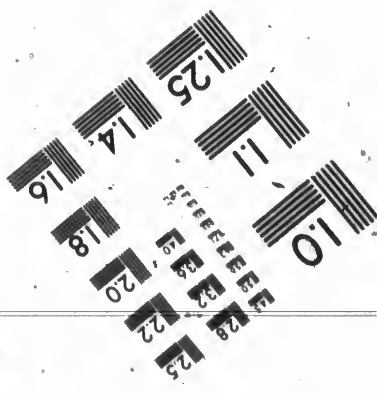
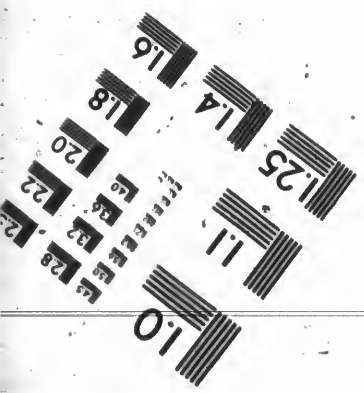
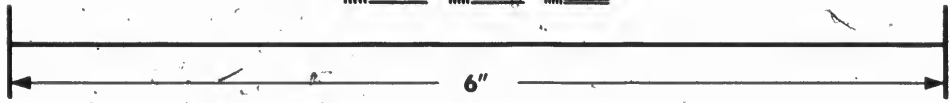
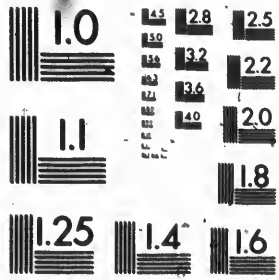


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THE
STATUTES
OF HIS MAJESTY'S PROVINCE OF
Upper Canada.

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

CHAP. I.

An ACT for the better securing this Province against all Seditious attempts or designs to disturb the Tranquillity thereof.

[Passed 9th March, 1804.]

WHEREAS it is necessary to protect his Majesty's subjects of this Province from the insidious attempts or designs of evil minded and seditious persons; And whereas much danger may arise to the public tranquillity thereof, from the unrestrained resort and residence of such persons therein; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the Members of the Legislative and Executive Councils, the Judges of his Majesty's Court of King's Bench for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and seal of the Governor, Lieutenant Governor, or Person Administering the Government for the time being, or any one or more of them, jointly or separately, by warrant or warrants under his or their hand and seal, or hands and seals, to arrest any person or persons, not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants, or not having taken the oath of allegiance to our Sovereign Lord the King, who by words,

Franklin.

Governor, Act empowered to authorize certain persons to arrest offenders against this Act.

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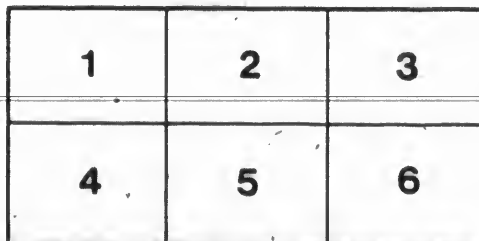
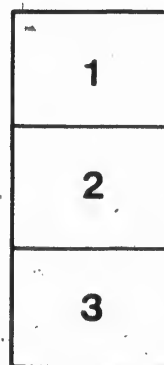
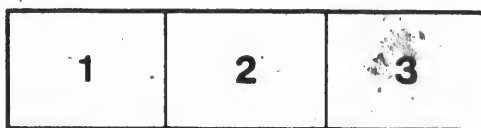
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PETER HUNTER



Printed by JOHN

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

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

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.



YORK, UPPER CANADA:

Printed by JOHN BENNETT, Printer to the King's Most Excellent Majesty.

1804.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

actions or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in any wise with a seditious intent to disturb the tranquillity thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such warrant or warrants against him, her or them, or any other person or persons duly authorized to grant such warrant or warrants by virtue of this Act; And if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall not give to the person or persons so granting such warrant or warrants, or so authorized as aforesaid, before whom he, she or they shall be brought, full and complete satisfaction that his, her or their words, actions, conduct or behaviour had no such tendency, or were not intended to promote or encourage disaffection to his Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an order or orders in writing, to such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, requiring of him, her or them to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she or they should be permitted to remain in this Province, to require from him, her or them good and sufficient security to the satisfaction of the person or persons acting under the authority hereby given, for his, her or their good behaviour, during his, her or their continuance therein.

Offenders to depart the Province, or give security, &c.

II. And be it further Enacted by the Authority aforesaid, That if any person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who by any order or orders so delivered to him, her or them, is or are required to depart this Province within a time limited by that order, should by sickness or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons as aforesaid, authorized by this Act so to do (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness or otherwise, ought to be admitted as a reason for such order as aforesaid, not having been obeyed) by an indorsement in writing upon the said order or orders, or otherwise in writing, to enlarge the time specified in the said order or orders, from time to time as occasion may require, and if any person or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein before specified, shall be found at large therein, or return thereunto after the time limited by any or either of such orders, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf, or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, actions or otherwise, endeavour or give just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his Person or Government,

Time for offenders departing the Province may be enlarged.

If after security given person give cause to suspect, &c.

vernment, or in any wife with a seditious intent, to disturb the tranquillity thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this Act as aforesaid, and he and they is, and are hereby required, by warrant or warrants under his or their hand and seal, or hands and seals, to commit such person or persons so remaining at large, or returning into this Province without such licence as aforesaid, or so endeavouring or giving cause to suspect, that he, she or they is or are about to endeavour so to alienate the minds of his Majesty's subjects of this Province, or in any wife, with a seditious intent, to disturb the tranquillity thereof, to the common Gaol, or to the custody of the Sheriff of the district, in such districts in which there shall be no gaol at that time, there to remain without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant Governor or Person administering the Government for the time being, until he, she or they can be prosecuted for such offence in his Majesty's Court of King's Bench, or of Oyer and Terminer and General Gaol Delivery in this Province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the offences herein before described, in either of the said Courts respectively, he, she or they shall be adjudged by such Court, forthwith to depart this Province, or to be imprisoned in the common Gaol, or be delivered over to the custody of the Sheriff in such districts in which there shall be no gaol at that time, for a time to be limited by such judgment, and at the expiration of that time to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereinto after the expiration of the time to be limited by the said judgment, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf first had and obtained, such person or persons on being duly convicted of so remaining or returning, before either of the said Courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of Clergy. Provided always, That if in the execution of the powers hereby given, any question shall arise touching or concerning the space of time during which any person or persons shall have been an inhabitant or inhabitants of this Province previous to any warrant or warrants having been issued against him, her or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such warrant or warrants shall, in virtue of the powers hereby given, have been granted or issued.

III. *And be it further. Enacted by the Authority aforesaid.* That if any person or persons, at any time, shall be sued or prosecuted for any thing by him or them done, in pursuance, or by colour of this Act, or of any matter or thing therein contained, such action or prosecution shall be commenced within three calendar months next after the offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence, and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-sued,

Such person to be committed.

Punishment if convicted.

Proof to lay on the person charged.

If any person suing under colour of this Act become non-sued, &c.

sued, or shall discontinue his, her or their suit or prosecution, or if judgement be given for the defendant or defendants upon demurrer or otherwise, such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

Treble costs.

CHAP. II.

An ACT for the exemplary Punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to desert his Majesty's service, or who shall harbour, conceal, receive or assist any Deserter from such service.

Preamble.

[Passed 9th March, 1804.]

WHEREAS pernicious practices have for some time past prevailed in this Province, by evil disposed persons disaffected to his Majesty's Government, and particularly to the Military Service thereof, in seducing and deluding his Subjects who had engaged themselves as Soldiers in such service, and prevailing on them to desert, and also in harbouring, assisting and concealing such Deserters; for remedy whereof for the future, and for the exemplary punishment of such persons in such cases offending, Be it enacted by the King's most excellent Majesty, by Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act intitled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of this Act, if any person or persons whomsoever (other than such as are, or shall be enlisted as Soldiers) shall, by words or with money, or by any other ways or means whatsoever, directly or indirectly, prevail upon, procure, persuade, or encourage, or endeavour or attempt to prevail upon, procure, persuade, or encourage any such Soldier or Soldiers to desert or leave his Majesty's service, and shall be thereof lawfully convicted, the Court or Judge before whom such offender shall be so convicted, shall immediately on such conviction, award and adjudge such person and persons so convicted as aforesaid, to be committed to the common Gaol of the District where such offender shall be so tried, there to remain without Bail or Mainprize for the space of six Calendar months; and if from the circumstances and heinousness of the crime, it shall be thought proper and expedient to increase the punishment, such Court or Judge shall also further award and adjudge, that such offender so convicted as aforesaid, shall forfeit and pay a sum not exceeding forty pounds, and if such offender shall not on or before the third day previous to the expiration of such imprisonment as aforesaid pay such fine, then and in such case the said offender shall be publicly whipped.

Any person procuring, persuading, &c. Soldiers to desert, to be committed to gaol for six months, and if found expedient Judge may order him to pay 40l. and if not paid, to be publicly whipped.

Persons harbouring Deserters to forfeit 20l. and if not paid, to be committed to gaol for three months.

II. And be it further Enacted by the Authority aforesaid, That if any person from and after the passing of this Act, shall harbour, conceal, receive or assist any Deserter from his Majesty's service, knowing him to be such, such person so offending shall forfeit the sum of twenty pounds, and if such sum of twenty pounds shall not immediately on such conviction being pronounced be paid into Court, the Court or Judge before whom such conviction shall be had, shall forthwith award, order and adjudge such offender to be committed to the common Gaol of the District in which such offender shall be so convicted, there to remain without Bail or Mainprize for the space of three Calendar months, or until such time, not exceeding three Calendar months, as the said sum of twenty pounds shall be paid.

III. Provided nevertheless, That no conviction shall be pronounced under the authority of this Act, in any Court or Jurisdiction whatsoever in this Province, save and except by indictment preferred or presented before a Court, or Judge or Judges sitting in the execution of a Commission of Oyer and Terminer and General Gaol Delivery; nor shall any prosecution be carried on by virtue of this Act, if the same shall not be commenced, within six Calendar months next after the offence shall be charged

Prosecution to be commenced

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charged to have been committed, unless the offender shall within the said six months have departed and left the Province, in which case it shall and may be lawful to commence such prosecution at any time within six Calendar months next after such offender's return into the Province, and to carry on the same to conviction: But it is hereby declared, that the issuing any warrant for the apprehending of any person charged with any offence against this Act, by any one of his Majesty's Justices of the Peace for this Province, shall be held and deemed to be a commencement of a prosecution, within the true meaning of the provisions herein in that respect contained.

IV. And be it Enacted by the Authority aforesaid, That in order the more effectually to prevent the escape of any such offender or offenders as aforesaid, it shall and may be lawful at any time from and after the passing of this Act, to and for any one or more of his Majesty's Justices of the Peace, on due proof upon oath being made before him or them, that any person has committed any one of the offences herein before described, to issue his or their warrant or warrants for the apprehension of such offender or offenders, or person or persons charged with such offence, and to cause such offender or offenders, or such person or persons so charged as aforesaid, to be brought before him or them, and upon the examination of such offender or offenders, and hearing the evidence, such Justice or Justices of the Peace shall discharge or commit to Prison, or shall Bail such offender or offenders, in like manner as by law any other person or persons charged criminally is or are dealt with: save and except, that if such Justice or Justices shall be satisfied with the evidence against such offender or offenders, such Justice or Justices shall commit such offender or offenders to the common Gaol of the District, or in case there shall be no Gaol in that District, to the common Gaol of any adjoining District, and such offender and offenders shall remain so committed until his, or her or their trial shall be brought on, unless such offender or offenders shall, with two good and sufficient Sureties, to the satisfaction of the said Justice or Justices, become bound by recognizance to our Sovereign Lord the King, in manner hereinafter specified: (that is to say) if the said offender shall be charged with having committed any offence against the provisions in the first Section of this Act contained, then such offender or person so charged, shall become bound in the sum of two hundred pounds, and each of such Sureties in the sum of one hundred pounds, and if such offender shall be charged with having committed any offence against the provisions in the second Section of this Act contained, then such offender or person so charged, shall become bound in the sum of forty pounds, and each of such Sureties in the sum of twenty pounds, conditioned in each of such recognizances, for the appearance of such person so charged with any offence against this Act, at the then next Assizes, or Session of Oyer and Terminer and General Gaol Delivery, to be holden for the District where such offence shall be charged to be committed, or at such other or future Assizes or Session of Oyer and Terminer and General Gaol Delivery, to which the trial of such offender shall for just cause be adjourned.

V. Provided likewise, and be it further Enacted, That if it shall happen that any conviction under this Act shall take place in any District where there shall be no common Gaol at the time of such conviction, it shall and may be lawful to and for the Court or Judge before whom such conviction shall be had, to award, order and adjudge, that any such offender or offenders so to be convicted, shall be committed to the common Gaol of any adjoining District, in which there shall at that time be a Gaol, and also to order and adjudge, that any further punishment to be inflicted under the authority of this Act, shall be inflicted either in the District where such conviction shall take place, or in the District to the Gaol of which such offender shall be committed, as to such Judge or Court shall seem meet: And in case of any commitment by any Justice or Justices of the Peace before trial, or of any commitment by any such Court, or Judge or Judges as aforesaid after conviction, under the authority by this Act given, the Treasurer and Gaoler of the District to the Gaol of which such offender, or person charged with or convicted of any offence against this

within six calendar months, unless offender shall leave the Province, then within 6 months after his return. Issuing warrant a commencement of prosecution within this Act.

Justices to issue warrants.

and to commit

or Bail, &c.

Provision for cases in which there shall be no common gaol in the District.

Act

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

Allowance to Prisoners.

ACT shall be committed, are, and each of them is hereby respectively required, to allow to each person during his or her commitment or confinement there, such and the like maintenance and subsistence as is by law allowed to persons in custody under any criminal charge; and the Treasurer of the District from which such offender or person so charged or convicted shall be so sent, shall, and he is hereby required, to reimburse and pay to the Treasurer of the District in which such person shall have been confined, out of the first monies which shall come to his hands, such sum and sums of money as shall have been so lawfully expended, according to the provisions in that respect herein before contained, for the maintenance and subsistence of any such person or persons as aforesaid.

Sheriffs & Peace Officers to execute warrants, &c.

VI. And be it further Enacted, That in case any such person or persons as aforesaid shall, by virtue of this Act, be committed before trial to any Gaol other than the Gaol of the District in which the offence shall be charged to have been committed, the Sheriff of the District in which such offence shall be charged to have been committed, shall, and he is hereby required and commanded, immediately before the Assize, or Session at which any trial for any offence against this Act shall be had, to convey such person so charged from the Gaol in which he or she shall be so confined, to the District where such offence was charged to be committed, and there to keep him or her in close custody and confinement, and have such person ready to take his or her trial at the Assizes or Session of Oyer and Terminer then next ensuing: And all and every Sheriff and Sheriffs, Constable and Peace Officers of this Province, is and are hereby required and commanded to execute and obey all and every warrant and warrants, order and orders, sentence and sentences, which shall be pronounced or issued by any such Court or Judge, Justice or Justices, as are herein before mentioned, for the purpose of carrying the provisions of this Act into execution.

Fines to be accounted for.

VII. And be it further Enacted by the Authority aforesaid, That all the fines, forfeitures and penalties that shall be incurred under and by virtue of this Act, shall be accounted for to his Majesty, his Heirs and Successors, to and for the public uses of this Province, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as it shall please his Majesty to direct.

CHAP. III.

An ACT to repeal certain parts of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," and to authorize his Majesty's Court of King's Bench in this Province, to regulate certain Fees, Costs and Charges therein mentioned.

[Passed 9th March, 1804.]

Preamble.

WHEREAS the law now in force regulating the fees to be allowed to, and taken by the Clerk of the Crown, Council, Attornies, Sheriffs, and other Officers of his Majesty's said Court of King's Bench in this Province, has been found not well adapted to the present circumstances and situation of this Province, and it has been found expedient that such fees should be regulated by the Court of King's Bench, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of the Term of Easter now next ensuing, so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," as respects the allowance of fees, or wherein or whereby fees are authorized to be taken by, and allowed to certain persons for certain services specified and set forth in the said last recited Act, and in the table of fees thereunto subjoined, shall cease and determine; and shall be, and the same is hereby declared to be repealed.

Former Act respecting Fees repealed.

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Court of King's Bench to ascertain fees.

II. And be it further Enacted by the Authority aforesaid, That from and after the said first day of Easter Term next, it shall and may be lawful to and for the said Court of King's Bench, by order or rule, or orders or rules, to be pronounced by the said Court during the said Term of Easter, or during any subsequent Term or Terms, from time to time to ascertain, determine, declare and adjudge all and singular the fees which shall or may be taken, or be allowed to be taken by any Clerk of the Crown, Council, Attorney, Sheriff, Officer, or other person, for or in respect of any business heretofore done or transacted, or hereafter to be done or transacted in the Court of King's Bench, as well in civil causes and criminal prosecutions, as in all matters and things, causes and proceedings which now are, or shall or may be depending in the said Court which regard the King's revenue, or under any Commission of Oyer and Terminer and General Gaol Delivery, or under any Special Commission of Oyer and Terminer, any former law to the contrary notwithstanding.

CHAP. IV.

An ACT to repeal so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large," as relates to Sheep, and to restrain the Owners of Rams from permitting them to run at large during a certain time of the year.

[Passed 9th March, 1804.]

WHEREAS it would tend to improve the breed and increase the number of sheep, if the owners of rams were restrained by Law from permitting them to run at large during a certain time of the year: Be it therefore Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That so much of an Act, passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large," as impowers or authorizes the inhabitant householders, or the greater part of them in every district within this Province in their annual Town Meetings, to ascertain and determine in what manner and at what periods sheep shall be allowed to run at large within their respective Divisions, or to resolve that the same or any part thereof, shall be restrained from so doing, shall be and the same is hereby repealed.

II. And be it further Enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons within this Province, to have any ram or rams going at large within the said Province, from the first day of September until the twentieth day of December in each year, and if any ram or rams belonging to any such person or persons as aforesaid, shall be found going at large as aforesaid, between the said first day of September and the said twentieth day of December, forfeit and pay the sum of twenty shillings, which shall be recovered in a summary way before any one of his Majesty's Justices of the Peace, either upon the confession of the party complained of or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of twenty shillings and the charges of the sale.

III. And be it further Enacted by the Authority aforesaid, That one half of the said sum of twenty shillings, shall be paid to the informer, and the other half shall be paid to the Receiver General, to and for the public uses of this Province.

IV. And whereas difficulty may arise in ascertaining to whom any ram or rams which

Preamble.

Former Act authorizing Town Meetings to ascertain Sheep running at large repealed.

Rams not to run at large between 1st of September and 20th December.

Penalty for offences against this Act.

Half the Penalty to be paid to the Receiver General.

shall be found running at large between the said first day of September and the twentieth day of December, in this present or any subsequent year, may belong. Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person or persons finding such ram or rams at large during the aforesaid time, contrary to the provisions of this Act, to impound such ram or rams in the common pound, or confine such ram or rams in some building within the township, where such ram or rams shall be so found, and to affix notice in writing, under the signature of such person or persons so impounding or confining such ram or rams, on the outside of such pound or building, and also in some other conspicuous place in the said township, (which notice shall be dated on the day on which the same shall be so affixed) of such ram or rams having been found at large contrary to law, and being impounded or confined, either in the common pound or some other building to be described in such notice (as the case may be) and such person or persons shall immediately proceed to bring to conviction such owner or owners; and if the owner or owners of such ram or rams, shall not within seven days after such notice shall be so given, pay the said sum of twenty shillings, together with the pound-keeper's fees, and the costs and charges attending the support and feeding such ram or rams during his or their confinement, (such costs and charges to be ascertained and adjudged by the Magistrate before whom any conviction shall take place by virtue of this Act) it shall and may be lawful to and for the person or persons who shall so have impounded or confined such ram or rams, and who in it have convicted the owner or owners of such ram or rams, of having offended against this Act, to expose such ram or rams to sale, and out of the money arising from such sale, to pay such sum of twenty shillings, together with such costs and charges as aforesaid, in case the proceeds of such sales shall be found sufficient to pay the same, and if more than sufficient, to return the overplus to the owner or owners of such ram or rams, and if such proceeds shall be found insufficient for the purposes aforesaid, then, and in such case, such proceeds shall, in the first place, be applied in payment of the pound-keeper's fees and the costs and charges attending the supporting and feeding such ram or rams, and the remainder to be applied in manner following, viz. one half of such remainder to the informer, and the other half to his Majesty's Receiver General, for the public uses of this Province.

How Rams to be dealt with, if difficulty arises to whom they belong.

Disposition of money arising from sale of Rams under this Act.

No prosecution, unless within days.

Forfeitures and penalties to be collected for.

V. *And be it further Enacted*, That no prosecution shall be carried on under the authority of this Act, unless the same shall be commenced within eight days after any ram or rams shall be found running at large, contrary to the provisions herein contained, nor shall any distress be levied under the authority of this Act, in any case where any ram or rams so impounded or confined as aforesaid, shall have been sold under the provisions herein contained, but the proceeds of such sale or sales only, shall at all times be deemed and considered as liable to satisfy the penalty and all costs by this Act intended to be imposed.

VI. *And be it further Enacted by the Authority aforesaid*, That all such parts of the forfeitures and penalties as are by this Act directed to be paid to his Majesty's Receiver General, to aid for the public uses of this Province, shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his heirs or successors shall be graciously pleased to direct.

CHAP. V.

An ACT to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the forty-first year of the reign of his present Majesty, as relates to Printing the Journals.

[Passed 9th of March, 1804.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal

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peal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That so much of an Act passed in the forty-fifth year of the reign of his present Majesty, intituled, "An Act for granting to his Majesty a certain sum of money out of the Provincial Fund, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, (including the Commissioners to Lower Canada) and to defray the contingent expences thereof, and further to appropriate the supplies and provide for the payment of the same hereafter," as relates to printing and publishing the Journals, shall be, and the same is hereby repealed.

Former Act relative to printing Journals repealed.

II. And be it further Enacted by the Authority aforesaid, That the sum of three hundred pounds, appropriated in the aforesaid Act for printing the Laws and Journals, shall be expended during the present year, in compiling and printing all the Acts of the several Parliaments of this Province, including those of the present Session, and the said Acts so compiled and printed, shall be received from the Printer by the Clerk of the House of Assembly.

Sum to be appropriated during the present year for printing all the Acts of the Province.

III. And be it further Enacted by the Authority aforesaid, That the said Clerk shall as soon as possible after receiving the said Acts, send four copies of them to each Member of the Legislative and Executive Councils; four copies to each of the Judges of the Court of King's Bench, and the like number to his Majesty's Attorney General, and also twenty copies to each Member of the present House of Assembly, to be by them distributed in such manner as will best tend to promulgate a general knowledge of the laws.

Disposition of the Acts to be printed.

IV. And be it further Enacted by the Authority aforesaid, That out of the said sum of three hundred pounds, shall be appropriated after the present year, the sum of eighty pounds for the annual printing of such laws as may hereafter be passed.

Sum appropriated for the annual printing of the Laws.

CHAP. VI.

An ACT for granting to his Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof. [Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it would very much advance the general prosperity of this Province, if the public highways and roads already laid out in the several districts thereof were amended and repaired, and new and additional roads were laid out and opened in certain parts of the Province, to which at present there is very difficult access, and certain bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects; And whereas the rates heretofore imposed, and the duty by law required to be performed on the said public highways and roads, are altogether inadequate to the several purposes aforesaid; and the imposing additional burthens by levying district rates, sufficient for the several purposes aforesaid, would in the present circumstances of the Province be found inconvenient, and the necessary provision can only be made out of the surplus of certain duties and taxes as yet unappropriated; in order therefore to defray the expences of repairing, amending, laying out and opening such highways and roads, and making such bridges as aforesaid, May it please your Majesty that it may be enacted, and

Enabling

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign; intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected to and for the uses of this Province, there be granted to his Majesty, his Heirs and Successors, the sum of one thousand pounds, to be issued out of the fund now remaining, or hereafter to come into the Receiver General's hands, unappropriated and arising from such rates and duties as last aforesaid, which said sum of one thousand pounds shall be disposed of, appropriated and applied in the repairing of the roads already laid out, and in the laying out and opening new roads, and making bridges in the several districts aforesaid, in such manner and under such regulations as to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice and consent of the Executive Council thereof, shall from time to time seem meet.

1000l. appropriated for the repairing old Roads, laying out and opening new Roads, and building bridges.

II. And be it also Enacted by the Authority aforesaid, That at any time from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice and consent of the Executive Council of this Province, to issue one or more Proclamations or Proclamations, and therein to point out and direct the particular roads, as well with respect to those already laid out as those hereafter to be laid out and opened in all and every the several districts of this Province, and the metes and boundaries thereof respectively, upon which the said sum of one thousand pounds shall be expended, and the same Proclamation to name such and so many persons as to him shall seem meet, for each and every of the aforesaid districts, as Commissioners for carrying the provisions of this Act into execution, which said Commissioners, from and after the issuing such Proclamation, shall have full power and authority forthwith to proceed to repair and amend, lay out and open such roads, and repair and build such bridges, as in the Proclamation or Proclamations to be issued in virtue of this Act shall be named and specified, as fully to all intents and purposes as if such Commissioners had been in this Act particularly named.

Proclamations to issue. Roads to be pointed out and Commissioners to be named by the Governor, &c.

III. Provided always, and be it further Enacted by the Authority aforesaid, That before any Commissioner shall proceed to carry into execution the several powers and authorities by this Act conferred, he shall take the following Oath:

FORM OF OATH.

"I A. B. do swear that I will faithfully and impartially, to the best of my skill and judgement, perform and carry into execution the several powers and authorities in me vested, in and by a certain Act of the Legislature of this Province, intituled, "An Act for granting to his Majesty a certain sum of money, out of the funds applicable to the uses of this Province, to defray the expences of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several districts thereof," and the Proclamation issued in virtue thereof, without favor or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands, for the purpose of carrying the provisions of this Act into execution—So help me God."

Oath of Commissioners.

Certificate of Oath to be transmitted to the Executive Council.

Which said Oath shall be taken before any one of his Majesty's Justices of the Peace in and for the district for which such Commissioner shall be appointed, and a certificate of which Oath the Justice administering the same is hereby required to transmit to the Clerk of the Executive Council of this Province, with all convenient speed, after such Oath shall have been by him administered.

IV. And be it further Enacted by the Authority aforesaid, That the respective Commissioners who shall, under the authority hereby given, be named for the several districts aforesaid, shall, so long as they shall continue Commissioners, have and enjoy exclusively, the right and privilege of laying out and expending such monies as shall from time to time be appropriated by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice and consent of the Executive Council thereof, for any particular roads in the several districts aforesaid, without the interference of the Commissioners to be named for any other district.

Provided nevertheless, and it is hereby declared, That after the said Proclamation shall have been issued under the authority hereby given, for all or any of the districts aforesaid, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, to issue any new or additional Proclamation or Proclamations, and thereby to name such other or additional Commissioner or Commissioners as to him shall meet, for all or for any of the districts aforesaid, for carrying the several purposes of this Act into execution: And from and after such new or additional Proclamation shall have so issued, all and every the powers and authority given or conferred by any former Proclamation or Proclamations, shall cease, determine, and be null and void to all intents and purposes, as if the same had never been created or given: and the Commissioners in such new or additional Proclamation or Proclamations named, shall have and be invested with full power and authority to carry the several provisions of this Act into execution, in such and the like manner as the Commissioners in the previous Proclamation named might or could have done, any thing herein contained shall repeal or annul, or be held or provided also, That nothing herein contained shall repeal or annul, or be construed to repeal or annul any of the provisions in any existing Act or Acts of this Province contained, for raising or levying the rates thereby imposed, or compelling the labour by such Acts, or any of them, required to be done and performed on any of the public highways and roads comprised in such Acts, or any of them, or to repeal any of the provisions in such respective Acts contained, but all and every such Act and Acts is and are hereby declared to be and continue in full force: Provided also, That nothing in any former law or statute of this Province contained, shall, from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or overseer, in any such law or statute mentioned, in any manner to interfere or give any directions touching or concerning any road or highway to be laid out, opened or repaired under or by virtue of this Act: Nevertheless the said Magistrates and overseers, and every of them, is and are hereby authorized to carry into execution all and every such power and authorities as by such laws or statutes they are invested with, in all cases in which the executing such powers will not impede or interfere with the powers or authorities given in and by this Act and every Proclamation to be issued by virtue thereof.

V. And be it further Enacted by the Authority aforesaid, That from and after the execution of the powers hereby given, all and every the roads in all and every Proclamation and Proclamations to be issued under and by virtue of this Act, shall be held and deemed to be public highways and roads, and shall be subject and liable to all the laws and statutes now in force, or hereafter to be passed and enacted relative to public highways and roads, as fully to all intents and purposes, as any of the present highways and roads are now or shall be made liable and subject thereto.

VI. Provided always, and be it further Enacted, That if any action or suit shall be commenced against any person or persons, for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed

Commissioners, as long as they continue, to enjoy privilege exclusively, &c.

Governor, &c. may issue new Proclamations and name new Commissioners.

In such case powers of former Commissioners to cease.

This Act not to repeal former Acts for compelling Labour, &c.

Magistrates, &c. not to interfere with Commissioners.

Roads to be named in Proclamation, and to be deemed public Highways.

Prosecution for any thing done under this Act, to be commenced in three months.

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PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

mitted, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suit, or discontinue his, her or their action after the defendant or defendants shall have appeared, or if judgement on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recover treble cost, and have the like remedy for the recovery thereof as defendants are in any other cases by law entitled to.

If judgement for defendant in any suit, treble costs.

Governor, &c. to issue warrants.

Receiver General to account, &c.

VII. And be it further Enacted by the Authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or person administering the Government of this Province and not otherwise; and the said Receiver General shall account to his Majesty, his heirs and successors for the same through the Lords Commissioners of his Majesty's Treasury, for the time being, in such manner and form as his Majesty, his heirs and successors shall be graciously pleased to direct.

CHAP. VII.

An ACT to explain and amend an Act passed in the forty-third year of his Majesty's reign, intituled, "An Act for the better securing in his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned."

[Passed 9th of March, 1804.]

Preamble.

WHEREAS it is expedient to remove certain doubts which have been entertained respecting the property of executors, administrators and devisees, in the unexpired term of licences for using and working stills, granted to persons dying within the period of such licence, and respecting the right of removing and transferring any stills, or assigning any licences for the using or working of any still or stills for the unexpired term thereof; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That in case of the death of any person having taken out a licence to work a still or stills, and the executor, administrator or devisee of such still or stills, or any purchaser or purchasers from such executor, administrator or devisee, shall be minded or desirous of working the same for the remainder of the term for which such licence or licences shall have been granted, such executor, administrator or devisee, or such purchaser or purchasers as aforesaid, shall, and he and they is and are hereby required within twenty days after such death, to give notice thereof in writing to the Inspector of the district in which such still or stills is or are intended to be worked, and also to make a requisition upon the said inspector for a licence to be granted to such executor, administrator, devisee, purchaser or purchasers, to work such still

The Executor, &c. of a person who had taken out a licence to work a still, or a purchaser from such executor, &c. to give notice, and make requisition, &c.

or stills for the remainder of the term for which the licence was originally granted to the testator or intestate, under whom the said executor, administrator or devisee claims title to such still or stills; and in case of such requisition being made by any purchaser or purchasers, from such executor, administrator or devisee, such purchaser or purchasers is and are hereby required to produce to the said Inspector the receipt or acquittance for the purchase money for such still or stills, under the hand of the said executor or administrator, before he, she or they shall be intited to demand the endorsement of the said licence to be made in manner hereinafter directed.

And to produce receipts for the purchase money.

II. And be it further Enacted by the Authority aforesaid, That when any person or persons having taken out a licence to work a still or stills, shall see cause to remove or transfer the same, it shall not be necessary that any still or stills so removed or transferred, be again licenced previous to the expiration of the licence under which it or they were wrought before such removal or transfer, otherwise than as hereinafter mentioned. Provided nevertheless, That the persons intending to remove or transfer such still or stills as aforesaid, shall, and he, she or they are hereby required to give notice in writing to the Inspector of the district in which such still or stills is or are intended to be worked as aforesaid, of his, her or their intention of so removing or transferring such still or stills, at least ten days before such removal or transfer.

When any person sees cause to remove or transfer a still, not necessary to be again licenced.

But notice is required to be given.

III. And be it further Enacted by the Authority aforesaid, That after such notice shall have been given, and such receipt produced, in the cases by this Act required, to the said Inspector of the district as aforesaid, it shall and may be lawful to and for the said Inspector, and he is hereby required to endorse the original licence granted for the working such still or stills, in manner following, (that is to say).

After notice, &c. Inspector to endorse licences

" A. B. is hereby Licenced to work the within mentioned Still or Stills, for the remainder of the term by this Licence first granted.

Form of Indorsement.

" C. D. Inspector for the District of

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Inspector in each and every district, at all times in the day time, when the said still or stills shall not be charged, or after having given six hours notice to the proprietor or proprietors, or person or persons working or using such still or stills, to enter into any still house, or place where any still or stills is or are wrought, and to measure each and every still so wrought as often as he shall see cause so to do; and if the proprietor or person working such still or stills, shall refuse to admit any such Inspector as aforesaid to enter into the still-house, or other place where any still or stills is or are wrought as aforesaid, and measure the still or stills as aforesaid, and shall be convicted thereof upon the oath of the Inspector or otherwise, before any Justice of the Peace in the district, the said proprietor, or person or persons working such still or stills, shall forfeit the sum of twenty-five pounds, to be paid to his Majesty, his heirs or successors, to and for the public uses of this Province, and to be accounted for to his Majesty through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as it shall please his Majesty to direct, which said forfeiture shall be levied by distress and sale of the offender's goods and chattels, and in case the party or parties so convicted as aforesaid, shall not have any goods or chattels, upon which the said sum of twenty-five pounds can be levied, and any part of the said sum of twenty-five pounds shall remain unpaid for the space of ten days after such conviction as aforesaid, then it shall be lawful for the Magistrate before whom the said conviction shall be had, to order the party or parties so convicted

Inspector at all times in the day time, when, &c. to enter still-house.

Penalty for refusing to admit Inspector.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

to be committed to the common Gaol of the district, or to the custody of the Sheriff thereof, there to remain without bail or mainprize for the space of three Calendar months, by a warrant under the hand and seal of the Magistrate before whom such conviction shall be had. Provided nevertheless, and if any person or persons who shall be so convicted before any such Magistrate as aforesaid, shall consider him, her or themselves aggrieved by such conviction, then and in such case it shall and may be lawful to and for the party or parties so considering him, her or themselves aggrieved, and he, she and they is and are hereby authorized, upon giving good and sufficient security to the satisfaction of the Magistrate so convicting, for the payment of the conviction money and the costs of appeal, to bring his, her or their appeal from the said conviction, in a summary mode, before the then next ensuing General Quarter Sessions of the Peace for the district in which such conviction shall take place; during which interval all further proceedings upon the said conviction shall cease, and the Magistrates in such Quarter Sessions assembled, are hereby authorized and required to hear, adjudge and determine such appeal upon the merits thereof, and the determination of such Quarter Sessions shall be held and considered final and conclusive, not subject or liable to be removed by certiorari or otherwise before any other jurisdiction, and if such conviction shall be affirmed by the said Quarter Sessions, the defendant or defendants shall in addition to the conviction money, pay such costs for and on account of such appeal as to the said Quarter Sessions shall seem meet, and if such appeal shall not be prosecuted and brought to a decision at the Quarter Sessions next following the conviction, the Quarter Sessions shall in such case also award such costs to the informer, or party who had obtained the conviction before the said Magistrate, as to the said Court shall seem meet.

Appeal to the Quarter Sessions.

Costs to be awarded.

Provision for costs of prosecution, &c.

V. *And be it further Enacted by the Authority aforesaid,* That in all cases in which any person or persons shall be prosecuted to conviction for any offence against this Act, or any former Act or Acts of this Province relative to the collecting duties on stills, and a conviction shall actually be pronounced, and no provision shall have been by any former Act made for compensating the said Inspector on account of such prosecution, it shall and may be lawful to and for the said Inspector to state and make out in writing, a true and exact account of all costs and expences by him incurred, and he shall also be admitted to make a reasonable charge for the time by such Inspector employed or bestowed in prosecuting such offenders to conviction, which said costs, expences and charges shall be audited by his Majesty's Executive Council of this Province, and such sum as the said Executive Council shall allow on account thereof, shall be paid by warrant to be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, on the Receiver General thereof for the time being, out of any funds in the Receiver General's hands arising from duties on stills.

CHAP. VIII.

An ACT for granting to His Majesty a certain sum of Money for the purposes therein mentioned.

MOST GRACIOUS SOVEREIGN,

[Passed 9th March, 1804.]

Preamble.

WHEREAS it is expedient that the Statute Laws of England should be procured for the use of this Province: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain,

Britain, fourteen effectually America vince. duties al for theu fors, the Treasur to the R dred an the Stat the Go of this II. Genera venty the tim An A ces W Justice that e and f Cour and a prof We vince it me and the and ruler of h op f mak auth self each plet ted ban use by Pr all

Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of the rates and duties already raised and collected, or hereafter to be raised and collected to and for the uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of one hundred and seventy-five pounds out of the Provincial Treasury, from such monies now remaining or which hereafter may come in to the Receiver General's hands unappropriated, which said sum of one hundred and seventy-five pounds shall be appropriated and applied in purchasing the Statute Laws of England, for the use of this Province, in such manner as the Governor, Lieutenant Governor or Person administering the government of this Province shall think proper to direct.

II. And be it further Enacted by the Authority aforesaid, That the Receiver General shall account to his Majesty for the said sum of one hundred and seventy-five pounds, through the Commissioners of his Majesty's Treasury for the time being, in such manner as his Majesty shall direct.

CHAP. IX.

An ACT appropriating a certain sum of Money annually to defray the expenses of erecting certain Public Buildings to and for the uses of this Province.

MOST GRACIOUS SOVEREIGN,

[Passed 9th March, 1804.]

WHEREAS it is highly expedient for the accommodation of the Legislative Council and Assembly of this Province and of the Courts of Justice therein, and for the better conducting of the public business thereof that certain public Buildings should be erected for the purpose of the assembling and sitting of the said Legislative Council and Assembly, and of the said Courts of Justice, and for the obtaining of suitable and convenient offices and apartments for transacting the public business, and for the securing and preserving of the public records, documents and instruments of this Province. We your Majesty's most dutiful and loyal subjects the Commons of this Province, in Parliament assembled, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there be granted to his Majesty, his heirs and successors, as well in this present year one thousand eight hundred and four, as in each and every year afterwards, until such Buildings shall be erected and completed, the sum of four hundred pounds, to be issued out of the unappropriated funds which now are, or during the aforesaid period may be paid into the hands of the Receiver General of this Province for or on account of any duties, or rates already imposed by any existing law, or hereafter to be imposed by any Statute to be passed by the Legislature of this Province, towards the erecting a building or buildings, to contain necessary apartments and offices for the assembling and sitting of the Legislative Council and Assembly of this Province, and of the Courts of Justice therein, and also apartments for the assembling of the Executive Council, and offices for the conducting of the business

1791. granted for the purchase of the Statute Laws of England.

Receiver General to account, &c.

Preamble.

Annual sum of 400l. granted for the erection of public buildings.

For the assembling and sitting of the Legislature, &c.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

business, under the management and direction thereof, together with proper offices for the Secretary, the Receiver General and Surveyor General of this Province, with such other office or offices, apartment or apartments for the suitable conducting of public business, and for the securing and preserving the said public records, documents and instruments, and all other books, papers and writings which concern or relate to the general interest and property of his Majesty's subjects in this Province, as the Governor, Lieutenant Governor, Lieutenant Governor or person administering the government of this Province for the time being shall, by and with the advice of the Executive Council thereof order and direct.

And for securing the public records, &c.

To be built as the Governor, &c. in Council shall direct.

Governor, &c. to issue warrants on the Receiver General.

Receiver General to account, &c.

II. And be it further Enacted by the Authority aforesaid, That the said building or buildings shall be erected and built on such plot or lot of ground belonging to his Majesty, lying and being within the Town of York, as the Governor, Lieutenant Governor or person administering the government, by and with the advice of the Executive Council thereof for the time being, shall be pleased to direct.

III. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province for the time being, from time to time as occasion shall require, to issue his warrant or warrants to the Receiver General of this Province, to pay out of such funds as aforesaid, the whole or such part or parts as to him shall seem meet, of the said yearly sum of four hundred pounds hereby granted to his Majesty for the purpose of this Act, and that the said Receiver General shall account to his Majesty, his heirs and successors for the same through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors shall be graciously pleased to direct.

CHAP. XI

An ACT for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor, in pursuance of an Address.

MOST GRACIOUS SOVEREIGN, [Passed 9th March, 1804.]

Preamble.

WHEREAS in pursuance of an address of your Common House of Assembly to Peter Hunter Esquire, your Majesty's Lieutenant Governor of your Province of Upper Canada, bearing date the fourth day of March last past, in the forty-third year of your Majesty's reign, the sum of three hundred and three pounds eleven shillings and ten pence halfpenny has been issued and advanced by your Majesty through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, for certain contingent expences attending the last and present Session of Parliament, and to enable the said Clerks to provide a supply of Stationary for the purposes of the Parliament; May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act to make more effectual provision for the government of the Province of Quebec, in North America," and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund of funds subject to

to the disposition of the Parliament of this Province, and collected under the authority of any Act or Acts thereof, now remaining, or which hereafter may be in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of three hundred and three pounds eleven shillings and ten pence halfpenny, to make good the aforesaid sum of money which has as aforesaid been issued and advanced by his Majesty through his said Lieutenant Governor, in pursuance of the aforesaid address.

201. 18. 104. granted to make good the same sum before advanced by the Lieutenant Governor.

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

Receiver General to account, &c.

CHAR. XI.

An ACT for granting to his Majesty a certain sum of Money, for the further encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof. [Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it would very much encourage and promote the cultivation of Hemp in this Province, if some provision was made by the Legislature for the purchase and exportation thereof; in order therefore to make provision for so beneficial an object, as far as the present resources of the Province will admit; We your Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada, in Parliament assembled, do most humbly beseech your Majesty that it be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the Receiver General, arising from and out of the rates and duties already raised, levied and collected, or which may hereafter be raised, levied and collected, to and for the uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of one thousand pounds, to be disposed of, appropriated and laid out as a public stock or capital, applicable to the purpose of purchasing Hemp, the growth of this Province, and of discharging the expences incident to such purchases and the exportation and sale thereof, in such manner and under such regulations as to the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, shall from time to time seem meet.

Preamble.

1,000l. granted for the purchase of Hemp, &c.

II. And be it further Enacted by the Authority aforesaid, That at any time or times from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government, by and with the advice and consent of the Executive Council of this Province, to issue one or more Proclamations or Proclamations, and therein to name such and so many persons within the Province as to him shall seem meet, as Commissioners for the purchasing of merchantable Hemp, the growth of this Province, which said Commissioners, of any one or more of them, are and is hereby authorized and empowered to purchase such Hemp, at and after the price or rate of forty pounds per ton.

Governor, &c. in Council to name Comrs. Gener.

III. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, no person or persons whatsoever shall be entitled to any further premium over and beyond the said price or sum of forty pounds per ton, or to any premium under any Proclamations or Proclamations heretofore issued by his Excellency the Lieutenant Governor, for the encouragement of the growth and exportation of

Persons not entitled to bounty, after receiving 40l. per ton of Commissions.

of selling (1804) but had not been issued by the Governor and the

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Bounty on Hemp not intended for sale, not to be claimed after 30th Sept. 1804.

of Hemp, for or in respect of any Hemp for which the said sum of forty pounds per ton shall be paid under the powers hereby given; nor shall any bounty or premium be paid or payable for or in respect of any Hemp not intended for sale to some one of the Commissioners acting in virtue of the powers hereby given, which shall not be claimed on or before the thirtieth day of September next, under proper and sufficient documents to be on or before that day presented to the person or persons duly empowered or authorized to allow or pay the same, any former law to the contrary notwithstanding. Provided nevertheless, That before the said Commissioners to be appointed in virtue of this Act, or any of them, shall, under the authority hereby given, purchase any Hemp from any person or persons whomsoever, such Commissioners and each of them, are and is hereby authorized and required to administer to the person or persons offering any such Hemp for sale, the following Oath:

Oath.

" I A. B. do swear, that the Hemp which I have this day offered for sale to C. a Commissioner appointed by his Excellency the Lieutenant Governor for the purchase of Hemp, and every part thereof, was raised within the Province of Upper Canada, by me (or by E. or F.) and that no bounty or premium has been paid or claimed for any part of such Hemp, by any person or persons whomsoever, save and except what is included in the sum or price, for which I have offered to sell such Hemp to the said Commissioner."

Penalty for corruptly forswearing.

And if any person or persons shall, in taking such Oath, wilfully or corruptly forswear him, her or themselves, such person and persons shall incur all the pains and penalties which by law persons are subject or liable to, for wilful or corrupt perjury in any case whatsoever.

Commissioners may demand bounties, &c.

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for each and every of the Commissioners acting in virtue of the powers hereby given, to demand and receive of and from the person or persons who now is or are authorized or empowered to allow and pay the aforesaid premiums or bounties, under the said Proclamation and Proclamations heretofore issued, the sum of ten pounds per ton for every ton which such Commissioners shall, in virtue of the authority hereby conferred, purchase; and every such sum of ten pounds for each and every ton so purchased by the said Commissioners, or any of them, shall be applied to and for the purposes of this Act, over and beyond the said sum of one thousand pounds herein before granted: And such person or persons so now empowered to allow and pay such bounties or premiums, is and are hereby authorized to pay such Commissioners, or any or either of them, the said sum of ten pounds per ton on such Hemp as aforesaid, until such part of the funds now in their hands, or remaining in the hands of the Receiver General, unapplied and applicable to such bounties or premiums, shall, by such payments to the said Commissioners, and to other persons entitled to such bounties or premiums, be wholly exhausted.

Hemp to be exported to England and there sold.

V. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for such Commissioners to be appointed under this Act as aforesaid, or the major part of them, in such manner and by such ways and means, as to them or the major part of them, at any time shall seem meet, to cause and procure such Hemp as shall be purchased according to the provisions of this Act, to be exported and carried beyond sea, into that part of Great Britain called England, and there to be exposed for sale, and sold for such price or prices, sum or sums of money as shall and may be obtained for the same; and such sum or sums of money obtained by such sale or sales, together with such bounties or premiums as shall or can be obtained under any Act or Acts of the British Parliament, or of the Parliament of the United Kingdom, on any such Hemp as aforesaid, after deducting all necessary charges, to pay to the Receiver General as applicable and to be applied to the public uses of this Province, and the support of the Government thereof.

British bounties to be obtained.

Governor, &c. to issue warrants.

Receiver General to account, &c.

VI. And be it further Enacted by the Authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and not otherwise; And the said Receiver General shall account to his Majesty, his heirs and successors, for the same, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

