Debentures outstanding.

VI. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the period up to

Interest to be payable half yearly.

Warrants to be issued for payment of interest after 30th June and 31st of Decr.

which the said interest shall have been paid, and shall take Receipts for the same from the persons respectively ; and that the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, after the thirtieth day of June, and the thirty-first day of December in each year, issue Warrants to the Receiver General for the payment of the amount of interest that shall have been advanced, according to the the Receipts to be taken by him as aforesaid.

Separate warrant for payment of each debenture.

VII. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, for the payment of each Debenture as the same may become due and be presented in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

Notice to holders of Debentures to present them for payment.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette requiring all holders of the said Debentures to present the same for payment according to this Act, and if after the insertion of the said notice for three months any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures after the expiration of six months shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Interest, when to cease.

Vacancies among Commissioners, how filled.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to nominate and appoint, under his hand seal, such person or persons as he shall think fit to fill any vacancy or vacancies which from time to time shall or may happen in the said Board of Commissioners by death, resignation or otherwise.

Commissioners may appoint Engineers and Officers, &c.

with salaries.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners may from time to time appoint such Engineers, Agents, Officers, Workmen and Servants, as they may think fit, and pay them such salaries as they may deem just and reasonable, to carry into effect

the provisions of this Act ; taking, when necessary, good security for the faithful discharge of the trust reposed.

Security by Officers,
&c.

XI. *And be it further enacted by the authority aforesaid,* That no Commissioner or Secretary, appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested, in any contract or agreement for the performance of any work which may be necessary under the authority of this Act.

No Commissioner or Secretary to be interested in any contract.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first general meeting held after the said Bridge together with the approaches thereto shall be completed, ascertain, and fix the rates and dues to be taken by virtue of this Act ; and that it shall and may be lawful for the said Commissioners to alter the said rates and dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a schedule of rates and dues shall be affixed on the gate of the said Bridge.

Rates and dues, when to be ascertained and fixed.

Power to alter the same.

Schedule of rates to be affixed to the gate.

XIII. *And be it further enacted by the authority aforesaid,* That the said several tolls or dues shall be paid to such person or persons, and in such manner, and under such regulations as the said Commissioners shall direct or appoint, and in case of denial or neglect of payment of any such tolls or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same in any Court having jurisdiction thereof.

Payment of Tolls.

How recoverable.

XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break down, damage or destroy any bank, gate, or any works, machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution this Act, or completing, supporting or maintaining the said Bridge, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Wilful damage or obstruction to be deemed a misdemeanor.

XV. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have liberty to use with horses, cattle and carriages, the Bridge, roads, and approaches to be made as aforesaid, upon payment of such tolls and dues as shall be established by said Commissioners.

Bridge free to all persons, cattle, &c., on payment of Tolls.

XVI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule,

Recovery of penalties

order, or by-law of the said Commissioners, to be made in pursuance thereof, shall, upon proof of the offences respectively before any two Justices of the Peace for the District of Niagara, either by the confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by Warrant, under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures and the charges of such sale are deducted, shall be returned on demand to the owner or owners of such goods and chattels, and in case such sufficient distress cannot be found, or such penalties or forfeitures shall not be faithfully paid, it shall be lawful for such Justices, by Warrant, under their hands and seals, to cause such offender or offenders to be committed to the common Gaol of the District of Niagara, there to remain without bail or mainprize, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable costs and charges attending the same, shall be sooner paid and satisfied.

before two Justices,

by distress and sale.

In default of distress,

commitment to gaol,

not exceeding 20 days.

Application of penalties.

XVII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the Commissioners, to be made in pursuance thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, to be by them, with other monies, transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissions of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

Limitation of actions.

XVIII. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons, for any thing done or to be done in pursuance of this Act, or in execution of the powers or authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damages, shall cease and not afterwards, and Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act; and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

General issue may be pleaded.

The word "Commissioners" to mean the majority.

XIX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named therein,

it shall be taken and construed to mean the majority of the said Commissioners; and that the said Commissioners 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 monies coming into their hands, and touching the duties and conduct of the Officers, Clerks and Servants employed by them, and all such other matters as appertain to the conduct of the said Commissioners, in carrying into effect the provisions of this Act.

Their power to make rules.

XX. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to appoint one of their own number, or some other person, to act in all matters relating to the management and control of the works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners, or a majority of them, shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them as aforesaid, for his services, out of the monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

Commissioners may appoint one of their own number to manage the works.

Allowance to such Commissioner.

XXI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall hold their first meeting at such time and place, as the majority of the said Commissioners may name and appoint.

First meeting of Commissioners.

XXII. *And be it further enacted by the authority aforesaid,* That all monies which shall be raised by Debenture under the provisions of this Act, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, in favor of the said Commissioners, and shall be accounted for 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.

Monies raised under this Act; to whom payable.

CHAP. XLIV.

AN ACT granting a sum of Money to defray the expense of erecting a Bridge over the Grand River at Paris, and for other purposes therein mentioned.

[Passed, 6th March, 1834.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS divers Inhabitants of the London and Gore Districts have by Petition set forth that it would greatly conduce to the convenience of the public if a Bridge were erected across the Grand River, at or near the Village of Paris, and it appears necessary that the said Bridge should be erected—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 John Smith, Charles Duncombe, Hiram Capron, Luke Poorhies Spur, and William Curtis, be Commissioners, whose duty it shall be to procure plans and estimates of a Bridge across the Grand River, at or near the said Village of Paris, and to contract with such person or persons as shall undertake to erect the same, and the approaches and works therewith connected, and who shall do and perform all and whatsoever act and acts, thing and things, necessary and proper to carry the intentions of this Act into effect, and who shall from time to time after the completion of such Bridge and the approaches thereto, fix such rates and tolls as to them may appear just; and shall report to the Governor, Lieutenant Governor or Person Administering the Government, for the information of the Legislature, on or before the first day of December in each and every year, all matters by them done by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

Commissioners,

their duty with respect to plans and estimates, &c.

Rates and tolls,

annual report to be laid before the Legislature.

Receiver General to raise a Loan upon Government securities,

II. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, so soon after the passing of this Act as he may deem

expedient, to authorise and direct His Majesty's Receiver General of this Province to raise by loan from any person or persons, Body politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued by this Act, a sum of money not exceeding one thousand five hundred pounds; at a rate of interest not exceeding six per cent, payable half yearly in this Province.

not exceeding £1,500
at six per cent, payable
half yearly.

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

Receiver General to
issue Debentures for
such sum.

Three Debentures for
each advance,

each for payment of
one-third, at eight,
nine and ten years,
with interest.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid which shall be issued under the authority of this Act and uncanceled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any 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 and required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony.

Forging, or uttering
counterfeit Debentures, &c. felony.

Receiver General
to render account of
number and dates of
Debentures issued,
to be laid before
Parliament;

and amount of debentures
redeemed and
outstanding.

Interest on debentures
to be payable
half yearly,

and receipts taken.
Warrants for such
payments to issue
after 30th June and
31st December.

Separate Warrants
for payment of each
Debenture.

Notice in Gazette to
holders of Debentures
due, to present them
for payment.

Interest when to
cease.

V. *And be it further enacted by the authority aforesaid,* That the Receiver General of the Province shall, before each Session of the Provincial Parliament, transmit to the Governor, Lieutenant Governor, or Person Administering the Government, correct accounts of the numbers, amounts and dates of the different Debentures which he may have issued under the authority of this Act; of the amount of the Debentures redeemed by him and the interest paid thereon respectively; and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of the Province.

VI. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall be payable in half yearly periods, to be computed from the dates thereof, and shall and may be paid on demand by the Receiver General of the Province, who shall take care to have the same indorsed on each Debenture at the time of the payment thereof, expressing the periods up to which the interest shall have been paid, and who shall take receipts for the same respectively; and that the Governor, Lieutenant Governor, or Person Administering the Government 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, according to the receipts to be taken by him as aforesaid.

VII. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government for the time being, for the payment of each Debenture, as the same may become due, and be presented in favor of the lawful holder thereof; and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or any of them shall respectively become due, according to the terms thereof, it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, (if he thinks proper so to do,) to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment according to this Act; and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures after the expiration of six months shall cease and be no further payable in respect of the time which may elapse

between the expiration of the said six months and their presentment for payment.

IX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to nominate and appoint, under his hand and seal, such person or persons as he shall think fit to fill any vacancy or vacancies which from time to time may happen in the said Board of Commissioners, by death, resignation, or otherwise.

Appointment of new Commissioners.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners may from time to time appoint such Engineers, Agents, Officers, Workmen and Servants as they may think fit, and pay them such salaries as they may deem just and reasonable to carry into effect the provisions of this Act, taking, when necessary, good security for the faithful discharge of the trust reposed.

Commissioners may appoint Engineers and officers,

with salaries;

taking good security.

XI. *And be it further enacted by the authority aforesaid,* That no Commissioner or Secretary appointed under the provisions of this Act shall be directly or indirectly concerned, engaged or interested in any contract or agreement for the performance of any work which may be necessary under the authority of this Act.

No Commissioner or Secretary to be concerned in any contract.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first general meeting held after the said Bridge, together with the approaches thereto, shall be completed, ascertain and fix the rates and dues to be taken by virtue of this Act; and that it shall be lawful for the said Commissioners to alter the said rates and dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a schedule of rates and dues shall be affixed on the gate of the said Bridge.

Establishment of Rates and Tolls.

Power to alter the same.

Schedule to be affixed to the Gate.

XIII. *And be it further enacted by the authority aforesaid,* That the said several tolls or dues shall be paid to such person or persons, and in such manner and under such regulations, as the said Commissioners shall direct or appoint; and in case of denial or neglect of payment of any such tolls or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same in any Court having jurisdiction thereof.

Payment of Tolls.

How recoverable.

Wilful damage or obstruction to be deemed a misdemeanour.

XIV. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully or maliciously break down, damage or destroy any bank, gate, or any works, machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution this Act, or completing, supporting or maintaining the said Bridge, every such person so offending shall be deemed guilty of a misdemeanour.

Bridge to be free to all persons cattle, &c. upon payment of tolls.

XV. *And be it further enacted by the authority aforesaid,* That all persons whosoever, shall have liberty to use with horses, cattle and carriages, the Bridge, roads and approaches to be made as aforesaid, upon payment of such tolls and dues as shall be established by the said Commissioners.

Recovery of penalties.

Before two Justices

by distress and sale.

In default of distress.

Commitment,

not exceeding 20 days.

XVI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the said Commissioners, to be made in pursuance thereof, shall, upon proof of the offences respectively before any two Justices of the Peace for the District of Gore, either by the confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures, and the charges of such sale are deducted, shall be returned on demand to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties or forfeitures shall not be faithfully paid, it shall be lawful for such Justices, by Warrant, under their hands and seals, to cause such offender or offenders to be committed to the common Gaol of the District, there to remain without bail or mainprize for such time as the said Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable costs and charges attending the same shall be sooner paid and satisfied.

Application of penalties.

XVII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures against this Act, or against any rule, order or by-law of the Commissioners, to be made in pursuance thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, to be by them, with other monies, transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

XVIII. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought against any person or persons, for any thing done or to be done in pursuance of this Act, or in execution of the powers or authorities, or the orders and directions hereinbefore given and granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages shall cease, and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

Limitation of actions.

General issue may be pleaded.

XIX. *And be it further enacted by the authority aforesaid,* That when the Commissioners appointed under this Act shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners, and that the said Commissioners 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 monies coming into their hands, and touching the duties and conduct of the Officers, Clerks and Servants employed by them, and all such other matters as appertain to the conduct of the said Commissioners, in carrying into effect the provisions of this Act.

The word "Commissioners" to mean the majority.

Power to make rules.

XX. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to appoint one of their own number, or some other person, to act in all matters relating to the management and control of the works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners, or a majority of them, shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them as aforesaid, for his services, out of the monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

Commissioners may appoint one of their own number to manage the works.

XXI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint.

First meeting of Commissioners.

XXII. *And be it further enacted by the authority aforesaid,* That all monies which shall be raised by Debenture under the provisions of this Act to whom payable.

Monies raised under this Act to whom payable.

Act, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of the Province, in favor of the said Commissioners, and shall be accounted for 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.

CHAP. XLV.

AN ACT granting to His Majesty a sum of money to enable His Majesty to compensate the services of the Arbitrator appointed under the Act of the Imperial Parliament, passed in the third year of His late Majesty's Reign, entitled "An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces."

[Passed, 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

Preamble

WHEREAS it is expedient to compensate the services of the Arbitrator appointed in behalf of this Province under the provisions of the Act of the Imperial Parliament, passed in the third year of His late Majesty's Reign, entitled, "An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," for services performed in the years one thousand eight hundred and twenty-eight; one thousand eight hundred and thirty-two; and one thousand eight hundred and thirty-three; 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 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 unappropri-

£600 granted to His Majesty to compensate the Arbitrator.

ated, there be granted to His Majesty the sum of Six Hundred Pounds, to enable His Majesty to compensate the said Arbitrator for his services as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Six Hundred Pounds shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants which may 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, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

To be paid by the Receiver General in discharge of Governor's Warrant,

and accounted for through the Lords of the Treasury.

CHAP. XLVI.

AN ACT granting a sum of money in aid of the funds of the Female Benevolent Society of Kingston.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

WHEREAS the Female Benevolent Society of Kingston have, by their Petition to this House set forth, that in consequence of the number of sick and destitute relieved from the funds of the Society, without distinction of Creed or Country, and in consequence of the great and numerous losses incurred by Fire in the Town of Kingston during the past year, the funds arising from the voluntary contributions of individuals have become nearly exhausted, and the power of the Society to afford relief materially diminished, and have therefore prayed that the sum of One Hundred and Fifty Pounds should be granted in aid of the funds of the said Society : *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**

Preamble.

Grant to His Majesty
of £150,

in aid of the funds
of the Society.

Warrant to Receiver
General for that
amount to be issued,

and accounted for in
usual manner.

and out of the rates and duties raised, levied and collected, and unappropriated, or hereafter to be raised, levied and collected, and unappropriated, there be granted to His Majesty the sum of One Hundred and Fifty Pounds, in aid of the funds of the said Society.

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, in favor of the Treasurer of the said Society, and shall be accounted for, by the said Receiver General, to His Majesty, His Heirs or 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.

CHAP. XLVII.

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.

[Passed 6th March, 1834.]

Preamble.

Commissioners appointed by 3 W. 4, c. 40 may lay out unexpended monies according to the provisions thereof,

WHEREAS certain monies granted by an Act of the Legislature of this Province, passed in the Third year of His Majesty's Reign, entitled, "An Act granting to His Majesty a sum of Money for the improvement of Roads and Bridges in the several Districts of this Province," have not been raised by loan in the manner therein mentioned, and it is expedient that the provisions of the said Act should be continued, with certain alterations:—*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 the said Act shall have full power and authority, and they are hereby required, to lay out and expend the several sums of money now remaining unexpended (except

as herein otherwise provided) according to the provisions of the said Act, 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.

to be accounted for,
and returns made,

on or before 1st Sept.
1834.

II. *And be it further enacted by the authority aforesaid,* That so much of the twentieth clause of the said Act as provides for the appropriation of two hundred and fifty pounds for the erection of a Draw Bridge across the River Thames, from the town of Chatham in the township of Harwich, to the township of Chatham, and of a sum of forty pounds, to be laid out on the road between lots numbers Eighty-six, and Eighty-seven, in the township of Howard, from Talbot road to the shore of Lake Erie; and also of a sum of two hundred pounds, to be laid out for opening one rod wide, and bridging the middle road between Talbot road and the River Thames, through the townships of Maidstone, Rochester, and West Tilbury, and from the division line between West and East Tilbury, to lot number Twenty-four in the last mentioned Township, and the appointment of Commissioners for expending the said several sums, be and the same is hereby repealed.

Certain parts of 3 W.
4, c. 60, s. 20 repealed.

III. *And be it further enacted by the authority aforesaid,* That the sum of four hundred and ninety pounds be appropriated in the manner following, that is to say,—towards the erection of a Draw-bridge or Swing across the River Thames, from lot number three in the township of Harwich, to lot number three in the township of Chatham, or from such other place in the town of Chatham, to the township of Chatham, as may be considered best adapted for the site of the said Bridge by the Commissioners, the sum of three hundred pounds, and that John Dolsen, and Duncan McGregor, Esquires, and Lewis Arnold, the elder, be Commissioners for expending the same; *Provided,* that the said sum of three hundred pounds shall not be paid to the said Commissioners until they shall have proved to the Justices in Quarter Sessions assembled, that a sufficient additional sum of money shall have been provided to complete the said bridge. For opening one rod wide, and bridging the middle road between Talbot road and the River Thames, through the townships of Maidstone, Rochester, and West Tilbury, and from the division line between West Tilbury to lot number twenty-four in the last mentioned Township, the sum of one hundred and fifty pounds, and that George Jacob, and Joseph Woods, Esquires, and Benjamin Lavalley, be Commissioners for expending the same. On the road between lots numbers

Particular appropriations of £490;

for erection of Draw
Bridge across the
Thames.

Commissioners.

When such sum to
be paid to Commis-
sioners.

£100 for opening and
bridging Middle
Road.

Commissioners.

£40 for certain road
in township of
Howard.

Commissioners.

eighty-six, and eighty-seven, in the township of Howard, from Talbot road to the middle road, the sum of forty pounds, and that David S. Baldwin, John Unsworth, and John Stewart, be Commissioners for expending the same.

Commissioners may
pay for work done.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any of the Commissioners appointed, in and by the said recited Act, who may have contracted for work to be done last year, to pay any person or persons for any such work which may have been done under the authority of the said Commissioners.

Receiver General to
raise £20,000 upon
Debentures,

at 6 per cent Interest.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Receiver General to raise by Debentures in manner mentioned in the said Act, the sum of twenty thousand pounds, being the sum mentioned in the said recited Act, at a rate of Interest not exceeding six per centum, per annum, in this Province, or five per cent. in England, any thing in that Act to the contrary notwithstanding.

£15 unappropriated,
to be expended on
eastern Town line
of Burford.

VI. *And be it further enacted by the authority aforesaid,* That the sum of fifteen pounds granted by the said recited Act out of the monies allotted to the County of Oxford, and unappropriated, be expended on the eastern town line of Burford, by the Commissioners appointed to expend money on the said town line in the said recited Act.

£20 granted by 1st
Wm. 4, c. 18, and
unappropriated, to be
expended in widening
arch on Yonge-street.

Commissioners.

VII. *And be it further enacted by the authority aforesaid,* That the sum of twenty pounds granted by a certain Act of the Parliament of this Province, passed in the first year of His present Majesty's Reign, entitled, "An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of Roads and Bridges in the several Districts of this Province," to be expended in opening and improving the new road laid out in the second Concession of the township of York, which said sum of twenty pounds has not been expended, be expended in widening the arch across the Ravine on Yonge-street, at lots numbers four and five, and otherwise improving the said road, and that Andrew M'Lashen, Daniel McDougall, and William Snyder, be Commissioners for expending the same.

CHAP. XLVIII.

AN ACT granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts in this Province.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is desirable and necessary to afford aid towards repairing Roads and Bridges in the several Districts of this Province ; may it ^{Preamble.} 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 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 raise by loan, from any person or persons, Bodies politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding twenty-five thousand pounds, at a rate of interest not exceeding six per centum per annum, to be applied to the said Roads and Bridges. ^{£25,000 may be raised by loan, to be applied to the improvement of roads and bridges.}

II: *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to cause ^{Receiver General to issue Debentures.} any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Twenty-five Thousand Pounds, as any person or persons, bodies politic or corporate, shall agree to advance, on the credit of the said Debentures, which Debentures shall be prepared and made out in such manner and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance a Debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said sum of Twenty-five Thousand Pounds, or such part thereof as shall be

actually received, and redeemable at a period not less than twenty and not exceeding forty years, and which Debenture or Debentures shall and may be signed by the said Receiver General of this Province for the time being.

Receiver General to make a report of Debentures issued, to be laid before the Legislature.

III. *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, amounts and dates of the different Debentures which he may have issued under the authority of this Act; of the amount of Debentures redeemed by him, and the interest paid thereon respectively; and also, of the amount of the Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of this Province.

Interest, when and how paid.

IV. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid, on demand, by the Receiver General of this Province for the time being, whose duty it shall be to have the same indorsed on each Debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively; and that the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, after the first day of January and the first day of July in each year, issue Warrants to the Receiver General for the payment of the amount of interest that shall have been advanced, according to the receipts to be taken by him as aforesaid.

Warrants to be issued for the payment of Debentures.

V. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, for the payment of each Debenture as the same may become due and be presented in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

Punishment for forging Debentures.

VI. *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 uncan-

celled, or any stamp, indorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit indorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons authorised 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.

VII. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the interest thereon, and all the charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and 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.

Debentures charged upon the public Revenues of the Province.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he thinks proper so to do, to cause a notice to be inserted in the Upper Canada Gazette requiring all holders of said Debentures to present the same for payment according to this Act; and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures shall, after the expiration of the said six months, cease and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Interest on Debentures, when to cease.

IX. *And be it further enacted by the authority aforesaid,* That the said sum of Twenty-five Thousand Pounds, so granted as aforesaid, shall be apportioned to the several Districts of this Province, as follows:

Appropriation of the said sum of £25,000.

To the Ottawa District—the sum of One Thousand Three Hundred Pounds.

Ottawa District, £1300.

To the Bathurst District—the sum of Two Thousand Three Hundred and Fifty Pounds.

Bathurst, £2350.

- Eastern, £2350. To the Eastern District—the sum of Two Thousand Three Hundred and Fifty Pounds.
- Johnstown, £2350. To the Johnstown District—the sum of Two Thousand Three Hundred and Fifty Pounds.
- Midland, £2100. To the Midland District—the sum of Two Thousand One Hundred Pounds.
- Prince Edward, £650. To the Prince Edward District—the sum of Six Hundred and Fifty Pounds.
- Newcastle, £2350. To the Newcastle District—the sum of Two Thousand Three Hundred and Fifty Pounds.
- Home, £2425. To the Home District—the sum of Two Thousand Four Hundred and Twenty-five Pounds.
- Gore, £2350. To the Gore District—the sum of Two Thousand Three Hundred and Fifty Pounds.
- Niagara, £2000. To the Niagara District—the sum of Two Thousand Pounds.
- London, £2125. To the London District—the sum of Two Thousand Four Hundred and Twenty-five Pounds.
- Western, £2350. To the Western District—the sum of Two Thousand Three Hundred and Fifty Pounds.

Appropriation for
Eastern District,
How and by whom
distributed.
County of Glengary.

X. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the Eastern District, shall be appropriated and expended as follows:—
In the County of Glengary.—On the post road leading from Dundas Street to the rear of Lochiel, the sum of eighty pounds. On the road from Williamstown to Dundas Street, the sum of forty-eight pounds, six shillings and eight pence. On the road leading from the Village of Lancaster to Dundas Street, the sum of one hundred pounds. On the road leading from Finnan McDonell's to the front of Charlottenburgh, the sum of twenty-five pounds. On the road from Dalhousie Mills to the boundary line of Lower Canada, the sum of one hundred pounds. On the nine mile road, from the south branch, including the bridge across the River Raisin, to Dundas Street, the sum of forty pounds. On the line between the eighth and ninth concessions of Lancaster, for the erection of a bridge across the River Delisle, the sum of fifty pounds. On the line between the eighth and ninth concessions of Charlottenburgh, for erecting a bridge across the River Boudette, the sum of thirty pounds. On the nine mile road leading from Archibald Cameron's, on Dundas Street, to the rear of Kenyon, the sum of fifty pounds. On the road leading from Widow McMillan's, Lochiel, to the Breadalbane Settle-

ment, the sum of twenty-five pounds. On the road leading from the ninth concession of Charlottenburgh to Donald McDonell's, Kenyon, the sum of twenty-five pounds. On the road dividing the Townships of Kenyon and Lochiel, along the commons from the front of the third concession to the rear of the Township, the sum of fifty pounds. On the road leading from Hay's corner, in Lochiel, on the line between lots thirteen and fourteen, to the Hawkesbury line, the sum of thirty pounds. On the nine mile road leading from the corner, between lots numbers twenty-five and twenty-six, in the fourth concession of Lochiel, to the eighth concession of Lancaster, the sum of twenty pounds. On the line between lots numbers seven and eight, leading from the school-house in the Breadalbane Settlement, to the Hawkesbury line, the sum of twenty pounds. On the nine mile road, between lots numbers twenty-four and twenty-five, in the seventh and eighth concessions of Charlottenburgh, the sum of fifteen pounds. On the road leading from Martintown to the front of Charlottenburgh, the sum of thirty pounds. On the road through the Indian Reservation, from Martintown to the rear, the sum of twenty pounds. On the road leading from Martintown to the rear of Kenyon, the sum of twenty-five pounds; and that Alexander Fraser, Alexander McMartin, John McGillivray, Hugh McGillis, John McLellan, Alexander Chisholm, Archibald McDonell, Angus McDonell, Donald Catanach, Angus Catanach, John McDonell, Finnan McDonell, Alexander McNabb, John Cameron, John Roy Cameron, Allan McDermid, Alexander McDonell, (Inch), John Millar, Angus McGillis, Donald McMillan, Norman McLeod, Donald McDonell, Donald McMillan, and Thomas Duncan, be Commissioners for expending the same. *In the County of Stormont.*—On the road between lots numbers six and seven, in the fourth concession, and between nine and ten in the fifth concession of Cornwall, the sum of forty pounds, and that Alexander McDonell (Garnish), John Cameron and John McDonell, of lot number ten, in the fifth concession of Cornwall, be Commissioners for expending the same. On the road now in use from Daniel Campbell, junior's, in the township of Cornwall, to the Indian Land, the sum of fifty pounds, and that Daniel Campbell, Duncan Ferguson, and Joseph Copeland, be Commissioners for expending the same. On the road from the Indian Lands, between the first and second concessions of Cornwall, the sum of forty pounds, and that Guy C. Wood, John Chesley, and Martin McMartin, be Commissioners for expending the same. On the road from Saint Andrew's Church to the rear of Roxborough, the sum of seventy-five pounds, and that Duncan McDonell (Jackson), John McDonell, and Alexander McPhail, be Commissioners for expending the same. To be applied in repairing the roads in the east part of Roxborough, the sum of fifty pounds, and that John Montgomery, Benjamin Helmer, and Duncan McCallum, be Commissioners

for expending the same. To be applied in opening and repairing the roads in the west part of Roxborough, the sum of fifty pounds, and that Doctor William Johnstone, James Roy McDonell and John F. Poapst, be Commissioners for expending the same. On the road from Henry Empey's to John Roys', on the Saint Lawrence, the sum of thirty pounds, and that Alexander McLean, John Roys and Sewel Cutler, be Commissioners for expending the same. On the road between the second and third concessions of Cornwall, as the Commissioners shall think proper, the sum of twenty pounds, and that John Hartle, Nathan Groves and Joel Eastman, be Commissioners for expending the same. On the road leading into Milroche, from the fourth concession of Cornwall, the sum of thirty pounds, and that Sewell Cutler, Adam Johnstone, and James Millray, be Commissioners for expending the same. On the road from the front, near the Church in Osnabruck, to the rear of Finch, the sum of seventy-five pounds, and that John Chrysler, Joseph Bockus and Michael Empey, be Commissioners for expending the same. On the roads in the concessions in the west part of Osnabruck, the sum of forty pounds, and that Philip W. Empey, John N. Ault and James Grant, be Commissioners for expending the same. On the roads in that part of Osnabruck called Pleasant Valley, the sum of forty pounds, and that Jeremiah Vandusen, John Rombough and Joseph Gallinger, be Commissioners for expending the same. On the road from the Saint Lawrence, between lots numbers eighteen and nineteen, to the fourth concession in Osnabruck, for the purpose of building a bridge, the sum of twenty-five pounds, and that George Morgan, Jacob Baker and Francis Maxwell, be Commissioners for expending the same. On such roads in the back concessions of Osnabruck, as the Commissioners shall think advisable, the sum of fifty pounds, and that Roger Wood, William Wyatt and Tenis Shaver, be Commissioners for expending the same. On the road from John Dixon, junior's, leading into Finch, to the rear of the third concession, the sum of fifty pounds, and that Robert Dixon, Alexander McMillan and Hector McLean, be Commissioners for expending the same. On the road between the townships of Roxborough and Finch, from the first to the rear of the third concession, the sum of forty pounds, and that John McMillan, Ewan McMillan and Alexander McMillan, be Commissioners for expending the same. On the roads in Finch, as the Commissioners shall think proper, the sum of thirty-eight pounds, six shillings and eight pence, and that Duncan McMillan, John Link, junior, Hector McLean and Hugh McMillan, be Commissioners for expending the same. On the road between the third and fourth concessions of the township of Finch, forty pounds, and that Donald Grant, Duncan Cameron and Angus Cameron, be Commissioners for expending the same. *In the Township of Williamsburgh.*—On the nine mile road, commencing between lots numbers

six and seven, to the second concession, and from thence between lots four and five to the third concession, the sum of thirty-five pounds, and that Peter Baker, and Charles Weagant, be Commissioners for expending the same. On the nine mile road, commencing between lots eighteen and nineteen, the sum of sixty pounds, and that George Cook, John Le Point and John Barkley, be Commissioners for expending the same. On the bridge across Markle's Creek, the sum of twenty-five pounds, and that William S. Castleman and John Loucks, be Commissioners for expending the same. On the nine mile road, between twenty-five and twenty-six, the sum of thirty-five pounds, and that Henry Barkley and Christopher Readie, be Commissioners for expending the same. On the nine mile road, commencing between lots numbers thirty and thirty-one, running back as far as the centre of the fifth concession, and from thence following the Nation road to the centre of the eighth concession; from thence following between lots numbers eighteen and nineteen to the Nation River, the sum of one hundred and fifty-seven pounds, and that John Cook, Henry Weager (second), and John Dillabough, of Winchester, be Commissioners for expending the same. On the nine mile road, between lots numbers thirty and thirty-one, from the centre of the fifth concession to the seventh concession, the sum of twenty pounds, and that Abraham Wess and Peter McIntosh, be Commissioners for expending the same. On the nine mile road, commencing in the centre of the fifth concession, between thirty-seven and commons A, running through the fifth and sixth concessions, the sum of forty pounds, and that Bernard Whittaker and John F. Markley, be Commissioners for expending the same. On the cross road, commencing at the late John Weager's, and running to the nine mile road between thirty-seven and commons A, the sum of four pounds thirteen shillings and four pence, and that John V. Bedstead and Henry VanAllan, be Commissioners for expending the same. On the nine mile road, commencing at the River Saint Lawrence, at Mr. Nashes, on the West of Commons A, the sum of fifteen pounds, and that Jacob Bedstead, Henry VanAllan and John V. Bedstead, be Commissioners for expending the same. *In the Township of Matilda.*—On the nine mile road, between lots six and seven, in Matilda, the sum of thirty-five pounds, and that George Eighleek, David Robinson and John Flagg, be Commissioners for expending the same. On the nine mile road between lots twelve and thirteen, running back to the sixth concession, the sum of fifty pounds, and that Peter Bowen and John A. Shaver, be Commissioners for expending the same. On the nine mile road, running through the centre of Matilda and Mountain, the sum of one hundred and sixty-six pounds, thirteen shillings and four pence, and that Peter Boulton, Peter Smith and Peter Shaver, be Commissioners for expending the same. To build a Bridge across the Creek at Peter Carmans, on the front road,

the sum of thirty-five pounds, and that Peter Carman, James Coons, and George Brouse, be Commissioners for expending the same. On the nine mile road, between lots twenty-four and twenty-five, running back to the seventh concession, the sum of fifty pounds, and that George Brouse, Peter Carman, and Nicholas Shaver, be Commissioners for expending the same. On the nine mile road, between lots thirty-one and thirty-two, the sum of fifteen pounds, and that John Walliser, Jacob N. Shaver, and James West, be Commissioners for expending the same. On the road between the Townships of Mountain and South Gower, commencing at the Petite Nation River, and running back between said Townships to the eleventh concession, the sum of forty pounds, and that John Middaugh, Hugh McCargar, and David Brown, be Commissioners for expending the same.

Appropriation for the
Ottawa District; how
and by whom
expended.

XL. And be it further enacted by the authority aforesaid, That the sum of One Thousand Three Hundred Pounds, hereby granted to the Ottawa District, be appropriated and expended as follows :—On the road leading from Glengary to the Ottawa, commencing in the rear of West Hawkesbury, and from thence on the line of said road to the Scotch Church, on VanClack's hill, the sum of one hundred pounds, and that Peter Van Clack, Waters Wells, and Hugh McLochlin, be Commissioners for expending the same. On the road leading from George Moade's, through East Hawkesbury, the sum of twenty-five pounds, and that Barney Van Clack, Simeon S. Eastman, and Peter Beers, be Commissioners for expending the same. On the road from Point Fortune to the Eastern boundary of Longueil, the sum of one hundred pounds, and that Charles A. Law, Daniel Wyman, and William Kerby, be Commissioners for expending the same. On the road leading from William Kerby's to the rear of East Hawkesbury, the sum of twenty-five pounds, and that William Kerby, John Cameron, and George Waddle, be Commissioners for expending the same. On the road leading from the East Hawkesbury Mills to the Province line, the sum of fifty pounds, and that William McDonald, and Captain Tisdale, be Commissioners for expending the same. On the road leading from Cornwall through Plantagenet, the sum of fifty pounds, and that William Paxton, James Molloy, and D. McDonald, be Commissioners for expending the same. On the road leading from Donald McDonald's to Chesser's Mills, on the East side of the Nation river, the sum of fifty pounds, and that James Molloy, John Paxton, and John Chesser, Esquires, be Commissioners for expending the same. On the road from Longueil to Chesser's Mills, the sum of fifty pounds, and that Chauncy Johnson, Charles P. Treadwell, and Elijah Kellogg, Esquires, be Commissioners for expending the same. On the road from the River Rideau to the Petite Nation River, the sum of two

hundred pounds, and that Thomas McKay, Charles Waters and Bradish Billings, Esquires, be Commissioners for expending the same. On the front road from New Inverness to Longueil, the sum of two hundred pounds, and that William Wait, John W. Marston and Charles Flynn, be Commissioners for expending the same. On the road leading from King-street to the navigable waters of the Ottawa River, to the Steam-boat landing in the village of Longueil, the sum of three hundred and fifty pounds, and that John O'Brien, Charles Waters and Donald McDonald, of Longueil, be Commissioners for expending the same. On the road leading through the Townships of Osgood and Gloucester to the Hogs-back, the sum of one hundred pounds, and that Colin McNabb, Archibald McDonell and Peter McLaurin, be Commissioners for expending the same.

XII. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the District of Bathurst, be appropriated and expended as follows, that is to say: To erect a bridge across the south branch of the River Tay, in the town of Perth, on the continuation of Gore Street, the sum of one hundred and fifty pounds, and that John Haggart, Henry Graham and John McKay, Esquires, be Commissioners for expending the same. To construct an opening or swing for the passage of vessels through the new bridge across the said river, adjoining the property of Z. Cutley, the sum of seventy-five pounds, and that W. R. F. Burford, H. Glass and Alexander Frazer, be Commissioners for expending the same. To build a bridge across the River Mississippi, at Ferguson's Falls, in the township of Drummond, the sum of forty pounds, and that Robert Blair, Alexander Ferguson and Robert Healey, be Commissioners for expending the same. To build a bridge across the River Mississippi, at Freer's Fall's, the sum of forty pounds, and that John Boyd, Thomas Codd and James Innes, be Commissioners for expending the same. To repair the bridge across the River Mississippi, at Carleton place, the sum of ten pounds, and that Hugh Boulton and William Wallace, be Commissioners for expending the same. To repair the principal roads in the township of Bathurst, the sum of one hundred and forty-five pounds, and that Richard Ruds-dale, James Armstrong, James Ward, Winkworth Brown, John Wea-geant, Joseph Legary, James Fraser, John Clark, and Peter Campbell and Andrew W. Playfare, be Commissioners for expending the same. To repair the principal roads in the township of Drummond, the sum of one hundred and forty-five pounds, and that Alexander Hay, James Meck-lewham, Samuel Clark, Alexander Ferguson, Thomas Codd, Adam Robson, John McTavish, John King and James Flintoff, be Commis-

Appropriation for the
Bathurst District;
how and by whom
applied.

sioners for expending the same. To repair the principal roads in the township of Beckwith, the sum of one hundred and forty-five pounds, and that Finlay McEwan, Peter Cram, Peter McGregor, Peter McArthur, Richard Finlay, James Jackson, James Ferguson, Alexander McKenzie and Donald Robertson, be Commissioners for expending the same. To repair the principal roads in the township of Ramsay, the sum of one hundred and forty-five pounds, and that Dugald Ferguson, Duncan Bain, John Bowes, James Aitkenhead, David Sutherland, Thomas Mansell, Thomas Bowes, John Gilmore and Matthew McFarland, be Commissioners for expending the same. To repair the principal roads in the township of Lanark, the sum of one hundred and forty-five pounds, and that George Tennant, John McLaughlin, John Boyd, David Bower, Anthony Ryan, William James, James Hall, Robert Muirhead and William Magee, be Commissioners for expending the same. To repair the principal roads in the township of Dalhousie, the sum of one hundred and twenty-five pounds, and that Alexander Mathie, Andrew Wallace, James Hood, James Park, Duncan Stewart, William Hammond, John Donald, William Lambie, Samuel Walker and Owen Hughes, be Commissioners for expending the same. To repair the principal roads in the township of McNab, the sum of fifty pounds, and that Archibald McNab, Andrew Buchanan, and Alexander McDonell, be Commissioners for expending the same. To repair the principal roads in the township of North Sherbrooke, the sum of fifty pounds, and that Archibald McDougall, Ebenezer Wilson, George Watson, Hugh McLean, James Nisbet, Donald McLean and Josiah Davis, be Commissioners for expending the same. To repair the principal roads in the township of Horton, the sum of thirty pounds, and that Christopher J. Bell and Henry Airth, be Commissioners for expending the same. To repair the principal roads in the township of Darling, the sum of twenty-five pounds, and that John Gammell, Charles Rintoul and James Waddell, be Commissioners for expending the same. To repair the roads in the Township of South Sherbrooke, the sum of thirty pounds, and that John Hughes, Thomas Mellican, Patrick Kennedy, John Mellican and Edward Comer, be Commissioners for expending the same. In the township of Pakenham, the sum of one hundred pounds, and that Alexander Dickson, Andrew Forbes, John King, John Grant, Hamilton Lowry and Owen McCarthy, be Commissioners for expending the same. In the township of Fitzroy, the sum of one hundred pounds, and that Alpin McMillan, Esquire, Andrew Dickson, Hamilton Lowry, John Grant, Cornelius Gleason, John Forbes and William Munro, be Commissioners for expending the same. In the township of Torbolton, the sum of fifty pounds, and that David Baird, James McLaren and — Grierson, Esquire, be Commissioners for expending the same. In the township of March, the sum of one hundred pounds, and that

George Edge, Thomas Raynard, George Clarke, Frederick Richardson, Thomas Wiggins, Thomas Morgan, John Armstrong and Thomas Scarff, be Commissioners for expending the same. In the township of Nepean, commencing at the town line of Goulburn to McQuade's farm, the sum of eighty pounds, and that John McNaughton, Chester Chapman and Samuel Shiets, be Commissioners for expending the same. From McQuade's to Beaman's, the sum of one hundred pounds, and that Francis Davidson, James Beaman and Hugh Bell, be Commissioners for expending the same. From Beaman's to By-town, the sum of seventy pounds, and that Mr. Thompson, William Bell and — Ayling, be Commissioners for expending the same. In the township of Goulburn, (fourth line) the sum of one hundred pounds, and that John Gordon, Hugh Montgomery, junior, and Thomas Davis, be Commissioners for expending the same. On the ninth line, the sum of thirty pounds, and that James Wilson, William Simpson and Isaac Pratt, be Commissioners for expending the same. On the twelfth line, the sum of thirty pounds, and that Francis Powell, Joseph Woolsey and George Ayne, be Commissioners for expending the same. On the side road between lots number fifteen and sixteen, the sum of twenty pounds, and that Joseph Farman, Robert Eady and Patrick McPherson, be Commissioners for expending the same. From the town line to the Creek, the sum of ten pounds, and that Edward Mills, David Harrison and James Brownlee, be Commissioners for expending the same. On the seventh line, the sum of twenty pounds, and that William Hailey, junior, Simon Kerrisons and Carlton Cathcart, be Commissioners for expending the same. On the road from the fourth line to the Mississippi, the sum of twenty pounds, and that Thomas Shelington, William Morton, and Thomas Garland, be Commissioners for expending the same. On the road to Huntley, the sum of twenty pounds, and that William Walker, James Wilson and John Lewis, be Commissioners for expending the same. On the town line between Goulbourne and Beckwith, the sum of ten pounds, and that Donald Livingston, James Lemon and Thomas Wrath, be Commissioners for expending the same. In the township of Huntley, from lot number one, in the fifth concession, to Taylor's Tavern, the sum of twenty-five pounds, and that John Kemp, George Telford and Martin Marrion, be Commissioners for expending the same. From Anderson's store to the twelfth concession, the sum of twenty-five pounds, and that Robert Johnston, Luke White and Henry Montgomery, be Commissioners for expending the same. From Hamilton Lowrey's to the March line, the sum of thirty pounds, and that Hamilton Lowrey, Henry McBride and James Simpson, be Commissioners for expending the same. On the sixth line, the sum of twenty-five pounds, and that William Mooney, William Carter and Richard Mara, be Commissioners for expending the same. On the third line, the sum

of thirty-five pounds, and that William Alexander, Denis Cavanagh and Benjamin Barton, be Commissioners for expending the same.

Appropriation for the
Johnstown District;
how and by whom
applied.

XIII. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the Johnstown District, shall be appropriated and expended as follows: *In the County of Grenville.*—On the road between the Counties of Dundas and Grenville, leading from the River Saint Lawrence to the River Rideau, the sum of fifty pounds, and that Hugh McCargar, John McIntyre and Peter Smith, be Commissioners for expending the same. On the road leading from the River Saint Lawrence, near Thomas O'Neil's, in Edwardsburgh, to the rear of the said Township, the sum of twenty-five pounds, and that Roswell Cook and James Froom, be Commissioners for expending the same. On the road leading from Johnstown to Kemptville, the sum of fifty pounds, and that Lyman Clothier, John Selick and Hiram Adams, be Commissioners for expending the same. On the road from Timothy Hodge, the elder's, in Augusta, to the River Rideau, called the white road, the sum of one hundred pounds, and that Henry Burrett, Esquire, John Bass, the elder, and John Martin, be Commissioners for expending the same. On the road leading from Merrickville, through Wolford, until it intersects the Bellamy road near the South branch of the Rideau, the sum of fifty pounds, and that Elisha Collier, Edmund Burritt and Alexander McCue, be Commissioners for expending the same. On the road from Kemptville, through Oxford, to Abel Adam's, the sum of fifty pounds, and that Abel Adams, Truman Hurd, Esquire, and Israel Banks, the elder, be Commissioners for expending the same. On the road from John Froom's to the River Rideau, the sum of twenty-five pounds, and that John Froom and Milo McCargar, be Commissioners for expending the same. On the road from Merrickville, towards Smith's Falls, within the County of Grenville, the sum of fifty pounds, and that Thomas McCrea, and James Maitland, be Commissioners for expending the same. On the road leading from David Spencer's in Edwardsburgh, to Abraham Cummings' in Augusta, by J. Week's mills, the sum of one hundred pounds, and that Jacob Week, Abraham Cummings, and John Lane, be Commissioners for expending the same. On the road from Eastman's in North Gower, leading to Richmond, between the second and third concessions of North Gower, the sum of twenty-five pounds, and that Gilbert Thomson, David McCuen, and Andrew Christie, be Commissioners for expending the same. On the road established and partly opened from Kemptville till it intersects the road leading towards Johnstown and George Adams's in Edwardsburgh, the sum of seventy-five pounds, and that William H. Bottum, Esquire, Thomas McCargar, and Andrew Carson, be Commissioners for expending the same. On the road

leading from Maitland's rapids to Beckwith, through Montague, the sum of seventy-five pounds, and that James Maitland, and John Kilborne, Esquires, be Commissioners for expending the same. On the road from Henry Brownlie's in Marlborough, to Richard Martin's in North Gower, the sum of twenty-five pounds, and that Ziba Eastman, Richard Martin and Richard Olmstead, the elder, Esquire, be Commissioners for expending the same. On the road leading from James Humphrey's, in the first concession of Edwardsburgh, to Gideon Adams, Esquire's, in South Gower, the sum of fifty pounds, and that Lewis Grant, Esquire, and Elijah Froom, be Commissioners for expending the same. On the road leading from Thomas Hick's in North Gower, to Edward Mills' in Marlborough, the sum of one hundred pounds, and that Benjamin Eastman, Thomas Hicks, and Edward Mills, be Commissioners for expending the same. On the road lately established, commencing at the Village of Kemptville, between lots numbers twenty-six and twenty-seven, and intersecting the Richmond road at Pierce's inn, the sum of one hundred pounds, and that Mahlon Beach, Lyman Clothier and Thomas McCarger, be Commissioners for expending the same. For repairing bridges in the Township of Wolford, the sum of one hundred pounds, and that John Kilborn, T. Beech and Terence Smyth, Esquires, be Commissioners for expending the same. To open a road from Jacob Weeks' (second), in Augusta, to the south branch of the River Rideau, the sum of one hundred and twenty-five pounds, and that Mahlon Beech, Tyrus Hurd and Jacob Week (the second) be Commissioners for expending the same. *In the County of Leeds.*—For building a bridge near Benjamin Brown's, in Elizabethtown, at the place formerly called Stewart's mills, the sum of fifty pounds, and that William Hallock and David Boyce, be Commissioners for expending the same. On the road leading northerly from Peter June's, in Yonge, to the bridge on lot number twenty-three, in the seventh concession of said township, the sum of sixty pounds, and that Peter June and John Johnson, residing on lot number twenty-one in said concession, be Commissioners for expending the same. On the road from the town line of Brockville to John Crafts, in Elizabethtown, the sum of one hundred and sixty-five pounds, and that Elnathan Hubble, Esquire, Abraham Dayton, Esquire, and Daniel Jones, Esquire, be Commissioners for expending the same. On the road from John Craft's, in Elizabethtown, to Reuben Mott's, the sum of forty pounds, and that Enos Beach, Reuben Mott and Edward Howard, be Commissioners for expending the same. On the road from Increase Smith's corner to Peter Cole's in Elizabethtown, the sum of thirty pounds, and that Peter Cole, Increase Smith and Smith King, be Commissioners for expending the same. On the road from Peter Cole's, in Elizabethtown, to Unionville, the sum of forty pounds, and that Archibald Fletcher, Zenas Orton and Samuel Cromwell,

be Commissioners for expending the same. On the road from Wilson's corners to Oliver's ferry, in Elmsley, the sum of thirty pounds, and that Ephraim Koyle, Elisha Landon and Solomon Landon, be Commissioners for expending the same. On the road from Unionville to Wilson's corners in Kitley, the sum of sixty pounds, and that John Ketchum, Esquire, Jonathan Mills Church, jun'r. and Benjamin F. Wilson, be Commissioners for expending the same. For building a bridge over the stream commonly called Irish Creek, in the seventh concession of the township of Kitley, the sum of seventy-five pounds, and that James L. Schofield, Esquire, Ephraim Koyle, and George Marshall, be Commissioners for expending the same. On the road from Oliver's Ferry to the town line of Perth, the sum of sixty pounds, and that William Rutherford FitzWilliam Berford, William McPherson, and Abel Wright, be Commissioners for expending the same. On the road from Farmersville, in Yonge, to the Long Falls and Chaffy's Mills, in Crosby, the sum of one hundred pounds, and that Arvin Stoddard, Joshua Bates, and Charles Davison, be Commissioners for expending the same. On the road from Beverley to the Isthmus in North Crosby, the sum of seventy pounds, and that Levi Soper, Esqr. James Philips, and William Robertson, be Commissioners for expending the same. On the road near the south side of the Rideau Lake, from Donaldson's, in Elmsley, westward to the old landing, the sum of forty pounds, and that Thomas Donaldson, Amos Gile, and Richard Meyers, be Commissioners for expending the same. On the road leading northward from Russell Field's to Robert Clark's, in Elizabethtown, the sum of twenty-five pounds, and that John Henderson, Robert Clark, and Ebenezer Smith, be Commissioners for expending the same. On the road from Smyth's Falls to the Perth road at Dack's, the sum of forty pounds, and that William Elliott, James Brownlee, and William Riddel, be Commissioners for expending the same. On the front road from Jones' Mills, in Yonge, to the District line between the Johnstown and Midland Districts, the sum of seventy-five pounds, and that Thomas P. Kenyon, George McKelvy, and John McDonell, be Commissioners for expending the same. On the road leading northerly from Marble Rock to the Kingston road, the sum of twenty-five pounds, and that John McDonell, John Emery, and James B. Howard, be Commissioners for expending the same. On the road leading from Wilson's corners, in Kitley, to the County line between Leeds and Grenville, the sum of fifty pounds, and that Philip Shook, Esquire, and Timothy Soper, be Commissioners for expending the same. On the road leading from the Kingston road, near Allan Sweet's, to where it intersects the road to the Long Falls, the sum of fifty pounds, and that Allan Sweet, Hiram Eaton, and Samuel Halladay, be Commissioners for expending the same. On the road leading from Thomas Barber's, in Burgess, to the Narrows of the Rideau

lake, the sum of thirty pounds, and that Thomas Barber, James Condie, and Thomas Thompson, and Reuben Sherwood, be Commissioners for expending the same. On the road between the township of Burgess, in the Johnstown District, and the township of Bathurst, in the Bathurst District, the sum of twenty-five pounds, and that John Halladay, James Allan, and John Richie, be Commissioners for expending the same. On the road from Alexander McTavish's, on the town line of Elmsley, to Smith's Falls, the sum of thirty-five pounds, and that William L. Weatherhead, Duncan McTavish, and William Simpson, be Commissioners for expending the same.

XIV. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand One Hundred Pounds, hereby granted to the Midland District, be appropriated as follows:—*In the Counties of Lenox and Addington.*—On the Ernestown road, leading from the York road to Peter's mills, in Camden, the sum of twenty-five pounds, and that Milton Fisk, Sidney Warner and Nathaniel Hicks, be Commissioners for expending the same. In the Township of Ernestown, the sum of two hundred and sixty two pounds ten shillings, and that Henry Lasher, John Asselstine, Nathaniel Fellows, Jacob Ham and Michael Asselstine, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem expedient. In the township of Fredericksburgh, the sum of one hundred and sixty-two pounds ten shillings, and that Jacob B. Chamberlain, James Forshee, Frederick Kellar, John Fralick, and Henry Ham, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem expedient. In the township of Richmond, the sum of one hundred and twenty-five pounds, and that Allan McPherson, Archibald Caton, James Long, William Prindle, and John Baldwin, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem most expedient. In the township of Camden east, the sum of one hundred and twenty-five pounds, and that Samuel Clark, Jacob Rambough, Jacob Huffman, Calvin Perry, John Pomeroy, Hamnet Madden, and Samuel Scott, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners shall deem most expedient. *In the County of Hastings.*—In aid of building a bridge across the River Moria, in the sixth concession of Thurlow, the sum of fifty pounds, and that William Ketcheson, junior, Gideon Turner, and James McTaggart, be Commissioners for expending the same. On the principal road through Huntingdon to Madoc, the sum of seventy-five pounds, and that Donald McKenzie, John Allan, and Cyrus Riggs, be Commissioners for expending the same. For building and repairing Cross-way bridges, on the road through lots number four and five,

Appropriation for the
Midland District:
how and by whom
applied.

in the fifth concession of Madoc, the sum of ten pounds, and that James O. Hara, Cyrus Riggs, and John Allen, be Commissioners for expending the same. In the township of Hungerford, on the principal road leading from the Mills of Allen Monro to the town of Belleville, the sum of fifty pounds, and that Allen Munro and James McTaggart, be Commissioners for expending the same. To aid in erecting a bridge across Salmon River, on the allowance for road through the first concession of Tyendena, or so near the same as the situation of such allowance for road may admit, the sum of fifty pounds, and that John Portt, Donald Murchison, and Richard Lazier, be Commissioners for expending the same. On the principal road, from lot number five, in the fifth concession, to the back settlement in the township of Madoc, the sum of thirty pounds, and that Thomas Clapp, and John Allen, be Commissioners for expending the same. On the principal road leading from Thompson's Mills, in the township of Thurlow, to Belleville, the sum of twenty-five pounds, and that William Thompson, Simeon Ashley, and Jonas Garrison, be Commissioners for expending the same. For improving the forty foot road between lots number twelve and thirteen, in the township of Sidney, commencing on the public highway in the first concession, and running through near to Thomas Ketcheson's, in the fifth concession of said township, and from thence until it intersects the River Trent road, the sum of seventy-five pounds, and that Thomas Ketcheson, Henry Bonesteel, and George McMullen, be Commissioners for expending the same. For opening and making the road laid out and confirmed by the Court of Quarter Sessions, commencing on the west side of the River Moira, nearly opposite to Church Street, in the Town of Belleville, thence nearly in a direct line to the allowance for road between the first and second concessions of Sidney, thence along the concession road until it intersects the forty foot road, between lots number thirty and thirty-one, and thence along the said forty foot road to the sixth concession, the sum of fifty-five pounds, and that Ruliff Purdy, Henry Hagerman, and James Farley, be Commissioners for expending the same. To improve the River Trent road, from the east side line of the township of Murray, through nearly to Lewis Bush's, on the east side of the said river, the sum of fifty pounds, and that James O'Connor, John Tomkins, and Stephen Tomkins, senior, be Commissioners to expend the same. To improve the road and bridges in the first concession of the township of Sidney, from the west side line until it intersects lot number fifteen, the sum of one hundred pounds, and that Henry S. Sailor, Charles Bonesteel, and Reuben White, be Commissioners for expending the same. To improve the road from near John Weis', in the Township of Rawdon, through to the Marmora Iron Works, the sum of fifty pounds, and that Edward Fidler, John Hilton, and Solomon Johns, be Commissioners for expending the same. On the road

between the first and second concessions of the township of Thurlow, from the eastern boundary line of the said township and the River Moira, the sum of eighty pounds, and that Jabez Kellogg, John Reynolds, and Thomas Parker, be Commissioners for expending the same. *In the County of Frontenac.*—On the front road leading from Cataraqui bridge, along the River Saint Lawrence, to Fairman's on the Montreal road, the sum of twenty-five pounds, and that John Marks, and Richard Rice, be Commissioners for expending the same. On the Perth road, leading from the Montreal road, near Franklin's, to Brewer's Mills, the sum of sixty pounds, and that James Matthewson, Allan McLean, and Robert Drummond, be Commissioners for expending the same. On the road leading from Barriefield, to intersect the Montreal road at or near Franklin's Inn, the sum of fifteen pounds, and that John Marks, Adam Laidlow, and John Baille, be Commissioners for expending the same. On the road leading from Waterloo to Loughborough, the sum of one hundred pounds, and that Horace Youmans, Henry Wood, and William Lattemore, be Commissioners for expending the same. On the road leading from the front of the second concession of Portland, between lots number six and seven, to Waterloo, the sum of one hundred pounds, and that Jacob Shibley, James Gordon, and Henry Shibley, be Commissioners for expending the same. On the road leading from Kingston, by the way of Waterloo, to the Ernestown line, near James Powley's, the sum of two hundred and seventy-five pounds, and that Albert McMickle, Benjamin Olcott, Henry Smith, James Powley, Lambert Vanalstine, and Anthony McGuin, be Commissioners for expending the same. On the road leading from Abbott's Inn, near Kingston, to the Ernestown line, near McGuin's Mills, the sum of one hundred and twenty-five pounds, and that Joseph Ferris, Daniel Everet, and Anthony McGuin, be Commissioners for expending the same.

XV. *And be it further enacted by the authority aforesaid,* That the sum of Six Hundred and Fifty Pounds, hereby granted to the District of Prince Edward, be appropriated and expended as follows:—In the township of Hallowell, the sum of one hundred and seventy pounds, and that Benjamin Hubb, Daniel Ware, Calvin Pyre, Daniel Leavens, and Benjamin Richards, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem most expedient. In the township of Sophiasburgh, the sum of one hundred and forty pounds, and that Jacob Howell, George Boulter, Thomas Bourman, John Ellison, and Jacob Shorts, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem most expedient. In the township of Ameliasburgh,

Appropriation for the District of Prince Edward; how and by whom applied.

the sum of one hundred and twenty pounds, and that John B. Way, Daniel Gerow, Peter Dempsey, Thomas Howard, and Samuel Peterson, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem most expedient. In the township of Hillier, the sum of one hundred and twenty pounds, and that James T. Lane, Stephen Niles, Eliakim Corry, Edmund March, and Peter Valteau, be Commissioners for expending the same, on such roads and bridges as a majority of the said Commissioners may deem most expedient. In the township of Marysburgh, the sum of one hundred pounds, and that John Lane, Thomas Carson, Andrew Menacue, Joshua Hicks, and William McLeod, be Commissioners for expending the same, on such roads and bridges as a majority of the Commissioners may deem most expedient.

XVI. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the District of Newcastle, shall be appropriated and expended as follows, videlicet:—*In the County of Northumberland.*—On the road leading from the River Trent to Kellog's Tavern, the sum of one hundred pounds, and that George Harris, Abijah Smith, and Simeon Kellog, be Commissioners for expending the same. From Percy Landing to Heely's Falls, by the side of the River Trent, the sum of fifty pounds. From the Ferry between the sixth and seventh concessions in Seymour, leading to the township of Rawdon, the sum of fifty pounds, and that D. Campbell, Esquire, Benjamin B. Ranney, and Thomas Allan, be Commissioners for expending the same. On the road from Colborne to the Asphodel bridge, the sum of fifty pounds, and that Joseph Keeler, Esquire, John Steel, Esquire, and Mr. Donald Campbell, be Commissioners for expending the same. On the Asphodel bridge across the Trent, the sum of one hundred pounds, and that Ebenezer Perry, John Gilchrist, and Thomas Walker, Esqrs. be Commissioners for expending the same. On the road from Dummer to Mr. Keeler's Mill in Asphodel, the sum of fifty pounds, and that Adam Stark, Walter Scott, and Thomas Walker, Esq. be Commissioners for expending the same. On the front road by the Trent from Mr. Gilchrist's Mills in Otonabee to Mr. Cook's Mills in Asphodel, the sum of fifty pounds, and that John Gilchrist, Adam Stark, and Thomas Walker, Esq. be Commissioners for expending the same. On the line between the sixth and seventh concessions of Asphodel, the sum of fifty pounds, and that Thomas Walker, Esq., and Walter Scott, be Commissioners for expending the same. On the town lines between Otonabee and Asphodel, Dummer and Douro, the sum of seventy-five pounds, and that John Gilchrist, Adam Stark, and Thomas Walker, Esquire, be Commissioners for expending the same. On the road between Otonabee and Douro to Pe-

Appropriation for the District of Newcastle; how and by whom to be applied.

terboro', the sum of fifty pounds, and that Charles Rubidge, Esquire, and Alexander McDonell, Esquire, be Commissioners for expending the same. On the new road from the middle of the fourth concession of Haldimand to the front of the third concession of Hamilton, the sum of fifty pounds, and that J. Jeroms, and Robert English, be Commissioners for expending the same. On the road round Wilson's hill, in the second concession of Hamilton, in such way as the Commissioners may judge best for the public, the sum of fifty pounds, and that Thomas Page, and Charles Butler, be Commissioners for expending the same. In the township of Haldimand, the sum of fifty pounds, and that Eliakim Barnham, Esquire, and Thomas Stewart, of the fifth concession of the said township, be Commissioners for expending the same. On the road from Peterboro' to the boundary line of Cavan, the sum of seventy-five pounds, and that Gustus Dundas, Thomas Leadbeater, and John Hall, Esquire, be Commissioners for expending the same. On the road from the ninth concession of Monaghan to the boundary line of Emily and Smith, the sum of fifty pounds, and that Gustus Dundas, John Thompson, and Richard Sillicoe, be Commissioners for expending the same. On the roads in Otonabee, the sum of fifty pounds, where the Commissioners may deem best, and that Andrew Nelson, John Hope, and Charles Rubidge, be Commissioners for expending the same. On the communication road between Peterboro' and the Mud Lake, the sum of twenty-five pounds, and that Robert Madge and John Hall, Esquire, be Commissioners for expending the same. To build a bridge across the Buck-horn Rapids, the sum of one hundred pounds, and that Robert Madge, William Green, and John Hall, be Commissioners for expending the same, or in such a manner as they may find best. On the new road from number three, in the second concession of Hamilton, on the best lines of road to the front road, the sum of fifty pounds, and that John Parker, Thomas Page, and Charles Butler, be Commissioners for expending the same. On the road leading from the bridge across the Trent, in Asphodel, to Percy, the sum of fifty pounds, and that Joseph Keeler, John Steele, Esquire, and Donald Campbell, be Commissioners for expending the same. *In the County of Durham.*—To open or repair roads in the township of Mariposa, the sum of fifty pounds; to open or repair roads in the township of Eldon, the sum of fifty pounds; to open or repair roads in the township of Fenelon, the sum of fifty pounds; to open or repair roads in the township of Verulam, the sum of twenty-five pounds; to build a bridge in the tenth concession of Verulam, the sum of one hundred pounds; and to open or repair roads in the township of Ops, the sum of fifty pounds, and that Robert Jemison, John Logie, Richard Athill, Thomas Need, Henry Ewings, and Alexander McAndrew, Esquires, be Commissioners for expending the same. To clear out the fallen timber in the River running into Scugog Lake,

and from Scugog Lake to Purdy's Mills, in the township of Ops, the sum of fifty pounds, and that Robert Jemison, John Logie, Alexander McAndrew, and John Brown, Esquires, be Commissioners for expending the same. To repair the middle road through Cavan, the sum of fifty pounds, and that John Knowlson, William Benson, and Henry Hughes, be Commissioners for expending the same. To repair the stage road through Darlington, the sum of fifty pounds, and that William Munson, William Weller, and Robert Fairburn, Esquire, be Commissioners for expending the same. To open a road from the centre of Darlington, or as near as is practicable, until it intersects the township of Cartwright, the sum of twenty-five pounds, and that William Warren and George Smart, be Commissioners for expending the same. To open a road through the centre of Cartwright, from the boundary of Darlington, or as near the centre as is most practicable, until it intersects the Scugog Lake, between lots number eleven and twelve, in the township of Cartwright, or the best ground for a Landing-place or Wharf on the said Lake, the sum of fifty pounds, and that Luther Price, George Smart, and John Farley, be Commissioners for expending the same. To repair the boundary road between Clark and Darlington, the sum of fifty pounds, and that William McIntosh and William Warren, Esquire, be Commissioners for expending the same. To open a road from the boundary of Cavan and Manvers, through lot number one in the sixth concession of Cavan, and lot no one in the seventh concession of Cavan, until it intersects the boundary of the townships of Manvers and Cavan, the sum of fifty pounds, and that Amberson Murphey, Valentine Mitchell, and Thomas Foster, be Commissioners for expending the same. To open a road from the boundary line of Emily and Smith, north, until it intersects the Pigeon Lake on the boundary of Emily and Smith, and Emily and Ennismore, keeping on the most practicable route on or as near the said boundary as the ground is best suitable for a road, the sum of seventy-five pounds, and that Richard Sillicoc, John McCall, and John Thompson, be Commissioners for expending the same. To repair the boundary road between Manvers and Cavan, the sum of fifty pounds, and that Amberson Murphey, Valentine Mitchell, and Thomas Foster, be Commissioners for expending the same. To repair the base line road from the Town of Port Hope until it intersects the road now travelled from York to Kingston, the sum of fifty pounds, and that John D. Smith and William Wallace, Esquire, be Commissioners for expending the same. To open a road between the eleventh and twelfth concession of Manvers, or as near as practicable to the Scugog Lake, the sum of fifty pounds, and that Henry Jones, Ralph Lee, and James McGill, be Commissioners for expending the same. To repair the stage road from Brown's Mills, in Hope, until it intersects the boundary of Cavan and Monaghan, the sum of one hundred pounds, and that Robert Graham,

John Ainley, and John Brown, Esquires, be Commissioners for expending the same. To open a road between the fifth and sixth concessions of Manvers, and the fourth and fifth concessions of Cartwright, or as near as is most practicable, until it intersects Lake Scugog, the sum of fifty pounds, and that Thomas Mitchell, James McGill, and Thomas Foster, be Commissioners for expending the same. To open a road from Jeremiah Briton's, in Hope, to the boundary of Cavan, the sum of fifteen pounds, and that Jerry Briton and Robert McCammis, be Commissioners for expending the same. To open a road between the boundary of Hope and Cavan, the sum of ten pounds, and that John Kennedy and Robert McCammis, be Commissioners for expending the same. To repair the middle road through Hope to Cavan, between lots number twelve and thirteen, in the sixth and seventh concessions of Hope, the sum of ten pounds, and that Samuel Colwell and John Riddel, be Commissioners for expending the same. To open the road between the seventh and eighth concessions of Hope to the boundary of Clark and Hope, the sum of fifteen pounds, and that William Trick and James Corbet, be Commissioners for expending the same. To repair the boundary road between Cavan and Monaghan, as far as the tenth concession of Cavan, the sum of fifty pounds, and that Joseph Graham, John Deyell, and Gustavus Dundass, be Commissioners for expending the same. To open a road between the sixth and seventh concessions of Manvers, or as near as is most practicable, the sum of fifty pounds, and that James McGill, James Galloway, and Thomas Foster, be Commissioners for expending the same.

XVII. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Four Hundred and twenty-five pounds, hereby granted to the Home District, be appropriated and expended as follows, viz:—On the main road running through Georgina, the sum of fifty pounds, and that James O'Brien Bouchier, William Johnston, and John Comer, be Commissioners for expending the same. On the main road running through East Gwillimburg, from Holland Landing to the township of North Gwillimburg, and through North Gwillimburg, the sum of one hundred pounds, and that David Sprague, Henry Rose, jun'r. and John Leopard, be Commissioners for expending the same. On the cross road between lots ten and eleven to the eighth concession of East Gwillimburg, to assist in causewaying the swamp, the sum of forty pounds, and that Titus Wilson and Henry Shuttleworth, be Commissioners for expending the same. To improve the town line between the townships of Toronto and Trafalgar, Chinguacousey and Esquesing, the sum of twenty-five pounds, and that James Currie, John Miller, and James McNabb, be Commissioners for expending the same. For improving the road on the sixth line of Toronto, the Gore of Toronto and Albion, the sum of fifty

Appropriation for the Home District; how and by whom to be applied.

pounds, and that William Campbell, Esquire, James Boulton, the elder, and John Coates, be Commissioners for expending the same. On the road running from the Don Bridge through the third concession from the Bay, in the township of York, the sum of twenty-five pounds, and that Philip de Grasse, Samuel Sinclair, and Alexander Milne, be Commissioners for expending the same. On the road between lots number twenty and twenty-one, on the east side of Yonge Street, Township of York, to Scarboro', the sum of forty pounds, and that John Kennedy, Joshua Lamoreaux, and John Sandbourne, be Commissioners for expending the same. On the township line between the Gore of Toronto and Vaughan, the sum of seventy pounds, and that William Campbell, Esquire, and Albert Finch, be Commissioners for expending the same. On the side line between lots number five and six, in the Gore of Toronto and Chinguacousey, the sum of twenty-five pounds, and that William Campbell, and Peter McVean, be Commissioners for expending the same. On the road between the Townships of York and Scarboro', the sum of seventy-five pounds, and that William Devenish, John Armstrong, and — Howell, be Commissioners for expending the same. On the road leading from the eighth concession of Markham to the Danforth road in Scarboro', the sum of fifty pounds, and that Robert Armstrong, of Markham, Richard Houch and Peter Secor, of Scarboro', be Commissioners for expending the same. On the Kennedy road through the said township of Scarboro' to Markham, the sum of forty pounds, and that Nicholas Hagerman, Henry Kennedy, and Randal Bentley, be Commissioners for expending the same. On the town line between King and West Gwillimburg, the sum of twenty-five pounds, and that John Cawthra, Francis Clark, and Thomas Cosford, be Commissioners for expending the same. On the lake road leading from the River Credit, west, to Merigold's corner, the sum of forty pounds, and that Frederick S. Jarvis, Aaron Oliphant, and Moses Polly, be Commissioners for expending the same. On the seventh concessior of Vaughan, between lots number ten and twenty-five, the sum of fifty pounds, and that John McBride, Donald Cameron, and Arthur McNeil, be Commissioners for expending the same. On the road leading from the eighth concession of Markham to the Highland Creek in Scarboro', the sum of fifty pounds, and that Archibald Barker and Peter Reesor, Esquire, of Markham, and Stephen Pherrill, of Scarboro', be Commissioners for expending the same. For improving the Credit Hill, the sum of fifty pounds, and that John McGill, Joseph Spragge, and John Carey, be Commissioners for expending the same. For improving Barber's Hill, on Dundas street, the sum of fifty pounds, and that John McGill, Joseph Spragge, and Jacob Cook, be Commissioners for expending the same. For improving the continuation of the road from Hurontario Street to Lake Ontario, near the River Credit, the sum of fifty pounds,

and that Frederick Starr Jarvis, Esquire, Jacob Cook, and Moses Polly, be Commissioners for expending the same. For improving the Rouge Hill, the sum of five hundred pounds, and that Francis Leys, Charles Fothergill, and William Weller, be Commissioners for expending the same. For opening the centre road through Chinguacousey and Caledon, the sum of one hundred pounds, and that John Lindsay and William Clark, of Caledon, and William Johnston, of Chinguacousy, be Commissioners for expending the same. For improving the road through Whitby, Reach, and Brock, to Lake Simcoe, the sum of one hundred pounds, and that John Farquharson, Jacob Way, and Thomas McMullen, be Commissioners for expending the same. To reduce the hills at the new bridge above Farr's Mills, on the Humber, and the other hills on the Albion road, between said bridge and lot thirty-four, concession A, in Etobicoke, the sum of fifty pounds, and that William Campbell, Esquire, William Thistle, and David Jardine, be Commissioners for expending the same. To reduce the hills at the Black Creek, on the road leading to Farr's Mills, the sum of twenty pounds, and that John Buckholder, John Chew, and Charles Wadsworth, be Commissioners for expending the same. On the road from Sandford's corner to the Humber, at Cooper's Mills, the sum of fifty pounds, and that George Dennison, and John Scarlet, Esquires, and Stannous Daniels, be Commissioners for expending the same. *In the County of Simcoe as follows:—*On the Simcoe road, from the Narrows to Coldwater, the sum of one hundred and fifty pounds, and that John Thomson, Thomas G. Anderson, and Andrew Borland, be Commissioners for expending the same. On the main road from Malmur and Mono to Dundas Street, the sum of fifty pounds, and that Francis McLoughlin, and Robert Keenan, be Commissioners for expending the same. On the town line between Essa and Tecumseth, at the eleventh concession, to causeway the swamp there, the sum of fifteen pounds, and that George Dinwoodie and Charles Chapman, be Commissioners for expending the same. On the concession line between the ninth and tenth concessions of Tecumseth, at number twenty-four, to make a causeway and bridge, the sum of fifteen pounds, and that William Mears and Richard Callaghan, be Commissioners for expending the same. On the town line between Adjala and Tossorontio, the sum of fifteen pounds, and that Robert Keenan and Francis McLoughlin, be Commissioners for expending the same. On the road from the town line of Tecumseth, westward, to the fifth concession of Adjala, the sum of forty pounds, and that Robert Keenan and Paul McCabe, be Commissioners for expending the same. On the main road in Thorah, commencing at lot number twenty-three, in the first concession of Thorah, and ending at Calder's Mills, the sum of fifty pounds, and that William Turner and John E. White, be Commissioners for expending the same. From lot number twenty-one, in a

the first concession of Thorah, the sum of twenty five pounds, and that William Turner and John E. White, be Commissioners for expending the same. For repairing the crossway over the Holland River, the sum of forty pounds, and that James Evans and Andrew McBeath, be Commissioners for expending the same. On the town line between King and West Gwillimburg, from Cawthra's Mills to the west line of Tecumseth, the sum of twenty-five pounds, and that Francis Clark and William Walker, junior, be Commissioners for expending the same. From Evans' Tavern, on the Penetanguishine road to Innisfil, the sum of forty pounds, and that James Tindall and George Thorpe, be Commissioners for expending the same. From the town line of Innisfil to the head of Kempenfeldt Bay, the sum of forty pounds, and that Thomas McConkey and Lewis J. Clement, be Commissioners for expending the same. For improving the road around the head of Kempenfeldt Bay, the sum of twenty pounds, and that A. Walker and Robert Oliver, be Commissioners for expending the same. On the Penetanguishine road, from Kempenfeldt Bay to Penetanguishine, the sum of one hundred pounds, and that Robert Oliver, Thomas Mairs, John Craig, and Samuel Richardson, be Commissioners for expending the same. On the main road through Oro, from P. White's to the lake, eastward, the sum of thirty-five pounds, and that Peter White and Arthur Carthew, Esquire, be Commissioners for expending the same. To erect a bridge over the Nottawasaga River, between lots five and six, in the sixth concession of Essa, on the allowance for road, the sum of thirty pounds, and that Robert Brice and John Perry, be Commissioners for expending the same.

Appropriation for the Gore District; how and by whom to be applied.

XVIII. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the District of Gore, be appropriated and expended as follows:—*In the Eastern Division of the County of Halton.*—On the town line between Trafalgar, Toronto, Esquesing, and Chinguacosey, the sum of twenty-five pounds, and that Samuel Marlatt, Thomas Fife, and James McNab, be Commissioners for expending the same. On the road leading from Post's Inn, in Trafalgar, through the townships of Trafalgar, Esquesing and Erin, the sum of seventy-five pounds, and that John Kenney, Charles Kennedy, and Philip Freeman, be Commissioners for expending the same. On the road leading from Post's Inn, in Trafalgar, to Oakville, the sum of fifty pounds; and that Merrick Thomas, William Butts, and Ezekiel Post, be Commissioners for expending the same. On the road leading from Durham's Inn, in Trafalgar, to Oakville, the sum of fifty pounds, and that George Chalmers, Charles Biggar, and John Kaiting, be Commissioners for expending the same. On the road leading from Dundas street, between lots number twenty and twenty-one, in the old survey, and conti-

ning between the fourth and fifth concessions of the new survey of Trafalgar to the township of Esquesing, leading to the Scotch block, the sum of sixty-two pounds ten shillings, and that Anthony Fitzpatrick, William Beatty, and John Biggar, be Commissioners for expending the same. On the road leading from Hopkins' Inn, on Dundas street, in Trafalgar, to the lake road, the sum of twenty-five pounds, and that Robert Smith, Hiram McCrony, and John Street, be Commissioners for expending the same. On the road leading from Lawrence Hager's, on Dundas Street, through Trafalgar, Esquesing, and Erin, the sum of thirty-seven pounds ten shillings, and that Joseph Bowes, George Brown, and John Burns, be Commissioners for expending the same. On the township line between Nelson and Trafalgar, (north of Dundas street,) Nassagaweya, and Esquesing, the sum of twenty-five pounds, and that William H. Proctor, Finlay McNaughton, and William Campbell, be Commissioners for expending the same. On the road leading from Moses McCay's, in Nelson, to the rear part of Eramosa, the sum of seventy-five pounds, and that William McCay, William Smith, senior, and Elias Easterbrook, be Commissioners for expending the same. On the road leading from Moses McCay's, in Nelson, between lots number fifteen and sixteen to the lake shore, the sum of twenty-five pounds, and that Joseph Ireland, James Willson, and Peter Fisher, be Commissioners for expending the same. On the lake road from John Sovereign's, in Nelson, through Wellington Square to the north west line near George Chisholm's, the sum of sixty-two pounds ten shillings, and that William J. Kerr, Andrew Gage, and George Chisholm, junior, be Commissioners for expending the same. On the road leading from Dundas Street, on the west side of the Twelve Mile Creek to the town line, thence down the town line to the lake shore, the sum of twenty-five pounds, and that John Trillar, John Lucas, and Ramsay Crooks, be Commissioners for expending the same. To be expended in erecting a bridge over the Sixteen Mile Creek, on Dundas Street, and making improvements on the hill, by widening the road and making it of easier ascent near the route now travelled, the sum of one hundred and twelve pounds ten shillings, and that George C. Chalmers, be Commissioner for expending the same. On the road from McNabb's Mills, in Esquesing, to the main road near Thompson's Inn, in said Township, the sum of twenty-five pounds, and that James McNab, Thomas Thompson, and Thomas Fife, be Commissioners for expending the same. On the road from John Cleaver's, on Dundas Street, in Nelson, past Widow McGregor's, to the rear of Nelson, the sum of twelve pounds ten shillings; and that George Dice and John McGregor, be Commissioners for expending the same. On the road from L. Hagar's, in Trafalgar, to the lake on the east side of the Twelve Mile Creek, the sum of thirty-seven pounds ten

shillings, and that Benjamin Smith, Henry Harwood, and Joseph Hixon, be Commissioners for expending the same. On Dundas Street, at the Twelve Mile Creek, the sum of twelve pounds ten shillings, and that William Crooks and Walter O'Reilly, be Commissioners for expending the same. On the Dundas Street, from the Village of Dundas to the west line of the Indian Lands, the sum of one hundred and twelve pounds ten shillings, and that Peter Bomberger, Hiram Capron, and Nathan Howell, be Commissioners for expending the same. On the Waterloo road, from the east line of the township of Beverley, through Beverley and Dumfries, to the town line of Waterloo, the sum of one hundred and fifty pounds, and that George Clemens, Jacob C. Snider, and Absalom Shade, be Commissioners for expending the same. On the road between lots number six and seven, from the second concession of West Flamborough to Robert Patterson's, thence through the corner of Beverley to the township of Puslinch; thence through Puslinch, Guelph, and on the line between Woolwich and Nichol to the Falls of the Grand River, the sum of two hundred and ten pounds, or in such other parts of the said townships of West Flamboro', Puslinch, Guelph, and Woolwich, as in the judgment of the Commissioners may require a part of it, and that the Honorable James Crooks, David Gilkison, Robert Patterson, William Poar, Henry Strange, and John Linderman, be Commissioners for expending the same. On the road up the mountain, from Dundas to Flamborough West, the sum of ten pounds, and that Peter Bomberger, be Commissioner for expending the same. On the road between the first and second concessions of the township of Beverley, the sum of fifteen pounds, and that Bernard Howard, Adam Thompson, and Bernard Marcle, be Commissioners for expending the same. On the road between the second and third concessions of the township of Beverley, the sum of twenty pounds, and that Hugh Mulholland, David Cornell, and William Coleman, be Commissioners for expending the same. In the township of Dumfries, the sum of one hundred and twenty-five pounds, and that Henry W. S. Mans, David Shantz, Thomas McBane, Jarvis Baraclaugh, Henry Clemens, and Nathaniel E. Mainwaring, be Commissioners for expending the same. On the road from Waterloo town line to the Falls of the Grand River, in the township of Woolwich, on the east side of the Grand River, the sum of thirty-five pounds, and that Zephaniah Sexton, Alpheus Smith, and David Gilkison, be Commissioners for expending the same. On the road through the centre of East Flamboro', thence continuing in such route as the Commissioners may deem proper, till it intersects the road from West Flamboro' to Guelph, past Robert Patterson's to the rear of the said township, the sum of forty-five pounds, and that Alexander Brown, John Eaton, and Edward Evans, be Commissioners for expending the same. On the road leading from the Village of Dundas

past Harker Lyons', up the mountain to John Davis', on Dundas Street, in East Flamboro', the sum of fifteen pounds, and Manuel Overfield and Harker Lyons, be Commissioners for expending the same. In the township of Waterloo, the sum of seventy pounds, and that Jacob Bechtel, John Erb, Daniel Stouffer, Peter Erb, Daniel Snider, and Abraham Clemens, be Commissioners for expending the same. In the township of Woolwich, on the west side of the Grand River, the sum of twenty pounds, and that David Musselman and George Ely, junior, be Commissioners for expending the same. In the German or centre block in Wilmot, the sum of twenty pounds, and that Christian Erb and John Hamaker, be Commissioners for expending the same. For the repairs of the Burlington Bridge, on the road leading from Wellington Square to Hamilton, the sum of fifteen pounds, and that William Applegarth, George Chisholm, and John Erwin, be Commissioners for expending the same. On the road from Elora, in the township of Nichol, to Garafraxa, the sum of twenty-five pounds, and that David Gilkison, Wharton Metcalf, and William Reynolds, Esquire, be Commissioners for expending the same. On the road leading from Hamilton across the old bridge to Joseph Hopkins', the sum of ten pounds, and that Joseph Hopkins, James Lafferty, and Isaac Mills, be Commissioners for expending the same. On the town line between Beverley and West Flamboro', to build a bridge across Big Creek, near lot number thirty-six, the sum of fifteen pounds, and that Richard Decker and Samuel Cornell, be Commissioners for expending the same. *In the County of Wentworth*, the sum of seven hundred pounds to be appropriated as follows:—On the road allowance between lots number four and five in Saltfleet, from the lake to the main road, the sum of twenty-five pounds, and that Jonathan Pettit and John Carpenter, be Commissioners for expending the same. On the road leading from E. Hopkins', on the lake, by Stoney Creek, up the mountain to Binbrook, on the line between blocks number three and four to the rear of the fourth concession of Binbrook, the sum of fifty pounds, and that — Van Waggoner, Thomas Willson, and William Green, be Commissioners for expending the same. On the road allowance on the east side of John Lee's to the rear boundary of Saltfleet, and from thence on the allowance between blocks number one and two to the rear of the third concession in Binbrook, the sum of fifty pounds, and that — Morgan, John Lee, and Samuel Tapley, be Commissioners for expending the same. On the road leading through Glanford to Crawford's, on the Grand River, the sum of fifty pounds, and that Thomas Choate, David Kearns, and Braithwaite Leeming, be Commissioners for expending the same. On the town line between Glanford and Barton, from lot number nine to lot number fourteen, the sum of fifty-five pounds, and that Daniel K. Servos, James Glover, and Samuel Hannon, be Commissioners for expending the same. On the side

line between lots number six and seven, in the seventh concession of Barton, the sum of twenty-five pounds, and that Daniel K. Servos, James Hunter, and George Young, be Commissioners for expending the same. On the side line from the Dundas road, leading by the farm of Henry Beasley, and so up the mountain till it intersects the mountain road leading from Hamilton to Ancaster, the sum of fifty pounds, and that Henry Beasley, Peter Hess, and James Mills, be Commissioners for expending the same. On the road leading from Hamilton to Dundas, on what is called the Beasley Hollow, the sum of thirty pounds, and that — Ashbough, William B. Van Every, and Philip Cline, be Commissioners for expending the same. On the road from Binkley's, up the mountain, commonly called Tiffany's road, the sum of thirty-seven pounds ten shillings, and that John Binkley, George Tiffany, and — Philman, be Commissioners for expending the same. On the road leading from Dundas to Ancaster, the sum of thirty pounds ten shillings, and that James B. Ewart, John Hatt, Matthew Crooks, and William Notman, be Commissioners for expending the same. On the Government road from Dundas, till it intersects the line of the London District, the sum of seventy-five pounds, and that Manuel Overfield, Nathan Howell, Hiram Capron, and Peter Bombarger, be Commissioners for expending the same. On the Grand River road, leading from Ancaster to Brantford, between Vanderlip's Inn and the Inn lately occupied by Sylvanus Mott, the sum of eighty-five pounds, and that John Westbrooke, William Richardson, Samuel Andruss, and James Chep, be Commissioners for expending the same. On the stage road between the Grand River and the Burford line, the sum of fifty pounds, and that James Muirhead, Florentine F. Mighells, and Nathan Gage, be Commissioners for expending the same. On the road leading from John Aikman's to Daniel Crossthwaites, the sum of forty-two pounds ten shillings, and that Michael Aikman, William B. Sheldon, and William Case, be Commissioners for expending the same. In the Jersey Settlement, the sum of fifty pounds, to be expended in such part of said Settlement as the Commissioners may direct, and that John Stanebough, Daniel Howell, — Willson, and James Geddes, be Commissioners for expending the same.

XIX. *And be it further enacted by the authority aforesaid, That the sum of Two Thousand Pounds, hereby granted to the District of Niagara, be appropriated and expended as follows:—In the first Riding of the County of Lincoln.*—On the road between the townships of Clinton and Louth, from the lake to the main road leading to Niagara, the sum of twelve pounds ten shillings, and that Andrew Black and Isaac Werson, be Commissioners for expending the same. On the lake road from the township line of Clinton to the Thirty Mile Creek or Bridges, the sum of

Appropriation for the District of Niagara; how and by whom to be applied.

fifteen pounds, and that Thomas Walker, Adam Conkle, and Isaac Tufford, be Commissioners for expending the same. On the road from Dean's Mills, on the Twenty Mile Creek, by M. Rittenhouse's to Lake Ontario, the sum of twenty-five pounds, and that Michael Rittenhouse, Samuel Moyer, and John Hervey, be Commissioners for expending the same. On the line between lots numbers fourteen and fifteen, from Joel Talman's, on Lake Ontario, to the main road, the sum of twenty-five pounds, and that Cyrus Sumner, Timothy Hixon, and John Kilburne, be Commissioners for expending the same. On the main road leading from the Thirty Mile Creek, in Clinton, to the River Welland, the sum of thirty pounds, and that John Beam, Robert Waddell, and Smith Griffin, be Commissioners for expending the same. On the road from Charles Anderson's, in Grimsby, to Daniel Camp's, on the Twenty Mile Creek, the sum of twenty-five pounds, and that John Beamer, Daniel Pulmer, and William Fisher, be Commissioners for expending the same. On the line between lots numbers sixteen and seventeen, from the main road in Grimsby to George A. Ball's, the sum of fifteen pounds, and that Ralph Walker, Dennis Wolverton, and Jacob Tufford, be Commissioners for expending the same. On the road from James Simmerman's corner, on the Fly road, to the township line of Clinton, the sum of twenty-five pounds, and that Robert Skelly, Daniel Smith, and David Mayer, be Commissioners for expending the same. On the road from Beamsville to the Fly road, the sum of fifteen pounds, and that Timothy Hixon and Robert Skelly, be Commissioners for expending the same. On the road leading from the Cherry-tree to George Adams', on the Twenty Mile Creek, the sum of twelve pounds ten shillings, and that William Bridgeman and George Adams, be Commissioners for expending the same. From the Pelham line, on the road through Gainsborough to the Canboro' line, the sum of twenty-five pounds, and that Eber Rice, Samuel Birdsall, and William Dilts, be Commissioners for expending the same. On the line between lots fifteen and sixteen, in the eighth concession of Grimsby, to the Caistor line, the sum of twenty-five pounds, and that William Bridgman, John Harris, and George Adams, be Commissioners for expending the same. On the main road from Daniel Camp's, by George Ball's, to the District line of Gore, the sum of twenty-five pounds, and that William Bridgman, John Harris and George Adams, be Commissioners for expending the same. On the road leading from Snyder's Mills to the River Welland, the sum of twelve pounds ten shillings, and that William Taylor and Peter Snyder, be Commissioners for expending the same. On the road leading from John Mort's, in Clinton, to Weir's Mills, on the River Welland, the sum of twelve pounds ten shillings, and that Jacob Scram and Robert Servos, be Commissioners for expending the same.

In the second Riding of the County of Lincoln.—On the road from

Hainer's corner, in Grantham, to Adam Brown's, in Louth, the sum of twenty-five pounds, and that Henry Mittleberger and Walter Dettrick, be Commissioners for expending the same. On the road from John Wright's, at Saint Catharines, to the lake road by Lambert's and Welch's farms, the sum of twenty-five pounds, and that John Wright and James Dettrick, be Commissioners for expending the same. On the road from Samuel Wood's to Daniel Gregory's, the sum of twenty-five pounds, and that Samuel Wood and Daniel Gregory, be Commissioners for expending the same. On the hill and road from William Bassay's, in Grantham, to the Thorold line, the sum of twenty-five pounds, and that William Bassay and Peter Kerr, be Commissioners for expending the same. On the lake road from Frederick Schram's to the Twenty Mile Creek, to be applied on the hills, the sum of twelve pounds ten shillings, and that Robert Townsend and Frederick Schram, be Commissioners for expending the same. On the line between Clinton and Louth to the main road, the sum of twelve pounds ten shillings, and that Isaac Wiesman and Andrew Black, be Commissioners for expending the same. From the Village of St. David's to the Ten Mile Creek, the sum of twenty-five pounds, and that David Secord and Frederick Goring, be Commissioners for expending the same. On the hills, and building a bridge with stone abutments across the Sixteen Mile Creek, near Runchy's farm, on the Twenty Mile Creek road, the sum of twenty-five pounds, and that Jabez Johnson, Adam Beamer, and Frederick Schram, be Commissioners for expending the same. On the Black Swamp road to the Ten Mile Creek, the sum of fifty pounds, and that William Ball and Thomas Butler, be Commissioners for expending the same. For altering the road on the west side of the Twenty Mile Creek, commencing at the foot of the hill in rear of Henry Kerr's house, round the end of the hill till it intersects the road, the sum of fifty pounds, and that Henry Kerr, Daniel Clendenning, and Joseph Smith, be Commissioners for expending the same. On the lake road from Niagara to the Ten Mile Creek, the sum of twelve pounds ten shillings, and that John Connelly and John Servos, be Commissioners for expending the same. On the hills and roads from Saint Catharines along the canal to John Vanderburgh's, the sum of twelve pounds ten shillings, and that Oliver Phelps and John Vanderburgh, be Commissioners for expending the same. *In the third Riding of the County of Lincoln.*—On the Great Canborough road, the sum of fifty pounds, and that Eber Rice, Samuel Birdsall, and William Delts, be Commissioners for expending the same. From Robin Hood's to Saint John's, the sum of twenty-five pounds, and that Anthony Upper and William Davis, be Commissioners for expending the same. On the township line between Pelham and Gainsborough, from the Twenty Mile Creek to the Canboro' road, the sum of twelve pounds ten shillings, and that John Moore and Peter Bradt, be Commis-

sioners for expending the same. From Saint John's to Brown's bridge, River Welland, the sum of twenty-five pounds, and that Jacob Keefer and John Street, be Commissioners for expending the same. From the Aqueduct to the Canboro' line, the sum of thirty-seven pounds ten shillings, and that George Bradshaw and James Brown, be Commissioners for expending the same. On the road from David Disher's, by Michael Slough's, to the Canboro' road, the sum of twelve pounds ten shillings, and that Moses Brady and Samuel Becket, be Commissioners for expending the same. From the Village of Saint John's, by George Oill's, to William Adams', the sum of twenty-five pounds, and that Hezekiah Davis, George Oill, and John Snure, be Commissioners for expending the same. On the line between Grantham and Thorold to the south line, the sum of twenty-five pounds, and that George Keefer, Esquire, and Stanhope Ball, be Commissioners for expending the same. From the Village of Saint John's, west, to Moses Brady's, thence to the Gainsboro' line, the sum of twenty-five pounds, and that Henry Snure, William Disher, junior, and John McGlashan, Esquire, be Commissioners for expending the same. From John Snure's to Bowman's, on the Twenty Mile Creek, the sum of twelve pounds ten shillings, and that Joseph Disher and John Raison, be Commissioners for expending the same. From Nicholas Smith's, by Beckett's, to the Quaker Meeting-house, the sum of twenty-five pounds, and that James Fell and John Oill, be Commissioners for expending the same. On the road from the Quaker Meeting-house, in Pelham, by Elijah Phelps', to the Gainsborough line, the sum of twenty-five pounds, and that Lewis Willson and Lawrence Jennings, be Commissioners for expending the same. *In the fourth Riding of the County of Lincoln.*—From Chippewa along the river to Fort Erie, the sum of twenty-five pounds, and that William Forsyth, Samuel McAffer, and Reuben Wait, be Commissioners for expending the same. From Fort Erie, on the Garrison road, to Haldimand line, by Neif's, the sum of fifty pounds, and that Emanuel Winter, Michael Grabel, and John Baxter, be Commissioners for expending the same. From Marshville to the forks of the Chippewa, the sum of twenty-five pounds, and that Guy C. Atkins, Leonard Missener, and — Pritchett, be Commissioners for expending the same. From Chippewa, on the Sugar Loaf road, by Cook's Mills, to the Stone bridge, the sum of twenty-five pounds, and that David Davis, Henry Fitch, and Richard Yokum, be Commissioners for expending the same. From the Niagara River, by Black Creek, to Sugar Loaf road, the sum of fifty pounds, and that Martin Beam, Moses Byard, and Adam Beam, be Commissioners for expending the same. From Andrew Millar's, on the Niagara River road, to intersect the Sugar Loaf road, the sum of twenty-five pounds, and that Andrew Millar, John Laur, and Jacob Willson, be Commissioners for expending the same. From Port

Robinson, to Cook's Mills, the sum of twenty-five pounds, and that Isaac Nevel, Richard Yokum, and Calvin Cook, be Commissioners for expending the same: From Chippewa Village, along the Welland River, to Canboro' line, the sum of thirty-seven pounds, ten shillings, and that Matthias Misner, Daniel Robins, and Christopher McAlpine, be Commissioners for expending the same. From Kinniard's Bay to Marshville, the sum of thirty-seven pounds ten shillings, and that Michael Gabriel, John Askins, and Edward Lee, be Commissioners for expending the same.

In the County of Haldimand.—On the road leading from Dunnville to McNeillidge's Mills, on the Indian Lands, the concession road, where money was expended last year, the sum of two hundred pounds, and that John McGaw, Jacob Wolfe, William Street, and Jacob Hoover, be Commissioners for expending the same. On the town line between Rainham and Walpole, from the mouth of Stoney Creek to the Grand River, the sum of fifty pounds, and that Joseph Gee, James Gilmore, and James Attwood, be Commissioners for expending the same. On the road from Canboro' to the town line in Haldimand, by Cayuga, the sum of one hundred pounds, and that William Fitch, Marcus Blair, and John Decow, be Commissioners for expending the same. On the road from Canboro' to Farr's, on the Grand River, the sum of one hundred pounds, and that Matthew Smith, Samuel Birdsall, and Barton Farr, be Commissioners for expending the same. On the road and bridges from Dunnville to Farr's, the sum of fifty pounds, and that — Minor, T. T. Lymburner, and — Keeler, be Commissioners for expending the same. On the road and bridges from Farr's to Cayuga, the sum of fifty pounds, and that Gustavus Denison, Oliver Burnham, and Christopher Lymburner, be Commissioners for expending the same. On the roads in the township of Moulton, the sum of one hundred pounds, and that Horatio N. Camp, William Milne, and William Robertson, be Commissioners for expending the same. On the roads in the township of Sherbrooke, the sum of one hundred pounds, and that William Eyres, — Minor, Jacob Furry, — Nicely, and — Rimer, be Commissioners for expending the same. On that part of the new road to be laid out between Hamilton and Port Dover, which runs through the Niagara District, the sum of fifty pounds, and that Elijah Doan, Thomas Choate, and Colin McNeillidge, be Commissioners for expending the same.

XX. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Four Hundred and Twenty-five Pounds, hereby granted to the District of London, shall be appropriated and expended as follows, that is to say:—*In the County of Middlesex,* the sum of one thousand and ninety-one pounds, five shillings, in the following manner:—On the proof line in the township of London, the sum of one hundred

Appropriation for the District of London; how and by whom to be applied.

and ten pounds, to be expended as follows: from Black-friars bridge to the rear of the third concession of the said proof line, the sum of thirty-five pounds, and that the Reverend Benjamin Cronyer, John Kent, and Nicholas Gaffeny, be Commissioners for expending the same. On the said proof line, from the rear of the third concession to the bridge in the seventh concession, the sum of twenty-five pounds, and that Thomas W. Howard, John Geary, and William Haskett, be Commissioners for expending the same. From the said bridge to the rear of the tenth concession, the sum of twenty-five pounds, and that Charles Goulding, John Ferguson, and John Robson, the elder, be Commissioners for expending the same. From the rear of the tenth concession to the rear of the township, the sum of twenty-five pounds, and that David McConnell, John Willis and William McMahon, be Commissioners for expending the same. On the Wortley road, from Westminster bridge to the Commissioners road, the sum of twenty-five pounds, and that John B. Askin, Henry Shenick, and Joshua Odell, be Commissioners for expending the same. From the town of London to Putnam's Inn, between Siddall's farm and Putnam's, by Doty's bridge, the sum of twenty-five pounds, and that Joshua Putnam, William Burgess, and Linus Forbes, be Commissioners for expending the same. On the road through the Dorchester Woods, between Reynold's Mill and Heron's farm, the sum of one hundred pounds, and that James Ingersoll, Peter Carroll, and Albert S. Odell, be Commissioners for expending the same. On the road from Captain White's, in Lobo, to the line between Adelaide and Warwick, the sum of fifty pounds, and that Thomas Ratcliffe, Andrew McKenzie, and John White, be Commissioners for expending the same. On Wharncliffe highway, between Michael McLaughlin's farm and Andrew Boughart's, the sum of twenty-five pounds, and that Henry Shenick, Peter Schram, and Andrew Boughart, be Commissioners for expending the same. On the road crossing from the north branch of the Talbot road, near the farm of William Owry, to the bridge across the River Thames, at Carradoc, by way of the line between lots number five and six, in the broken front of the township of Delaware, the sum of fifty pounds, and that Benjamin Springer, William Owry, and Thomas Hunt, be Commissioners for expending the same. On the Long Wood road in Carradoc, the sum of fifty pounds; on the same road in Ekfrid, the sum of fifty pounds; and on the same road in Mosa, the sum of fifty pounds, which said several sums are to be laid out in improving the said road, in such places and in such manner as a majority of the Commissioners hereinafter named may direct, and that Richard Noble Starr, James Craig, Thomas Lantry, Singleton Gardiner, and George Gibb, be Commissioners for expending the same. On the road allowance between the townships of Ekfrid and

Mosa, the sum of twenty pounds, and that Archibald McKellar, John Ferguson, and Alexander McIntyre, be Commissioners for expending the same. On the road laid out in the township of Mosa, leading from the Long Wood road to meet the road laid out in the township of Zone, the sum of twenty-five pounds, and that Duncan McKellar, John Miles Farland, and James McFarlane, be Commissioners for expending the same. On the road from St. Thomas to Port Stanley, the sum of fifty pounds, and that James Nevills, Benjamin Willson, and James Thompson, be Commissioners for expending the same. On the road from the five stakes to St. Thomas, the sum of fifty pounds, and that Samuel Smith, Samuel Eccles, and Garret Smith, be Commissioners for expending the same. To aid the inhabitants in erecting a bridge across Kettle Creek, on Talbot road, the sum of fifty pounds, and that Edward Ermatinger, James Clement Crysler, and Richard D. Drake, be Commissioners for expending the same. On the Union road in Southwold, from the north branch of Talbot road to Samuel Burwell's, the sum of seventeen pounds-ten shillings; on the same road, from Samuel Burwell's to John Waddle's, the sum of thirty-seven pounds ten shillings, and that John Waddle, James Meek, Thomas Fowler, and Samuel Burwell, be Commissioners for expending the same. On the road allowance between Dunwich and Southwold, from the dividing ridge to the River Thames, the sum of twenty-five pounds; on the Tyrconnell road, between lots number twelve and thirteen, in Dunwich, from the Back Street to the River Thames, the sum of twenty-five pounds; on the road through the Swamp on the Back Street in Dunwich, on lots numbers thirteen, fourteen and fifteen, the sum of fifteen pounds, and that Leslie Patterson, Thomas McColl, and Bray Willey, be Commissioners for expending the same. On the Furnivall road in Aldborough, from Talbot road to the River Thames, between lots number six and seven, the sum of twenty-five pounds; for improving the hill at Peter McKellar's, on Talbot road in Aldborough, the sum of ten pounds, and that Ewan McKinlay, George Munroe and Donald Currie, be Commissioners for expending the same. On the town line, between Bayham and Malahide, between Talbot road and the front of the second concession, the sum of twenty-five pounds, and that Thomas Edison, senior, Doyle McKenny, and William Sexton, be Commissioners for expending the same. On the road between lots number twenty and twenty-one, in Malahide, between Talbot road and the front of the second concession, the sum of twelve pounds ten shillings, and that John Woolley and Henry Sager, be Commissioners for expending the same. On the allowance for road between lots number ten and eleven, in Malahide, from the front of the second concession to the ninth concession, the sum of twelve pounds ten shillings, and that Thomas Keith and Humphrey Johnson, be Commissioners for expending the same. On the side road, be-

tween lots number five and six, north of Talbot road, in Malahide, to the ninth concession, the sum of twelve pounds ten shillings, and that Charles Gustavus, — Tozer, and William Adams, be Commissioners for expending the same. On the road lately laid out between Port Stanley and Port Burwell, to aid the inhabitants in bridging Cat-fish Creek and improving said road, the sum of seventy-five pounds, and that Gilbert Wrong, Abraham Backhouse, Walter Chase, and Nathan Lyon, be Commissioners for expending the same. On the road allowance between lots number fifteen and sixteen, on the south side of Talbot road, in Bayham, for opening it one chain in width, the sum of ten pounds, and that John Burwell and John Silverthorn, be Commissioners for expending the same. On Chatham Street, between lots number ten and eleven, in Bayham, from the South side of Big Otter Creek to the front of the second concession, the sum of twenty-five pounds, and that John Burwell, Joseph Merritt, and Hatfield Saxton, be Commissioners for expending the same. On Pitt Street, between Big Otter Creek and the eastern boundary of Bayham, the sum of thirty-three pounds fifteen shillings, and that John Burwell, James Hutchison, and Robert Eakins, be Commissioners for expending the same. *In the County of Oxford*, the sum of seven hundred and twenty-seven pounds fifteen shillings:—On Dundas Street, from the town plot in Oxford to the town line of London, one hundred and seventy-five pounds, and that Hugh McDermid, Alvin Turner, and Elijah Janes, be Commissioners for expending the same. On the main stage road, from Whitehead's, in Burford, to Dodge's, in Oxford, the sum of one hundred pounds, and that George W. Whitehead, Esquire, John Wier, Esquire, and Calvin Martin, be Commissioners for expending the same. On Dundas Street, from Lewis Charles's to the town plot in Oxford, the the sum of fifty pounds, and that Lewis Charles, John Phelan, and Silas Martin, be Commissioners for expending the same. On the road from Whitehead's to the Quaker Meeting-house, the sum of fifty pounds, and that George W. Whitehead, David Wilson, and George Wright, be Commissioners for expending the same. On the road from Peter Hagle's to the Furnace in Dereham, the sum of fifty pounds, and that Peter Hagle and William Cook, be Commissioners for expending the same. On the road from Darius Cross' to the north side of the township of Zorra, the sum of fifty pounds, and that Israel Reed, Darius Cross, and Hendrick C. Hull, be Commissioners for expending the same. To build a bridge over the Canning River, sometimes called Smith's Creek, in the township of Blenheim, and to open the road on the concession line eastward to Dumfries, the sum of thirty-seven pounds ten shillings, and that Erastus Holmes Spaulding, and Thomas Love, be Commissioners for expending the same. In the township of Blanford, the sum of thirty pounds, and that Edward Buller, Esquire, and Captain Andrew Drew, be Com-

missioners for expending the same. On the town line between Burford and Windham to Norwich, the sum of twelve pounds ten shillings, and that Finlay Malcolm, Peter Sackrider, and John Kelly, be Commissioners for expending the same. On the roads and bridges between Choate's, on the stage road, and Dundas Street, the sum of twenty-five pounds, and that David Doty and — Hess, be Commissioners for expending the same. On the township line between Zorra and Nissouri, the sum of twenty pounds, and that Hugh McDermid, be Commissioner for expending the same. On the eastern town line of Burford, the sum of forty-five pounds, and that Charles Duncombe, Esquire, Abner Matthews, and Adam Yeigh, be Commissioners for expending the same. On the road leading from Whitehead's to Dundas Street, the sum of twelve pounds fifteen shillings, and that George W. Whitehead, Levi Lawrence, and Ransford Rounds, be Commissioners for expending the same. On the road from James McLeod's to Spaulding's Mills, the sum of twenty pounds, and that E. H. Spaulding, James McLeod, and John Daniels, be Commissioners for expending the same. On the road from Spur's to Dundas Street, the sum of fifteen pounds, and that L. V. Spur and Peter Martin, be Commissioners for expending the same. On the road from George Wright's to Cromwell's Mills, the sum of ten pounds, and that George Wright and Francis Stond, be Commissioners for expending the same. On the road along the east side of lot number seven, in the seventh concession of Burford, the sum of fifteen pounds, and that George W. Whitehead and Horatio Fowler, be Commissioners for expending the same. On the road from Bastedo's to Spaulding's Mills, the sum of ten pounds, and that Peter Bastedo and Denton Burns, be Commissioners for expending the same.

In the County of Norfolk.—On the main road between Woodhouse and Townsend, from lot number seven to the Nanticoke Creek, the sum of ninety pounds, and that William Wilson and Peter Steenhoff, be Commissioners for expending the same. On the second concession line of Woodhouse, from Colin McNeilledge's Mill to Walpole line, the sum of ninety pounds, and that Colin McNeilledge, Esquire, and Elijah Doan, be Commissioners for expending the same. On the third concession line of Woodhouse, the sum of twenty pounds, and that Robert Waddill and Alexander McQueen, be Commissioners for expending the same. On the fourth concession of Woodhouse, the sum of twenty pounds, and on the side line between lots six and seven, from the fourth concession to the town line between Townsend and Woodhouse, the sum of twenty-five pounds, and that Philip Austin and John Parks, be Commissioners for expending the same. On the lake road in Houghton, from the Walsingham line to the plains, the sum of forty pounds, and that Edward Foster, and Thomas Burgar, be Commissioners for expending the same. On the town line between Charlotteville and Walsingham, from the first con-

cession to the lake, the sum of twenty pounds, and that Jacob Potts, Esq. and William Backhouse, be Commissioners for expending the same. On the Bostwick road, from Philip Willson's to Coltman's, the sum of fifty pounds, and that Philip Willson and John Maybee, be Commissioners for expending the same. On the road leading from Malcom's Mill to Sovereign's, in Middleton, the sum of fifteen pounds, and on the main road in Middleton, the sum of ten pounds, and that Frederick Sovereign, Tisdal Parley, and Oliver Edmunds, be Commissioners for expending the same. On the town line between Windham and Townsend, from Lang's Saw Mill to the corner of Burford, the sum of thirty-five pounds; on the eleventh concession of Windham, the sum of twenty pounds, and on the eleventh concession of Townsend, the sum of ten pounds, and that Israel W. Powell, Esquire, Jacob Langs, Philip Bemer, and John Robbins, be Commissioners for expending the same. On the road in Boston Settlement, from the Baptist Meeting-house through by Milford's Mills to Oakland, the sum of twenty pounds, and on the road from the Baptist Meeting-house to Walpole line, the sum of twenty pounds, and that Aaron Barber, John Harris, and Uriah Collis, be Commissioners for expending the same. On the ninth concession of Townsend, from lot number ten to Messacar's Mills, the sum of twenty pounds, and that Aaron Slaughter and Abraham Messacar, be Commissioners for expending the same. On the twelfth concession of Townsend, the sum of ten pounds; on the thirteenth concession of Townsend, the sum of ten pounds; on the fourteenth concession of Townsend, the sum of ten pounds, and that Isaac Merritt, Stephen Nichol, and John Nichol, be Commissioners for expending the same. On the lake road in front of Woodhouse, the sum of twenty-one pounds, and that Adrian Feaure, and John Law, be Commissioners for expending the same. On that part of the new road from Hamilton to Port Dover, where it leaves the line of the Niagara District till it arrives at Port Dover, the sum of fifty pounds, and that Colin McNeilledge, Esq. and Elijah Doan, be Commissioners for expending the same.

XXI. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Three Hundred and Fifty Pounds, hereby granted to the Western District, shall be appropriated and expended as follows:—*In the County of Kent.*—On the road dividing the Townships of Chatham and Camden from the River Thames, and on the present travelled road through Dawn to the east branch of Bear Creek, the sum of ninety-five pounds, and that Christopher Arnold, James Bogart, Alexander Wallen, and Amos Stow, or a majority of them, be Commissioners for expending the same. On the road between the Townships of Dover and Chatham, to Big Bear Creek, and for making two bridges across Little Bear Creek, the sum of one hundred and twenty-five pounds, and that Duncan

Appropriation for the Western District; how and by whom to be applied.

McGregor, George Kerby, Pierre Paul Lacroix, Esquires, and Laughlin McDougall, or a majority of them, be Commissioners for expending the same. On the road leading from or near to Jared Lindsley's, on the east branch of Bear Creek, in the Township of Dawn, commonly called the Lindsley road, to the River Thames, the sum of fifty pounds, and that Jared Lindsley, Lewis Arnold, (son of John Arnold) and Thomas Elliott, be Commissioners for expending the same. On the road from Cornwall's Mill, in Camden, to the east branch of Bear Creek, in the thirteenth concession of Dawn, the sum of fifty pounds, and that Nathan Cornwall, John Boulton, and Thomas Macolam, be Commissioners for expending the same. For bridging the Ravines, and for opening and repairing the road along the River Saint Clair, in the Township of Moore, the sum of one hundred and eighty pounds; and for the road along the said River Saint Clair, in the township of Sombra, and the Indian Reserve adjoining the said Township, the sum of forty pounds, and that Lewis Rendt, William Jones, Claude Gonin, Esquires, and Captain Alexander McDonell, be Commissioners for expending the same. On the road laid out and confirmed at the Quarter Sessions, from Bear Creek, in the township of Zone, to the township of Mosa, in the London District, the sum of sixty pounds, and that J. Miles Farland, Thomas Macolam, and Thomas Morehouse, be Commissioners for expending the same. On the road between the townships of Howard and Harwich, commonly called the town line from the River Thames to Talbot road, or to Lake Erie, should the Commissioners think it advisable, the sum of ninety-five pounds, and that Christopher Arnold, Robert Wood, and John Unsworth, be Commissioners for expending the same. On the road between lots numbers ninety-one and ninety two, in the township of Howard, from Talbot road to Lake Erie, the sum of twenty-five pounds, and that Robert Wood and John Unsworth, be Commissioners for expending the same. On the township line road between Howard and Oxford, from Talbot road to the middle road, the sum of ninety pounds, and that Richard Bootheroyd, David S. Baldwin, and John Desmond, be Commissioners for expending the same. For opening a road two rods wide, on Lot fifty-nine, in the township of Oxford, from Talbot road to Lake Erie, provided the said road be properly laid out according to law, and the proprietors give up the land necessary for that purpose, or (if the Commissioners should prefer it) for opening the allowance for a road between numbers sixty-one and sixty-two to Lake Erie, the sum of fifty pounds; for opening the allowance for road between lots number sixty-one and sixty-two, north on the Talbot road, in the township of Oxford, to the rear of the said lot, and then turning easterly, taking the allowance for a road to the middle road, the sum of seventy pounds, and that David H. Gisner, David S. Baldwin, and Frederick Lampman, be Commis-

oners for expending the same. For the erection of a bridge across the Duck Pond, on the road leading from the Thames, between lots numbers eighteen and nineteen, in the township of Raleigh, to the middle road as now travelled, the sum of ten pounds, and that Lawton Case, and Daniel Dolson, be Commissioners for expending the same. On the communication road in the township of Harwich, to open that part of it from the ridge road to the shore of the Little Lake, the sum of seventy-five pounds, and that Duncan McGregor, and James W. Little, Esquires, and Robert Wood, be Commissioners for expending the same. On the road passing between the farms of Joseph Klinansmith and Joseph Smith, in Raleigh, leading to the middle road in the said township, the sum of twenty-five pounds, and that James W. Little, Esquire, James Price, and Jeremiah De Clute, be Commissioners for expending the same. For widening, raising and turnpiking the main highway across the plains of the Township of Tilbury; for such part of the said road east of the first or lower fork of the Thames, as the Commissioners may think advisable, to Wilcox's, at Lake St. Clair, the sum of eighty pounds, and that George Jacob, Esquire, Daniel Dolsen, and Pierre Janette, be Commissioners for expending the same. On the Talbot road, through the Township of Romney, the sum of thirty pounds, and that James W. Little, and Thomas Renwick, Esquires, and James Price, be Commissioners for expending the same. For opening a road from the River Saint Clair, between the thirteenth and fourteenth concessions, to lot number fourteen, in the Township of Sombra, the sum of forty pounds, and that Claude Gouin, Esquire, Paul Sturdevant, and Louis Renett, Esquire, be Commissioners for expending the same. Towards building two bridges across the east branch of bear Creek, in the Township of Dawn, in the most eligible situation that may be fixed upon by the Commissioners, between the fifth and the tenth concessions, the sum of thirty pounds, and that William Taylor, John Bolton, and Alexander J. Wallen, be Commissioners for expending the same. Towards opening one rod wide the middle road between Talbot road and the River Thames, through the Townships of Maidstone, Rochester and West Tilbury, and from the division line between West and East Tilbury, to lot number twenty-four, in the last mentioned Township, the sum of fifty pounds, and that George Jacob, and Joseph Woods, Esquires, and Benjamin Levalle, be Commissioners for expending the same. On the allowance for road in the second concession of the Township of Chatham, the sum of twenty pounds, and that Isaac Blackburn, Robert Blackburn, and Peter French, be Commissioners for expending the same. *In the County of Essex.*—On the Sandwich Talbot road, from Sandwich to Goodbody's, the sum of twenty-five pounds, and from lot number two hundred and ninety-six to two hundred and seventy, inclusive, the sum of

two hundred pounds, in ditching and improving the same, and that Charles Askin, Chrysostom Pajot, and John L. Williams, be Commissioners for expending the same. On the Sandwich Talbot road, between lots number two hundred and sixty-three and two hundred and forty, inclusive, the sum of seventy-five pounds, and that John Fulmer, Eliakim Field, and George Brewer, junior, be Commissioners for expending the same. On the Talbot road, east of Hairsign's, the sum of fifty pounds, and that Charles Hairsign, Francis Wilkinson, and Daniel McKenzie, be Commissioners for expending the same. On the road from Jonas Fox's to the Furnace, the sum of twenty-five pounds, and that Jonas Fox and Eliakim Field, be Commissioners for expending the same. On the concession roads in Gosfield, the sum of fifty pounds, and that Peter Scratch, Joseph Weighly, and Windle Weighly, be Commissioners for expending the same. On the allowance for road between the east and west divisions of Gosfield, from Lake Erie to Talbot road, the sum of fifty pounds, and that Windle Weighly, Prideaux Girty, and John Weighly, be Commissioners for expending the same. On the concession roads in the township of Colchester, the sum of fifty pounds, and that Jarius Brush, Matthew McCormick, and James Lockhart, be Commissioners for expending the same. On the Malden road, from Amherstburg to Sandwich Talbot road, the sum of one hundred pounds, for bridging the same, and that Charles Berczy, James Caldwell, and William McGee, be Commissioners for expending the same. On the fourth concession line in Malden, from where the same crosses the Malden road to Talbot road, to the Colchester line, the sum of fifty pounds, and that Matthew Elliott, William Ambridge, and Charles Fortier, be Commissioners for expending the same. On the east side of Rochester to Lavallee's, on the front road, the sum of twenty-five pounds, and that Benjamin Lavallee and Charles Comepeau, be Commissioners for expending the same. From Detroit River to the second concession, between Lawzon's and Comepeau's farms, the sum of twenty-five pounds, and that Antoine Cecile and Charles Lawson, be Commissioners for expending the same. On the road from Jacob Shaffer's above Pike's Creek, along the same to Andrew Peltier's, the sum of eighty-five pounds, and that Joseph Woods, Benjamin Lavallee, and Charles Campeau, be Commissioners for expending the same. Towards turnpiking the road on the east side of the Canard River, the sum of ten pounds, and that Lawrent Bondy and Francis Montfretton, be Commissioners for expending the same. On the second concession line of the Petite Cote, from the Huron Church line to the River Canard, the sum of fifty pounds, and that Jean B. Baby, Louis Drouillard, and Thomas Martin, be Commissioners for expending the same. On the allowance for road along the Huron Church line, from the third concession of Sandwich to the Colchester line, the sum of fifty pounds, and that

John A. Wilkinson, John Scott, and John L. Williams, be Commissioners for expending the same. On the road on the east side of River Aux Puces, from Lake Saint Clair to Talbot road, the sum of fifteen pounds, and that Joseph Woods, Jacob Schoffer, and Benjamin Lavallee, be Commissioners for expending the same. On the road from Goodbody's to number two hundred and ninety-six, the sum of twenty-five pounds, and that Joseph Woods, Charles Askin, and Chrysostom Pajot, be Commissioners for expending the same. On the new road from Alexander Duff's, in Colchester, and for building a bridge over Snider's Creek, the sum of seventy-five pounds, and that John Park, Thomas Wright, and Alexander McCormick, be Commissioners for expending the same. On the road on the east side of Belle River to Talbot road, the sum of twelve pounds, ten shillings; and on the road on the west side of Belle River to Talbot road, the sum of twelve pounds ten shillings, and that John Roy and Antoine Gayeau, be Commissioners for expending the same.

XXII. *And be it further enacted by the authority aforesaid, That* some one of the Commissioners hereinbefore named or appointed under the authority of this Act, for any division of road, shall, and he is hereby required, to make an oath before some one of the Justices of the Peace in the District in which such Commissioner or Commissioners shall act, and annex or subjoin the same to the schedule or abstract statement of the expenditure of the monies under the direction of such Commissioner or Commissioners, in the following form:—

Commissioners to make a return on oath of the monies expended by them respectively.

I, A. B., a Commissioner under the Road Act, make oath and say, “that the prefixed schedule or abstract statement is a true and faithful account, in all its particulars, of the monies expended by the Commissioners of which I am one, to the best of my knowledge and belief.—“So HELP ME GOD.”

Form of oath.

XXIII. *And be it further enacted by the authority aforesaid, That any* monies to be laid out and expended under the provisions of this Act, shall be paid by the Receiver General to the Treasurers of the several Districts, 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 for the time being, 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 or Successors, shall be graciously pleased to direct.

Receiver General to pay monies to the several Districts,

to be accounted for through the Lords of the Treasury.

XXIV. *And be it further enacted by the authority aforesaid, That* the Treasurers of the several Districts are hereby authorised and required to pay over to the Commissioners named in this Act, or appointed

Treasurers to pay to the Commissioners so soon as contracts shall have been made and work commenced

under the authority thereof, or a majority of them, so soon as contracts shall have been made for the expenditure thereof and the work shall have been commenced, the several sums by this Act appropriated to be expended on that portion of the roads which such Commissioners are appointed to superintend: *Provided always*, that the said Treasurers shall not be entitled to any commission for receiving and paying the several sums mentioned in this Act.

Vacancies among
Commissioners may
be filled by Governor.

XXV. *And be it further enacted by the authority aforesaid*, That in the event of the death, removal or refusal to act, of any of the Commissioners named in this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to appoint such person or persons as he shall think fit to fill the vacancies that may be occasioned as aforesaid.

Monies to be applied
by 15th September,

except as regards
Bridges, &c.

XXVI. *And be it further enacted by the authority aforesaid*, That the monies hereby authorised to be expended upon the roads in the several Districts of this Province, shall be expended and applied on or before the fifteenth day of September next after the passing of this Act: *Provided always*, that nothing herein contained shall apply to the construction of bridges or causeways not required to be covered with earth.

How contracts to be
let.

XXVII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Commissioners hereinbefore mentioned, and they are hereby required, in all cases where improvements are to be made upon the roads and bridges throughout the several Districts of this Province, to expose the same at public auction, and in small portions, where it may be practicable, so as to afford ample competition to all persons desirous of contracting for portions of the work to be performed, and to strike off the same in convenient portions to the lowest bidder, having in all cases given at least two weeks previous notice thereof by public advertisement, or to procure the performance of such improvements or repairs in such manner as the majority of such Commissioners shall deem most advantageous and expedient: *Provided always*, that no Commissioner hereinbefore named shall be a Contractor for any part of the work over which he shall have been appointed such Commissioner.

Commissioners to
make out pay lists, to
be signed in presence
of a witness.

XXVIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Commissioners hereinbefore named, or that may be appointed under the authority of this Act, and they are hereby required to make out, and at the time of paying over any monies, cause to be executed in the presence of at least one credible witness, vouchers or pay lists, containing abstract statements of the monies expended and the ser-

vice performed, stating the names of the several Contractors, the pieces of work performed, the rate at which such work shall have been performed, and the signatures of the Contractors, acknowledging the receipt of the sums opposite their names respectively; which vouchers shall be made according to the annexed Schedule or Form, and together with any balance remaining unexpended, delivered to the Treasurers of the several Districts, who shall cause such Returns to be transmitted to the Office of the Governor, Lieutenant Governor, or Person Administering the Government, on or before the thirty-first day of December next, and be by him laid before the Commons House of Assembly, and such balances to be repaid to His Majesty's Receiver General, to be accounted for as a part of the general Revenues of this Province.

Form of voucher.
Balances unexpended to be returned to Treasurers.
Returns to be sent to Government Office, to be laid before Assembly.

Balances to be repaid to Receiver General.

SCHEDULE,

Or Abstract Statement and Receipts of Monies Expended in the ——— District, under the Road Act of 1834, by ——— Commissioners.

CONTRACTORS NAMES.	Description of work contracted for.	Sums in Currency for which contracts have been made.	Signatures of Contractors acknowledging the receipt of sums opposite their Names.	Names of Witnesses to the payment and Signatures.

CHAP. XLIX.

AN ACT to revive and continue an Act passed in the Fourth year of the reign of King George the Fourth, entitled "An Act prescribing the mode of Measuring the contents of Wooden Stills; also for fixing the rate of Duty to be paid on all Stills used for the Distillation of Spirituous Liquors within this Province."

[Passed, 6th March, 1834.]

Preamble.

WHEREAS an Act passed in the Fourth year of the Reign of King George the Fourth, entitled "An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of Duty to be paid on all Stills used for the Distillation of Spirituous Liquors within this Province," has expired, and it is expedient to revive and continue, for a limited time, the said Act: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province ;'" and by the authority of the same, That the said recited Act be, and the same is hereby revived and continued for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

4, Geo. 4. c. 13, revived and continued four years.

CHAP. L.

AN ACT to continue and make permanent an Act passed in the second year of His Majesty's Reign, entitled, "An Act to impose an additional duty on Licenses to vend Wines, Brandy and Spirituous Liquors."

[Passed 6th March, 1834.]

Preamble.

WHEREAS An Act passed in the second year of His Majesty's Reign, entitled, "An Act to impose an additional duty on Licenses to vend Wines, Brandy and Spirituous Liquors, will shortly expire: *And whereas*

it is expedient to continue and make permanent 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. 2. W. 4, c. 20, continued.

CHAP. LI.

AN ACT granting to His Majesty a Sum of Money, towards defraying the expense of the Administration of the Civil Government of this Province.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

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 rates raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Nine Thousand, Nine Hundred and Twenty-five Pounds, Six Shillings and Six Pence, which said sum shall be applied in payment of the following charges ;—

Preamble.
£9,925 6s. 6d. granted to His Majesty, to defray certain charges of Civil Administration of Government.

SPEAKER OF THE LEGISLATIVE COUNCIL.

Distribution of sum
granted.

Two Hundred Pounds per annum for the years one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, and one thousand eight hundred and thirty-four—Six Hundred Pounds.

GOVERNMENT OFFICE.

Private Secretary of His Excellency the Lieutenant Governor, Two Hundred and Eight Pounds, Six Shillings and Six Pence.
Chief Clerk, Two Hundred and Seventy-eight Pounds.
Second Clerk, Two Hundred Pounds.
Third Clerk, One Hundred and Seventy Pounds.
Contingencies, Seven Hundred Pounds.

EXECUTIVE COUNCIL OFFICE.

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

RECEIVER GENERAL'S OFFICE.

First Clerk, Two Hundred and Fifty Pounds.
Second Clerk, Two Hundred Pounds.
Contingencies, One Hundred and Thirty Pounds.

INSPECTOR GENERAL'S OFFICE.

First Clerk, Two Hundred and Fifty Pounds.
Second Clerk, Two Hundred Pounds.
Contingencies, Fifty Pounds.

SURVEYOR GENERAL'S OFFICE.

First Clerk, Three Hundred Pounds.
Second Clerk, Two Hundred and Fifty Pounds.
Two Junior Clerks, One Hundred and Seventy Pounds each—Three Hundred and Forty Pounds.
Draftsman, Three Hundred Pounds.

Contingencies for the west Wing of the Public Buildings, Four Hundred Pounds.

Ditto for the east Wing of the Public Buildings, One Hundred Pounds.

Government Printer, Two Hundred and Seventy-eight Pounds.

Printing the Statutes, Five Hundred and Fifty-six Pounds.

Repairs of Government House, Two Hundred Pounds.

Casual and extraordinary Expenses, Six Hundred Pounds.

Usher and Keeper of King's Bench, Forty Pounds.

II. *And be it further enacted by the authority aforesaid,* That there be granted to His Majesty, from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, to enable His Majesty to pay to His Majesty's Attorney General of this Province, for the year one thousand eight hundred and thirty-four, in lieu of all fees, travelling expenses, contingencies, or other charges for public services, the sum of Twelve Hundred Pounds, including his present salary, and his allowance in lieu of fees as an Officer of the Land Granting Department, and such other sum or sums as he may receive on Fiats or other Instruments; and also to His Majesty's Solicitor General, in lieu of all fees, travelling expenses, contingencies, or other charges for public services, the sum of Six Hundred Pounds, Currency, for the year one thousand eight hundred and thirty-four, including his salary.

Allowance to the
Attorney and Solicitor
General.

III. *And be it further enacted by the authority aforesaid,* That there be granted to His Majesty, from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, such a sum as will enable His Majesty to pay to the Secretary and Registrar of this Province, for each of the years one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, and one thousand eight hundred and thirty-four, including the sum of Two Hundred Pounds for a Clerk in his Office, as altogether, with his allowance of Seven Hundred and Six Pounds, Eight Shillings, Currency, in lieu of all fees as an Officer of the Land Granting Department, will amount to Nine Hundred and Fifty Pounds, Currency, per annum, for each of the said years, which said sum shall be in lieu of all fees, emoluments and contingencies, and be distributed as follows:

Allowance to Regis-
trar and Secretary,
and Clerk.

Salary of the Secretary and Registrar, Six Hundred Pounds.

Clerk, Two Hundred Pounds.

Contingencies, One Hundred and Fifty Pounds.

Money how paid and accounted for.

IV. *And be it further enacted by the authority aforesaid,* That the several 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. LII.

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 Addresses of the House of Assembly during the present Session.

[Passed 6th March, 1834.]

MOST GRACIOUS SOVEREIGN :

Preamble, reciting advantages by the Lieutenant Governor.

£6,488 7s. 5½d.

for payment of contingent expenses.

£370.

£747 3s. 3½d., for debts incurred in completing Parliament Buildings.

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 six thousand four hundred and eighty-nine pounds seven shillings and five pence farthing, 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 three hundred and fifty 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: *And whereas* in pursuance of another Address of your Commons House of Assembly, during this present Session, the sum of seven hundred and forty-seven pounds three shillings and three pence halfpenny, was issued and advanced by His Excellency Your Lieutenant Governor, to pay off certain debts incurred in completing the Parliament Building beyond the appropriation made for that purpose: 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 seven thousand five hundred and eighty-six pounds, ten shillings, and eight pence three farthings, to make good the several sums which have been issued and advanced as aforesaid.

£7,586. 10s. 8½d. to be applied in making good the sums so advanced.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sum of money, pursuant to the direction of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lord’s 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.

To be accounted for through the Lords of the Treasury.

CHAP. LIII.

AN ACT to borrow a sum of money in Great Britain, at a reduced rate of interest, to cancel a part of the Public Debt of this Province, and for other purposes.

[Passed 6th March, 1834.]

WHEREAS it is important to the public interests of this Province, that the Debentures now outstanding and payable, as well as those which may hereafter become due, should be redeemed; and for the purpose of constructing Canals, Harbours, Roads, and making various public improvements, it is expedient to negotiate a 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

Preamble.

Receiver General authorized to raise Loan of £200,000 sterling, to redeem debt and for public improvements.

Rate of interest, five per cent, payable in London.

Principal redeemable in twenty years.

Debentures to be issued for not less than £100 sterling each.

Debentures to be signed by Receiver General.

Payable to order of Inspector General, who shall indorse the same;

Annual returns of Debentures by Inspector General.

Amount of principal and interest in sterling money to appear on Debentures;

and time when redeemable;
place of payment.

Debentures and interest charged on proportion receivable by this Province of duties payable in Lower Canada.

making more effectual provision for the Government of the Province of 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 two 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 two hundred thousand pounds: *Provided* that such Loan or Loans can be 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.

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 indorse the same in blank, and shall on or immediately after the first day of January and 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 indorsed by him under this Act.

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.

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 or 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.

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 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.

Debentures uncanceled at time for payment, to be received by Collectors, &c. as cash.

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 Debenture so paid shall remain in the hands of any of the said Receivers or Collectors, but for such time, the interest on every such Debenture shall cease.

Allowance of interest on Debentures to the time of their being paid to any Collector, &c.

Interest suspended during time Debentures remain in hands of Collectors of the revenue.

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

Date of paying Debentures to revenue Collectors to be endorsed.

Interest to the day of receiving Debentures to be allowed to Collectors.

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, or uttering counterfeit Debentures, &c. 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 uncanceled, or any stamp, indorsement or writing thereto or therein, or tender in payment any such forged or counterfeit Debenture, or any Debentures with such counterfeit indorsement or writing thereon, or shall demand to have such counterfeit Debenture, or any Debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment or demanded to be exchanged, or the indorsement or writing thereupon or therein to be forged or counterfeited and with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall be liable to the punishment provided 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 punishment 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."

Receiver General before each Session to render account of Debentures issued, to be laid before Legislature.

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 expenses attending the issuing the same, and of carrying this Act into execution, to be laid before the Legislature of this Province.

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 deposit at the place 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 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.

Interest on Debentures payable half-yearly,

on Warrants to be issued after 30th June and 31st December.

XI. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province shall be at liberty to pay a sum not exceeding one per centum on the amount of such Loan, to such person or persons in London as he may think proper to employ in negotiating the said Loan, and paying off the interest which may from time to time become due thereon.

Receiver General may pay 1 per cent to London Agent.

XII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, 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 of the time which may elapse between the expiration of the said six months and their presentment for payment.

Payment of Debentures when due.

If not presented for payment in six months from their becoming due, Interest to cease after that period.

XIII. *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 paid by the Receiver General in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty by the said Receiver General, 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.

Application of money raised under this Act, and how accounted for.

Receiver General
authorized to pay off
and cancel Debentures
issued under
1st Wm. 4. c. 18.

XIV. *And be it further enacted by the authority aforesaid,* That His Majesty's Receiver General may, and he is hereby authorized to pay off and cancel the Debenture issued under the authority of an Act passed by the Parliament of this Province, in the first year of His 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."

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