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**REVISED STATUTES**

OF

**UPPER CANADA.**

**VOL. II.**

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*Revised*

THE

# STATUTES

OF

## UPPER CANADA,

### TO THE TIME OF THE UNION.

1797-1841

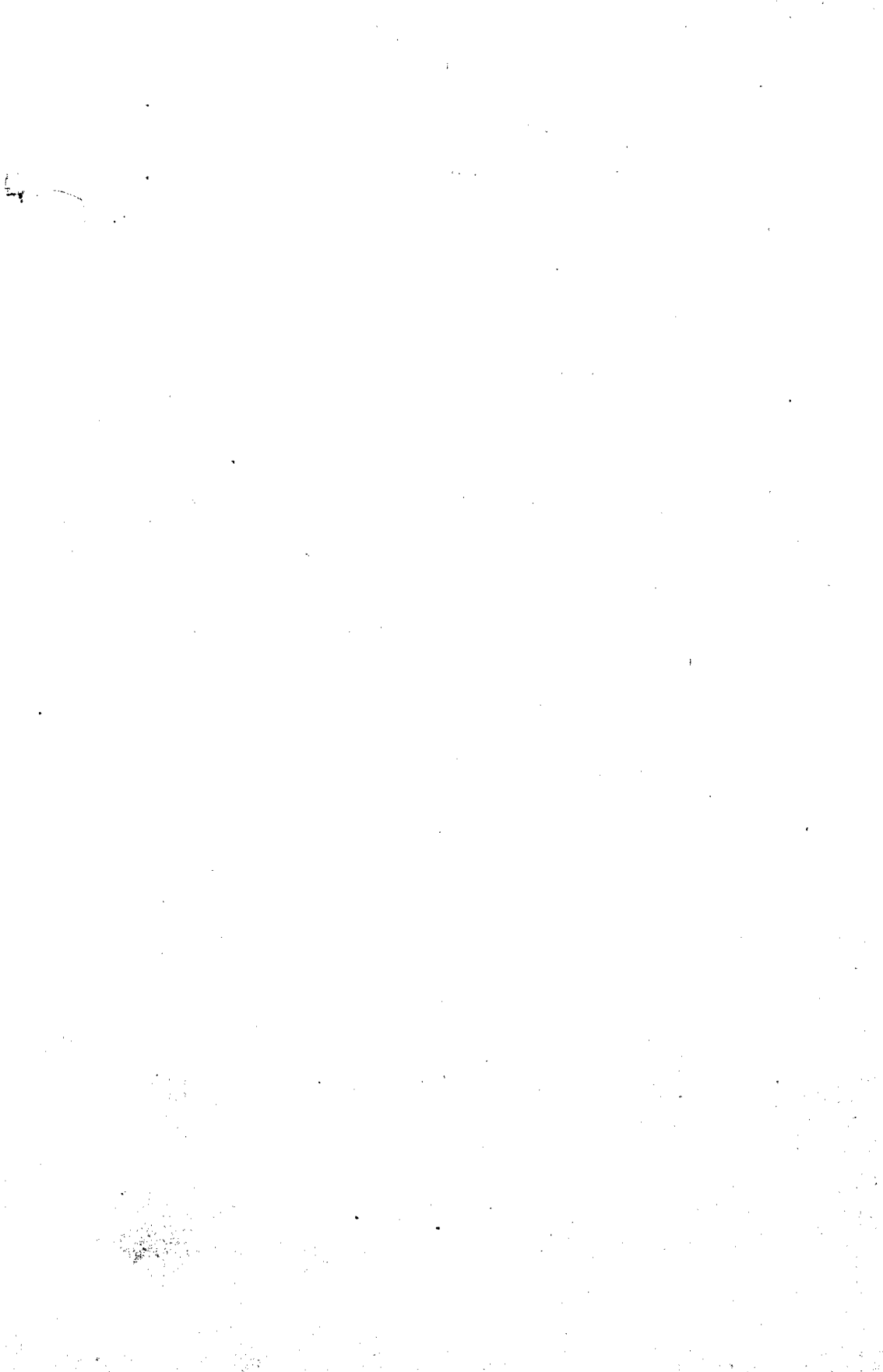


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VOL. II.—LOCAL AND PRIVATE ACTS.

TORONTO:

ROBERT STANTON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.



# STATUTES OF UPPER CANADA.

## LOCAL AND PRIVATE ACTS.

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### 59th Geo. III. Chap. 24.

*AN ACT to Incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada.*

[The Royal Assent to this Act was promulgated by Proclamation, bearing date April twenty-first, in the year of our Lord one thousand eight hundred and twenty-one, and second of His Majesty's reign.]

**WHEREAS** the establishment of a Bank, in the Province of Upper Canada, will conduce to the prosperity and advantage of commerce and agriculture in the said Province: *And whereas*, William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin, and others, by their Petition, presented to the Legislature, have prayed for the privilege of being incorporated; *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 William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin, and all such persons as hereafter shall become Stockholders of the said Bank, shall be, and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and forty-eight, a body

Preamble.

[See 2 Geo 4, Ch. 7,  
4 Geo 4, Ch. 11,  
2 Wm 4, Ch 10.]

Petitions of certain persons to be incorporated.

[See 2 Victoria, Ch. 13;  
3 Victoria, Ch. 57;  
and Statutes of Canada,  
6 Victoria, Ch. 27.]

Incorporation of a Bank, under the name of the Bank of Upper Canada.

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corporate and politic, in fact and in name, of the President, Directors and Company, of the Bank of Upper Canada, and that by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the President, Directors and Company, of the Bank of Upper Canada, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said Corporation.

Amount of each Share;

Number of shares:  
Books of subscription  
where and when to be  
opened.

[Sec 4 Geo 4, Ch 11,  
Sess. 2, Ch. 2.  
2 Wm 4, Ch. 10, sec 2.]

II. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said Bank shall be twelve pounds ten shillings, or the equivalent thereof in specie; and the number of shares shall not exceed sixteen thousand; and that books of subscription shall be opened at the same time in the towns of Kingston, Niagara, York, Brockville, Amherstburgh, Ancaster, Vittoria, Hamilton in the District of Newcastle, and Cornwall in the Eastern District, 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 shall direct.

The Government autho-  
rised to subscribe 2000  
shares.

[See 3 Victoria, Ch 57.]

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, to subscribe and hold, in the capital stock of the said Bank, for and on behalf of this Province, any number of shares therein, not exceeding two thousand, the amount whereof the said Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, is hereby authorised, by a warrant or warrants under his hand and seal, directed to the Receiver General of this Province, for the time being, to take out of the unappropriated moneys which now remain, or hereafter may remain, in the hands of the said Receiver General, for the future disposition of the Parliament of this Province.

No person to take, in the  
first instance, more than  
80 shares;

Ten per cent may be  
required as an immediate  
deposit;

Remainder payable by  
instalments;

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's subjects or foreigners, to subscribe for such and so many shares as he, she or they, may think fit, not however, exceeding, in the first instance, eighty; and that the shares respectively subscribed, shall be payable, in gold or silver, that is to say: ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act, as soon as they may deem expedient; and the remainder shall be payable in such instalments as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided,* no instalment shall

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exceed ten per centum upon the capital stock, or be called for, or become payable, in less than sixty days after public notice shall have been given in the *Upper Canada Gazette, and Kingston Chronicle*, to that effect: *Provided always*, that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares, as aforesaid, with the amount previously paid thereon; and 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 divided in like manner as other moneys of the Bank.

Notice of calling in instalments; [See 2 Wm 4, Ch. 10, Sec. 8.]

Forfeiture in case subscription not paid when required.

V. *Provided also, 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 said books of subscription shall be opened, then, and in such case, it shall be lawful for any former subscriber or subscribers to increase his, her or their, subscriptions; *And provided further*, that if the total amount of subscriptions, within the period aforesaid, shall exceed the capital stock limited by this Act, then, and in such case, the shares of each subscriber or subscribers above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of shares be brought down to the limits above said; *And provided nevertheless*, that the said limitation in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares, by purchase, after the said Bank shall have commenced its operations.

How shares may be made up;

Shares may be acquired to any amount by purchase, after Bank is in operation.

VI. [Repealed by 4 Geo. IV. Sess. 1, Ch. 11. See 2 Wm. IV. Ch. 10, and Statutes of Canada, 6. Vic. Ch. 27.]

Stock not to exceed £200,000.

VII. *And be it further enacted by the authority aforesaid*, That as soon as the sum of fifty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting, at some place to be named at the Seat of the Government of this Province, 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 in manner hereinafter prescribed, in respect of the annual elections of Directors; and the persons then and there chosen, shall be the first Directors, and be capable of serving until the expiration of the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one; and the Directors so chosen shall, as soon as the deposit amounting to *twenty thousand pounds*, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank; *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published

Directors, when to be elected;

In what manner; [See 2 Geo 4, Ch. 7; 4 Geo 4, Ch. 11.]

When the Bank shall be opened;

Notice of meeting of Subscribers.



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in all the public newspapers of this Province, at the distance of not less than thirty days from the time of such notification.

Directors;

President;

Qualifications of  
Directors;

Election of Directors;

[See 4 Geo 4, Ch. 11.]

Vacancies how to be  
supplied;

VIII. *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 fifteen Directors, one of whom to be the President, who, excepting as is herein-before provided for, shall hold their offices for one year; which Directors shall be Stockholders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in June in every year, at such time of the day, and at such place at the Seat of Government, as a majority of the Directors, for the time being, shall appoint; and public notice shall be given by the said Directors in the different newspapers printed within the 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 said Stockholders of the said Bank 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 fifteen persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than fifteen shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders, herein-before authorised to hold such election, shall proceed to ballot a second time, and by plurality of votes, determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of fifteen; 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 their President; and four of the Directors which shall be chosen at any 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 ten 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 fewest 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 to be 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 move out of the said Province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors, 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 special

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election for that purpose, to be held in the same manner as is herein-before directed respecting annual elections, at such time and place at the Seat of Government as the remainder of the Directors, or a major part of them, shall appoint. *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty shares.

Directors to have at least twenty shares.

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

Corporation not to be dissolved by non election of Directors on the proper day.

X. *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, according to the following ratios: 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. Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy. *Provided always*, that no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Who are to vote.

XI. *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 Bank, as to them, or the 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 ratios herein-before established, at a general meeting to be called for that purpose, an exact and particular statement 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 of profits, if any, after deducting losses and dividends.

Half yearly dividends of profits to be made; [Sec. 2 Wm 4, Chap. 10, Sec. 10]

Accounts to be rendered of debts, losses, &c.

XII. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants, employed therein; and all such other matters as appertain to the business of a Bank; and shall also have power to appoint as many Officers, Clerks and Ser-

Directors may make rules;

Appoint and pay clerks and servants.

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vants; 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.

Debts never to exceed three times the amount of moneys actually paid into the Bank;

In case of excess, Directors in whose time it shall happen, shall be personally liable;

Exceptions.

The Bank to issue no bill under five shillings.

To hold no lands, except as herein mentioned;

Not to deal in merchandize;

Exception.

Shares may be transferred.

XIII. *And be it further enacted by the authority aforesaid,* That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the moneys then actually deposited in the Bank, shall not exceed three times the sum of the capital stock subscribed, and actually paid into the Bank; and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; but this shall not be construed to exempt the said Corporation, or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act whereby the same was so contracted, may, respectively, exonerate themselves from being so liable, by giving immediate notice of the fact and of their absence or dissent to the Stockholders, at a general meeting which they shall have power to call for that purpose.

XIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any note or bill under the value of five shillings, of lawful money of the Province of Upper Canada.

XV. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business; or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; and further, the said Corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatsoever. *Provided,* that nothing herein contained shall any wise be construed to hinder the said Corporation from dealing in bonds, bills of exchange, or promissory notes, or in buying or selling bullion, gold or silver.

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

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XVII. *And be it further enacted by the authority aforesaid,* That the bills obligatory and of credit, under the seal of the said Corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her or their, assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their, own name or names; and bills or notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the principal Cashier or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their, private or natural capacity or capacities, and shall be assignable or negotiable, in like manner as if they were so issued by such private person or persons.

Bills obligatory and of credit under seal of the Bank made assignable.

XVIII. *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk, 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.

Bills or notes negotiable.

Cashier and Clerk to give security.

XIX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

No greater interest than six per cent.

XX. *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services; and that seven Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in the case of sickness or absence, in which case, the Directors present may choose a Chairman for the said meeting.

Directors to have no emolument, except the President;

Seven to form a board.

XXI. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place, at the Seat of the Government of this Province, as the Directors, or the majority of them, may appoint: *Provided always,* as soon as it may be deemed expedient, branches of the said Bank, and offices of deposit and discount, may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations as the said Directors, or the major part of them, may think proper, not repugnant to the general rules of the said Corporation.

Bank to be established at the Seat of Government of this Province.

[See Statutes of Canada, 6 Vic. Ch. 27, Sec. 5.]

Branch Banks may be authorised by the Directors.

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When Bank refuses payment of their bills, its proceedings shall be closed till payment is resumed.

XXII. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their banking-house, or any branch or branches hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt, issued by the said Company, the said President, Directors and Company, shall, on pain of forfeiture of their Charter, wholly discontinue and close their said banking operations, either by way of discount, or otherwise, until such time as the President, Directors and Company, shall resume the redemption of their bills, notes, or other evidences of debt, in specie, or other lawful money of this Province.

Annual returns, if required, to be made to the Legislature by the President and Cashier.

XXIII. [Repealed by 2 Wm. IV. Ch. 10.]

This Act to be deemed a public Act.

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

Non user before 1st Jan. 1822, not to occasion forfeiture of charter.

XXV. *And be it further enacted by the authority aforesaid,* That this present Act of incorporation shall in no wise be forfeited by any non user, at any time before the first day of January, one thousand eight hundred and twenty-two.

## 2nd Geo. IV. Chap. 7.

*AN ACT to amend an Act passed in the fifty-ninth year of His late Majesty's reign, and promulgated by Proclamation, bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty-one, intituled, "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada."*

[Passed 17th January, 1822.]

Preamble;

[See 59 Geo 3, Chap. 24, Sec. 7.]

WHEREAS by an Act of the Parliament of this Province, to which the Royal Assent was communicated by Proclamation, bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty-one, and in the second year of His Majesty's reign, intituled, "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada," it is, amongst other things, enacted, that as soon as the amount of fifty thousand pounds shall have been subscribed towards the stock of

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the said Bank, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting, at some place to be named, at the Seat of Government of this Province, for the purpose of proceeding to the election of the number of Directors thereafter mentioned, and that such election shall then and there be made by a majority of shares voted in the manner in the said Act prescribed, in respect of the annual meeting of Directors; and that the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one; and that the Directors so chosen shall, as soon as the deposit amounting to twenty thousand pounds, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank; with a proviso, that no such meeting of the said subscribers shall take place until a notice is published in all the public newspapers of this Province, at the distance of not less than thirty days from the time of such notification; *And whereas* in consequence of the delay occasioned by the reservation of the said Act for the signification of His Majesty's pleasure, it was impossible to proceed to the election of Directors before the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one, and in consequence doubts have arisen for what period the first Board of Directors shall serve; *And whereas* from the present scarcity of specie the said sum of twenty thousand pounds, required to be paid in before the Directors can commence the business and operations of the said Bank, is found to be too large, and it is expedient to reduce the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Board of Directors who shall be first chosen, shall be capable of serving until the expiration of the first Monday in June, one thousand eight hundred and twenty-two.

First Board of Directors  
may serve until June,  
1822.

II. *And be it further enacted* by the authority aforesaid, That the said Directors shall and may, as soon as a deposit amounting to ten thousand pounds upon the stock subscribed, or to be subscribed to the said Bank, shall be paid to the said Directors, commence the business and operations of the said Bank; and that so much of the said Act above recited as requires that a deposit of twenty thousand pounds shall be made before commencing the business and operations of the said Bank, shall be and the same is hereby repealed.

Bank may commence  
business on £10,000,  
being paid in.

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## 4th Geo. IV. Chap. 11.

*AN ACT to amend and repeal part of an Act, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada."*

[Passed 19th March, 1823.]

[See 2 WM. IV. CH. 10 ; 3 VIC. CH. 57, SEC. 3, REPEALING THIS ACT.]

Preamble ; Governor authorised to appoint four Directors. 2. Shares reduced to 8000 ; and capital to £100,000.

## 2nd Wm. IV. Chap. 10.

*AN ACT for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of Shares to be held in the Capital Stock of the said Company.*

[Passed 28th January, 1832.]

Preamble ;

[See 3 Victoria Ch. 57.]

30 Geo 3, Ch. 24, Sec. 23 ;  
and 4 Geo 4, Chap. 11,  
Sec 2, repealed.

**WHEREAS** the President and Directors of the Bank of Upper Canada have by their Petition prayed, that the Capital Stock of the said Bank should be increased to enable them to enlarge their Discounts, and thus meet the demands of the very flourishing Agricultural and Commercial interests of the Province : *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the twenty-third clause of an Act passed in the second year of His late Majesty's reign, intituled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada ;" and the second clause of an Act passed in the fourth year of the reign of the late King George the Fourth, intituled, "An Act to amend and repeal part of an Act, intituled, 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada,' be and the same are hereby repealed.

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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 stock of the Bank of Upper Canada shall not exceed sixteen thousand; and that the whole amount of the stock, estate and property, which the said Corporation shall be authorised to hold, including the Capital Stock, shall not exceed two hundred thousand pounds.

Number of Shares extended to 16,000;

Capital Stock not to exceed £200,000.

III. *And be it further enacted by the authority aforesaid,* That each share, over and above the eight thousand which now forms the Capital Stock, shall be twelve pounds ten shillings.

Each share of new Stock to be £12 10s.

IV. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened at the same time, in the Towns of Kingston, Niagara, York, Brockville, Perth, Sandwich, Amherstburgh, London, Cobourg, Cornwall, and Hamilton, in the District of Gore, by such person or persons, and under such regulations as a majority of the Directors for the time being may deem most beneficial: *Provided always,* that such books shall not be opened at an earlier period than six months after the passing of this Act.

Books of Subscription to be opened in each District.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's subjects or foreigners, to subscribe for such and so many shares as he, she or they, may think fit, not however exceeding in the first instance eighty, and that the shares respectively subscribed shall be payable in Gold or Silver, and shall be payable in such instalments as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided,* no instalment shall exceed ten per cent upon the increased Capital Stock, or be called for or become payable in less than sixty days after public notice shall be given in at least one newspaper in each District of this Province, where any newspaper is published, to that effect: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the Directors for the time being the instalments due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such share or shares, with the amount previously paid thereon; and the said share or shares may be sold by such Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other moneys of the Bank.

No person to subscribe more than 80 shares at first;

Instalments not to exceed ten per cent. or be payable in less than sixty days;

Instalments not being paid when required, shares to be forfeited;

Forfeited shares to be sold.

VI. *And be it further enacted by the authority aforesaid,* That the subscribers or purchasers of new stock shall be entitled to a share of the profits of the said Bank in proportion to the sum actually paid in, upon each and every share subscribed or purchased by them, from the period he or they shall have so paid in the same.

Subscribers to new stock to be entitled to dividends in proportion to amount paid in.



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New stockholders to vote according to amount paid ;

VII. *And be it further enacted by the authority aforesaid,* That so far as regards the right to vote for any purpose under the charter, each subscriber or purchaser of new stock hereby authorised shall be considered only as holding such number of shares as the moneys actually paid in by him would be equal to, at the rate of twelve pounds ten shillings for each share, and according to the ratio established by the tenth clause of the Act passed in the second year of the reign of the late King George the Fourth, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada"; *Provided always,* that it shall not be lawful for any subscriber or purchaser of new stock hereby authorised to pay the amount thereof in any other manner than by instalment, as the same shall be called in under and according to the provisions of this Act.

No subscriber to new stock to pay the whole in at once.

59 Geo 3, Ch. 24, Sec. 4, repealed as far as relates to advertisements,

VIII. *And be it further enacted by the authority aforesaid,* That so much of the fourth clause of an Act passed in the second year of the reign of the late King George the Fourth, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada," as relates to notices being given in the Gazette, and Kingston Chronicle, be and the same is hereby repealed.

If stock not subscribed in two months, subscriptions may be increased ;

IX. *Provided also, 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 said books of subscription shall be opened, then and in such case it shall and may be lawful for any former subscriber or subscribers to encrease his, her or their, subscriptions: *And provided further,* that if the total amount of subscriptions, within the period aforesaid, shall exceed the additional Capital Stock limited by this Act, then and in such case the shares of each subscriber or subscribers in each District, when more than five hundred shares shall have been subscribed, above ten shares, shall as nearly as may be proportionably reduced, until the total number of shares be brought down to the limits aforesaid; *And provided nevertheless,* that the said limitation in respect to previous subscribing to the said additional Capital Stock shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase, after the first instalment shall have been paid in.

If too many shares subscribed, how each person's stock to be diminished.

Dividends to be declared out of the profits.

X. *And be it further enacted by the authority aforesaid,* That no dividend shall be made out of any other funds than the surplus profits accruing periodically from the transactions of the Bank, and not from the stock paid in or real estate belonging thereto.

Return to be made to the Legislature.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return under oath to the Provincial Parliament, once in each year, if required either by the Legislative Council or House

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of Assembly, which return shall contain a full and true account of the Capital Stock paid in; bills in circulation of five dollars and upwards not bearing interest; bills in circulation under five dollars not bearing interest; bills and notes in circulation bearing interest; balance due to other Banks; cash deposited, including all sums whatsoever due from the Bank not bearing interest, (its bills in circulation and balances due to other Banks excepted); cash deposited bearing interest; total amount due from the Bank; of the resources of the Bank; the gold, silver and other coined metals in the Banking House; real estate; bills of other Banks; balances due from other Banks; amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks; total amount of the resources of the Bank; rate and amount of the last dividend; amount of reserved profits at the time of declaring the last dividend; amount of debts due to the Bank, and not paid and considered doubtful.

XII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank shall not, upon pain of forfeiture of their charter, loan or advance any money, or bills of the said Bank, to any Stockholder or Stockholders upon the credit of the stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers in all respects as safe and substantial as would be required from any applicants for discounts, not being Stockholders.

No loans to be made upon security of stock.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank to allow, during the hours of business, the names of Stockholders in the said Bank, with the amount of stock respectively owned by them, to be taken by any Stockholder who may require the same.

Stockholders may take the names of other Stockholders.

XIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank as may be deemed necessary; nor shall any thing herein contained be construed to prevent the Legislature from applying to the said Bank, any provisions or restrictions which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of Upper Canada.

Legislature may make provisions respecting the amount and description of notes to be issued.

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## 3rd Vic. Chap. 57.

*AN ACT to authorise the Receiver-General to dispose of the Provincial Stock, in the Bank of Upper Canada.*

[Passed 10th February, 1840.]

[See Vol. 1, Revised Statutes, page 1079, for this Act in full.]

[See also Statutes of Canada, 4 & 5 Vic. chaps. 29, 94, 99, and 6 Vic. chap. 27.]

Preamble: Receiver-General, under the sanction of Governor in Council, may sell the Bank Stock held on behalf of the Province. 2. 1st Victoria, chap. 50, repealed. 3. Part of sec. 1, 4th Geo. IV. chap. 11, repealed. 4. Directors to be appointed by Governor until stock sold; and after sale the whole number of Directors to be chosen by the Stockholders.

## 10th Geo. IV. Chap. 7.

*AN ACT to make more effectual provision for settling the affairs of the late pretended Bank of Upper Canada.*

[Passed 20th March, 1829.]

Preamble.

4 Geo 4, Chap. 22, and 4 Geo 4, 2nd Sess. Ch. 21, and 9 Geo 4, Chap. 11, recited;

(See 6 Wm IV. Chap. 22; and Statutes of Canada 4 & 5 Victoria Chap. 51.)

**WHEREAS** a certain Act of the Parliament of this Province, passed in the fourth year of the reign of His present Majesty, intituled, "An Act vesting in the hands of certain Commissioners therein named all the stock, debts, bonds and property, of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that Institution;" and a certain other Act of the Parliament of this Province, passed in the fourth year of His present Majesty's reign, intituled, "An Act to repeal part of an Act passed in the last Session of Parliament, intituled, 'An Act vesting in the hands of certain Commissioners therein named all the stock, debts, bonds and property, of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that Institution,' and to make further provision for settling the affairs of the said pretended Bank;" and a certain other Act of the Parliament of this Province, passed in the last Session, intituled, "An Act to repeal the laws now in force respecting the late pretended Bank of Upper Canada, and to make provision for settling the affairs of the said Institution:" *And whereas* sundry of the debtors of the said pretended Bank have, by petitions to the Legislature, complained of grievous injuries sustained by them through the provisions of the before recited Acts: *And whereas* it is the true end and design of Legislation to promote and secure as far as possible universal justice, it is expedient

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and just to provide other means for a final, amicable and equitable settlement of the affairs of the said Institution: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said several Acts hereinbefore recited be and the same are hereby repealed. The above Acts repealed.

II. *And be it further enacted by the authority aforesaid*, That Hugh Christopher Thomson, Henry Smith and John Strange, be and are hereby appointed to act as Commissioners to settle the affairs of the late pretended Bank, lately established at Kingston; and in case of vacancy by death, removal from the District, or resignation of any one of them, it shall and may be lawful for the remaining Commissioners to appoint another person of their mutual choice, to supply such vacancy, in one week from the time of its occurrence. Certain persons appointed Commissioners for settling the affairs of the late pretended Bank of Upper Canada; (See Statutes of Canada 4 & 5 Vic. Ch. 51;) How vacancies shall be supplied.

III. *And be it further enacted by the authority aforesaid*, That the Commissioners heretofore appointed for settling the affairs of the late pretended Bank shall, within two weeks after the passing of this Act, and demand made, deliver over, or cause to be delivered over, upon such demand, to the Commissioners hereinbefore named, all the books, papers, documents, matters and things whatsoever, remaining in their charge, and appertaining to the said late pretended Bank, or the affairs thereof. Books and other documents to be delivered over to the Commissioners.

IV. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid may from time to time prosecute, in and by the name of the Kingston Bank Commissioners, such actions at law as may be necessary for the recovery of any debts due to the Institution, or to others to the use and in the behalf or account of the said Institution, by mortgage, bond, note or otherwise; and that all such debts, whether due by specialty or by simple contract, may, if the plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the defendant and the parties suing by the name aforesaid, and such specialty, or other proof of debt, may be received as evidence of an account stated: *Provided always*, that upon request made by any Debtor of the said Institution, it shall be incumbent upon the said Commissioners to refer such debt or demand to arbitration; that the said Commissioners and the debtor, before appointing men of their respective choice, shall agree upon some person as the third man in the arbitration; How Commissioners may sue for debts; In what form of action; Debtors may insist upon having the claims against them referred to arbitration; How arbitrators shall be appointed;

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and in case they do not agree in the choice of such person, it shall and may be lawful for the Commissioners to write the names of three persons, not being debtors or creditors of said Institution, or otherwise interested, on slips of paper, and for the debtor to do the same, when the whole shall be put into a box and shook together, and one drawn therefrom by an indifferent person, and the person whose name shall be so drawn shall be the third arbitrator, to act in conjunction with the two to be named by the Commissioners and debtor, respectively, in considering and deciding upon all matters and things set before them; and their award, or the award of any two of them delivered in writing, shall be final, and to all intents and purposes binding on the parties.

Umpires;

Award shall be final.

Statute of limitation, not to apply in case the action shall be brought within a year.

V. *And be it further enacted by the authority aforesaid,* That the Statute of limitations shall not apply to bar or extinguish any debt due to the late pretended Bank, providing the same shall be put in suit within one year from the passing of this Act.

Mode of proceeding against debtors absent from the Province.

VI. *And be it further enacted by the authority aforesaid,* That whenever any person appearing to be indebted to the said Institution shall have left this Province since the failure of the said Institution, and shall not be resident therein, it shall and may be lawful to serve process in any suit, to be instituted under the authority of this Act, against such persons by leaving a copy of such process at the last place of abode of such person within this Province, with any grown up person dwelling or living in such house, or by affixing a copy of such process in the Crown Office of this Province eight days before the return thereof; and that a declaration in every such case being filed in the Crown Office of this Province, and all other and subsequent proceedings in any such case, which in ordinary cases are served upon the defendant, shall be considered to be served by filing the same in the Crown Office at York, and the office of Deputy Clerk of the Crown at Kingston, and on notice of such filing inserted for two weeks in the Kingston Chronicle and Upper Canada Herald.

Confirmation of mortgages, bonds, &c. given to or for the use of the late Bank.

VII. *And be it further enacted by the authority aforesaid,* That no bond, mortgage, note, security or undertaking, of what kind soever, made to the said Institution, or to any person or persons to their use, shall be held to be invalid or irrecoverable, on account of any alleged illegality of the said Institution.

Notice of their sittings to be published by the Commissioners;

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be constituted under this Act shall, within two weeks after their appointment, cause notice of their place and hours of business to be advertised in the Upper Canada Gazette, and in all other newspapers in Upper Canada, and in the Montreal and Quebec Gazettes, in three successive numbers of each paper, calling upon all holders of

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notes or certificates, or other creditors of the said late Institution, to present their claims within the period of six months, or otherwise such claims will be for ever barred and cancelled.

Claims against the institution to be preferred within six months.

IX. *And be it further enacted by the authority aforesaid,* That every claim upon the said Institution, unless it shall be presented to the Commissioners, to be appointed under this Act, on or before the first day of November next, shall be for ever extinguished and barred.

All claims barred unless presented before first of November next.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the Commissioners, to be constituted under this Act, to exercise their discretion in regard to the giving a longer credit to any debtor or debtors to the said late Institution, and that they shall also have authority to accept of property, real or personal, or to receive bills or notes of the said late Institution, or certificates given for the same, in satisfaction of the whole or part of any debt which said Commissioners are authorised to collect, or make any compromise in regard to any such debt as they may think reasonable and proper.

Commissioners may give longer credit to debtors;

May accept property real or personal; Or bills or notes of the late Bank;

Or make other compromise.

XI. *And be it further enacted by the authority aforesaid,* That if any person indebted to the said late Institution shall, before the passing of this Act, have tendered payment of the debt, or any part thereof due by him, in notes of the said late Institution, or certificates given for such notes, no interest shall be charged in respect to such debt, or such part thereof as he shall have so tendered payment for, from the time of such tender having been so made.

No interest to be charged to debtors in certain cases.

XII. *And be it further enacted by the authority aforesaid,* That the Commissioners shall make a report to the Governor, Lieutenant Governor, or person Administering the Government of this Province, on the first day of January in every year, of their proceedings under this Act, and of the state of the affairs of the said Bank, to be laid before the Legislature at its next Session.

Report of proceedings under this Act, shall be laid before the Legislature.

XIII. *And be it further enacted by the authority aforesaid,* That the Commissioners, who shall be constituted under this Act, shall make dividends among the creditors of the said late Institution of the moneys collected by them, as often as they shall have sufficient to divide two shillings in the pound; first deducting therefrom their necessary disbursements in the execution of this Act.

Dividends to be made;

Disbursements to be deducted.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have authority, after receiving such payment or compromise as they may deem reasonable and proper, to release and discharge any bonds, mortgages, specialties, notes or securities, of any

Commissioners empowered to release mortgages, discharge bonds, &c.

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kind whatsoever, given by any person or persons to the Commissioners, heretofore appointed for the settlement of the affairs of the said Institution, or to the said pretended Bank, or to any person or persons, for the use, benefit, or security of the said Institution, whether it be expressed in such bond, mortgage, specialty, note or security, that the same was given for the use, benefit, or security of the said Institution, or not.

Satisfaction to be made to the Agent appointed by the late Directors of the pretended Bank.

XV. *And be it further enacted by the authority aforesaid,* That the claim of the Agent, appointed by the late Directors of the said Bank for settling the affairs and examining the books and accounts of the said Bank, shall be ascertained by the said Commissioners, and the amount so ascertained to be due to the said Agent, for the services performed by him, shall be payable from and out of the first moneys which shall come into the hands of the said Commissioners, applicable to the payment of the debts of the said Bank.

Acts of two Commissioners to be valid.

XVI. *And be it further enacted by the authority aforesaid,* That the Act of any two Commissioners, who shall be appointed under this Act, shall be valid, so far as the authority of such Commissioners shall extend.

Public Act.

XVII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed to be a Public Act, and as such shall be judicially noticed without specially shewing the same.

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## 6th Wm. IV. Chap. 22.

*AN ACT to authorise the Commissioners of the late Pretended Bank of Kingston to dispose of certain Real Estate, and for other purposes therein mentioned.*

[Passed 20th April, 1836.]

Preamble.

(See 10 Geo 4, Ch. 7.)

**W**HEREAS the Commissioners appointed under and by virtue of an Act passed in the tenth year of the reign of His late Majesty Lord King George the Fourth, intituled, "An Act to make more effectual provision for settling the affairs of the late Pretended Bank of Upper Canada," have taken and received in payment and satisfaction of certain debts due to the said Institution, divers lands and real estate, which it is expedient and necessary to authorise the said Commissioners to sell and convey: *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,

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intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Commissioners, or a majority of them, shall, from and after the passing of this Act, have full power and authority to bargain and sell for such sum or sums of money, as they in their discretion shall think proper to accept and receive for the same, all lands and real estate which now are or which may hereafter be vested in them as Commissioners, as aforesaid; and upon making any such sale of lands or real estate, as aforesaid, the said Commissioners, or a majority of them, shall have full power and authority, under their hands and seals, to make and execute a conveyance or conveyances of all and singular the lands and real estate so by them sold, as aforesaid, to the purchaser or purchasers thereof; which said conveyance or conveyances shall convey and confirm to such purchaser or purchasers, his, her or their, heirs or assigns, the lands or real estate in such conveyance or conveyances mentioned and described, they the said Commissioners at the time of executing such conveyance or conveyances being legally seized of the lands or real estate mentioned and described therein.

Commissioners authorized to sell real estate;

And execute conveyances.

II. *Provided always, and be it further enacted by the authority aforesaid,* That all moneys which shall or may come into the hands of the said Commissioners from the sale of any lands or real estate, as aforesaid, shall be applied in the same manner and for the same purposes that any other moneys which have or may come into their hands as Commissioners, as aforesaid, are by law directed to be applied and apportioned.

Application of moneys arising from such sales.

[See Statutes of Canada, 4 & 5 VIC. CHAP. 51.]

## 2nd Wm. IV. Chap. 11.

*AN ACT to Incorporate certain persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District.*

[Passed 28th January, 1832.]

**W**HEREAS the establishment of a Bank at Kingston, in the Province of Upper Canada, will conduce to the prosperity and advantage of commerce and agriculture in the said Province: *And whereas* Thomas Mark-

Preamble.  
See 3 Wm 4, Ch. 42;  
5 Wm 4, Ch. 45;  
Statutes of Canada,  
6 Victoria Chap. 26.)



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land, John Robert Glover, David John Smith, Thomas Molson, John Watkins, Allan M'Lean, George M'Kenzie, Alexander W. Light, John Marks, Duncan Vanalstine, Abraham Truax, and others, by their petition presented to the Legislature, have prayed for the privilege of being incorporated: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Markland, John Robert Glover, David John Smith, Thomas Molson, John Watkins, Allan M'Lean, George M'Kenzie, Alexander W. Light, John Marks, Duncan Vanalstine, Abraham Truax, and all such persons as hereafter shall become Stockholders of the said Bank, shall be and are hereby ordained, constituted, and declared to be from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and fifty-six, a body corporate and politic, in fact and in name of the President, Directors and Company, of the Commercial Bank of the Midland District; and that by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the President, Directors and Company, of the Commercial Bank of the Midland District, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said Corporation.

Stock to consist of 4,000 shares of £25 each; Books of subscription when and where to be opened.

## II. [REPEALED BY 5 WM. IV. CHAP. 45.]

Not exceeding sixty shares to be subscribed for by any person in the first instance, but may be afterwards increased;

III. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any person, His Majesty's Subjects or Foreigners, to subscribe for such and so many shares as he, she or they, may think fit, not however exceeding in the first instance sixty; and that the shares respectively subscribed shall be payable in gold or silver, that is to say, ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act as soon as they may deem expedient, and the remainder shall be paid in such instalments as a majority of the Stockholders at a meeting to be expressly convened for that purpose shall agree upon: *Provided*, no

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instalment shall exceed ten per centum upon the capital stock, or be called for or become payable in less than sixty days after public notice shall have been given in the public newspapers of the town of Kingston, and in one or more of the several newspapers published in the several Districts of this Province, to that effect: *Provided always*, if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, with the amount previously paid thereon, and 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 divided in like manner as other moneys of the Bank.

No instalment to exceed 10 per cent. or be called for in less than sixty days after notice;

Stock upon which instalments are not paid, to be forfeited and sold for the benefit of the Institution.

IV. *Provided also, 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 said books of subscription shall be opened, then and in such case it shall and may be lawful for any former Subscriber or Subscribers to increase his, her or their, subscriptions: *And provided further*, that if the total amount of subscriptions, within the period aforesaid, shall exceed the capital stock limited by this Act, then and in such case the shares of each Subscriber or Subscribers, above ten shares, shall, as nearly as may be, be proportionably reduced, until the total number of shares be brought down to the limits aforesaid: *And provided, nevertheless*, that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase after the said Bank shall have commenced its operations.

If too many shares subscribed, how the same shall be equalized among the Subscribers.

## V. [REPEALED BY 5 WM. IV. CHAP. 45.]

Capital Stock limited to £100,000.

VI. *And be it further enacted by the authority aforesaid*, That as soon as forty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting at some place to be named, at Kingston, aforesaid, 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 in manner hereinafter prescribed in respect of the annual elections of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the expiration of the first Monday of the month of June next after they shall have been so chosen; and who shall, as soon as a deposit amounting to ten thousand pounds, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank: *Provided always*, that no such meeting of the said Subscribers shall take place until a notice is published in all the newspapers of Kingston, and one in each

When £40,000 shall have been subscribed, Directors may be elected;

How the first Election shall be made;

Bank may commence business when £10,000 shall have been paid in;

Meeting of Subscribers to be advertised in the newspapers.

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District of the Province in which a newspaper is published, at the distance of not less than thirty days from the time of such notification.

Ten Directors to be elected, one of whom shall be President;

Election of Directors to be held first Monday in June in each year;

Manner of electing Directors;

(See 3 Wm 4, Ch. 42, Sec. 2.)

Vacancies how filled up;

Directors to be Stockholders to the amount of 10 Shares.

Corporation not dissolved by non-election of Directors at the usual period.

VII. *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 ten Directors, one of whom to be the President, who, excepting as hereinbefore provided for, shall hold their offices for one year, to end the first Monday in June in each year, which Directors shall be Stockholders, and shall be subjects of His Majesty residing in this Province, and be elected on the first Monday in June in every year, at such time of the day, and at such place at Kingston, as the majority of the Directors shall appoint; and public notice shall be given by the said Directors, in the different newspapers printed in the 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 said Stockholders of the said Bank 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 ten persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than ten shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of ten; and the said Directors, so soon as may be after the election, shall proceed in like manner to elect by ballot one of their number to be a President, Stockholders not residing within the Province being ineligible; and if any Director shall move out of the said Province, his office shall be considered vacant; and if any such vacancy or vacancies shall at any time happen among the Directors, 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 special election for that purpose, to be held in the same manner as is hereinbefore directed respecting annual elections, at such time and place at Kingston as the remainder of the Directors, or the majority of them, shall appoint: *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.

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

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an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

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 at least three months prior to the time of voting, according to the following ratios, that is to say: at the rate of one vote for each share not 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; *Stockholders actually resident within the Province of Upper Canada, and none others, may vote at elections by proxy: Provided always,* that no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Number of votes proportioned to the number of shares;

(See 3 Wm 4, Chap. 42, Sec. 1.)

No Stockholder shall be entitled to more than fifteen votes.

X. *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 Bank as to them, or the majority of them, shall appear advisable; and also 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 ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the time of that credit, and of the surplus profits, if any, after deducting losses and dividends.

Half-yearly dividends to be declared;

(See 5 Wm 4, Chap. 45, Sec. 10.)

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the officers, clerks and servants, employed therein, and all such other matters as appertain to the business of a Bank; 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,* such rules and regulations be not repugnant to the laws of this Province.

Directors may make By-laws and appoint Officers and Clerks.

XII. *And be it further enacted by the authority aforesaid,* That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the moneys then actually deposited in the Bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the Bank; and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, but this shall not be construed to exempt the said Corporation,

Debts never to exceed three times the capital stock paid in;

Directors made personally responsible for excess.

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or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact and of their absence or dissent to the Stockholders, at the general meeting which they shall have power to call for that purpose.

Notes not to be issued of a less value than five shillings.

XIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any note or bill under the value of five shillings, of lawful money of the Province of Upper Canada.

Corporation may hold lands necessary for carrying on the business, and taken in security of or in satisfaction for debts.

XIV. *And be it further enacted by the authority aforesaid,* That the lands, tenements and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of the business, or such as shall have been bonâ fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments which shall have been obtained for such debts: *And further,* the said Corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandize, or commodities whatsoever: *Provided,* that nothing herein contained shall in any wise be construed to hinder the said Corporation from dealing in bonds, bills of exchange, or promissory notes, or in buying or selling bullion, gold or silver.

Shares transferable.

XV. *And be it further enacted by the authority aforesaid,* That the shares of the capital stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing the same, either in person or by proxy: *Provided always,* that such transfer be entered and registered in a book or books to be kept for that purpose by the Directors.

Bills, obligatory or of credit, under seal of Corporation, to be assignable by endorsement;

XVI. *And be it further enacted by the authority aforesaid,* That the bills obligatory and of credit, under the seal of the said Corporation, which shall be made to any person or persons, shall be assignable, by indorsement thereupon, under the hand or hands of such person or persons, and of his, her or their, assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their, own name or names; and bills or notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the Cashier or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in the like manner,

Corporation may issue notes or bills not under seal.

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and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their, private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

**XVII.** *And be it further enacted by the authority aforesaid,* That every Cashier or Clerk, before he enters into the duties of his office, shall give bond, with two or more securities, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

Cashier and Clerks to give security.

**XVIII.** *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount, than at the rate of six per centum per annum.

Bank not to demand more than 6 per cent. interest.

**XIX.** *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services; and that five Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in the case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

Directors not to be entitled to any emolument and five to form a quorum;  
(See 3 Wm 4, Chap. 42, Sec. 2.)

**XX.** *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place in the town of Kingston, in this Province, as the Directors, or a majority of them, may appoint: *Provided always,* as soon as it may be deemed expedient, branches of the said Bank, and offices of deposit and discount, may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations as the said Directors, or the major part of them, may think proper, not repugnant to the general rules of the said Corporation.

Bank to carry on its business in Kingston;

Branches may be established at other places.

**XXI.** *And be it further enacted by the authority aforesaid,* That if at any time, after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any branch or branches hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt issued by the said Company, the said President, Directors and Company, shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the President, Directors and Company, shall resume the redemption of their bills, notes, or other evidences of debt, in specie or money made a legal tender by any Act of the Legislature of this Province.

Upon stopping payment, Bank to discontinue its business until a resumption of cash payments.

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Return to be made under oath to the Legislature, if required;  
(See 5 Wm. 4, Chap. 45, Sec. 11.)

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return under oath to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly; which return shall contain a full and true account of the capital stock paid in; bills in circulation of five dollars and upwards, not bearing interest; bills in circulation under five dollars not bearing interest; bills and notes in circulation bearing interest; balance due to other Banks; cash deposited, including all sums whatsoever due from the Bank, not bearing interest (its bills in circulation and balances due to other Banks excepted); cash deposited bearing interest; total amount due from the Bank; of the resources of the Bank; the gold, silver, and other coined metals in the Banking House; real estate; bills of other Banks; balances due from other Banks; amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks; total amount of the resources of the Bank; rate and amount of the last dividend; amount of reserved profits at the time of declaring the last dividend; amount of debts due to the Bank and not paid and considered doubtful.

Money not to be advanced on the credit of the Stock of the said Bank.  
(See 5 Wm. 4, Chap. 45, Sec. 12.)

XXIII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank to any Stockholder or Stockholders upon the credit of the stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the said Stockholder or Stockholders endorsers in all respects as safe and substantial as would be required from any applicants for discounts, not being Stockholders.

Names of Stockholders may be taken by any Stockholder during the hours of business.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank to allow, during the hours of business, the names of the Stockholders in the said Bank to be taken by any Stockholder who may require the same.

This a Public Act.

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

XXVI. Incorporation not forfeited by non-user before 1st January, 1834.

Legislature may make regulations as to the description of notes which may be issued.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank as may be deemed necessary; nor shall any thing

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herein contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by any Act of the Parliament of this Province may be applied or enforced with respect to the Bank of Upper Canada.

### 3rd Wm. IV. Chap. 42.

*AN ACT to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, intituled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District."*

[Passed 13th February, 1833.]

**WHEREAS** it is necessary to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, intituled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District": *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all persons who now are or who hereafter may become Stockholders in the said Commercial Bank of the Midland District, being Subjects of His Majesty, and resident in the Colonies or other dominions of His Majesty, shall be and they are hereby authorised and permitted to vote by proxy, or otherwise, at the election of officers for the management of the said Bank, and on all other occasions, and for all other purposes, in like manner as the Stockholders resident in this Province are by the said Act authorised and permitted to vote.

Preamble;

[See 2 Wm 4, Chap. 11;  
5 Wm 4, Ch 45.]

Stockholders residing in other parts of His Majesty's dominions may vote by proxy.

II. And for the purpose of facilitating the transaction of the business of the said Bank, *be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Directors of the said Commercial Bank of the Midland District, from time to time, to elect from among their number a Vice President, who in the absence of the President of the said Bank shall preside at the meetings of the said Directors, and who shall have full power and authority at all times to sign the bills issued by the said Bank, and to do and perform such other matters and things which may be lawfully required to be done by the President of the said Bank.

A Vice-President may be elected.



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## 5th Wm. IV. Chap. 45.

*AN ACT for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of Shares to be held in the Capital Stock of the Company.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the twenty-seventh day of October, one thousand eight hundred and thirty-five.]

Preamble.

**WHEREAS** the President and Directors of the Commercial Bank of the Midland District, and others, inhabitants of various parts of the Province, have by their petitions prayed that the capital stock of the said Bank should be increased, to enable them to meet the demands, which the commercial and agricultural interests of the country require: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second and fifth clauses of an Act passed in the second year of His Majesty's reign, intituled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District," be and the same are hereby repealed.

Clauses 2 & 5 of 2 Wm. 4, c. 11, repealed.

Capital not to exceed 8000 shares, or £300,000 stock.

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 stock of the Commercial Bank of the Midland District, shall not exceed eight thousand; and that the whole amount of the stock, estate and property, which the said Corporation shall be authorised to hold, including the capital stock, shall not exceed two hundred thousand pounds.

Shares in the new stock to be £25 each.

III. *And be it further enacted by the authority aforesaid*, That each share over and above the four thousand which now form the capital stock, shall be twenty-five pounds.

Books of subscription to be open.

IV. *And be it further enacted by the authority aforesaid*, That books of subscription shall be opened at the same time, in the City of Toronto, and the Towns of Kingston, Niagara, Brockville, Perth, Sandwich, Amherstburgh, London, Cobourg, Cornwall and Hamilton, in the District of Gore, by such person or persons, and under such regulations, as a majority of the Directors, for the time being, may deem most beneficial.

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V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons, His Majesty's subjects, or foreigners, to subscribe for such and so many shares as he, she or they, may think fit, not however exceeding in the first instance eighty; and that the shares respectively subscribed shall be payable in gold or silver, and shall be payable in such instalments as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided,* no instalment shall exceed ten per cent. upon the increased capital stock, or be called for or become payable in less than sixty days after public notice shall be given in at least one newspaper in each District of this Province, where any newspaper is published, to that effect: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the Directors, for the time being, the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such share or shares, with the amount previously paid thereon, and the said share or shares may be sold by such Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other moneys of the Bank.

No person to subscribe for more than 80 shares;

Instalments not to exceed 10 per cent;

Forfeiture of shares.

VI. *And be it further enacted by the authority aforesaid,* That the subscribers or purchasers of new stock shall be entitled to a share of the profits of the said Bank, in proportion to the sum actually paid in upon each and every share subscribed or purchased by them, from the period he or they shall have so paid in the same.

Subscribers to the new stock entitled to share in the profits of the Bank.

VII. *And be it further enacted by the authority aforesaid,* That the amount of the discounts on paper, on which the name of any Director or Officer of the Bank, or of its branches, shall appear as drawer, acceptor, or endorser, shall be limited to one-third of the whole discounts of the Bank.

Limitation of discounts on paper endorsed by the Directors.

VIII. *And be it further enacted by the authority aforesaid,* That so far as regards the right to vote for any purpose under the charter, each subscriber or purchaser of new stock, hereby authorised, shall be considered only as holding such number of shares as the moneys actually paid in by him would be equal to at the rate of twenty-five pounds for each share, and according to the ratio established by the ninth clause of the Act passed in the second year of His present Majesty's reign, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District."

Right of voting.

IX. *And be it further enacted by the authority aforesaid,* That if the whole number of shares shall not be subscribed within two months after

If the whole shares not subscribed within two months, subscriptions may be increased;

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Provision in case the subscription shall exceed the amount required.

the said books of subscription shall be opened, then and in such case it shall and may be lawful for any former subscriber or subscribers to increase his, her or their, subscription: *Provided always*, that if the total amount of subscriptions, within the period aforesaid, shall exceed the additional capital stock limited by this Act, then and in such case the shares of each subscriber or subscribers, in each District, shall, as nearly as may be, proportionably reduced, until the whole number of shares be brought down to the limits aforesaid: *And provided, nevertheless*, that nothing herein contained shall extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase after the first instalment shall have been paid in.

Dividends to be paid out of the surplus profits.

X. *And be it further enacted by the authority aforesaid*, That no dividend shall be made out of any other funds than the surplus profits accruing periodically from the transactions of the Bank, and not from the stock paid in, or real estate belonging thereto.

Annual return of the affairs of the Bank to be made to the Legislature.

XI. *And be it further enacted by the authority aforesaid*, That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the capital stock paid in; bills in circulation of five dollars and upwards not bearing interest; bills in circulation under five dollars not bearing interest; bills and notes in circulation bearing interest; balance due to other Banks; cash deposited, including all sums whatever due from the Bank not bearing interest (its bills in circulation and balances due to other Banks excepted); cash deposited bearing interest; total amount due from the Bank; of the resources of the Bank; the gold, silver, and other coined metals in the Banking House; real estate; bills of other Banks; balances due from other Banks; amount of all debts due, including notes, bills of exchange, and all other stock and funded debts of every description, excepting the balances due from other Banks; total amount of the resources of the Bank; rate and amount of the last dividend; amount of reserved profits at the time of declaring the last dividend; amount of debts due to the Bank and not paid; and considered doubtful.

Directors not to lend any money on security of the Bank Stock, on pain of forfeiture of the charter.

XII. *And be it further enacted by the authority aforesaid*, That the Directors of the said Bank shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank to any Stockholder or Stockholders, upon the credit of the stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers in all respects as safe and substantial as would be required from any applicants for discounts, not being Stockholders.

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XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank to allow, during the hours of business, the names of Stockholders in the said Bank, with the amount of stock respectively owned by them, to be taken by any Stockholder who may require the same.

Any Stockholder, during the hours of business, may take the names &c. of the other Stockholders.

XIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions, which by any Act of the Parliament of the Province may be applied or enforced with respect to any of the Banks of Upper Canada.

Future alteration of this Act.

[See Statutes of Canada, 4 & 5 Vic. CHAPS. 29 & 99; 6 Vic. CHAP. 26.]

## 5th Wm. IV. Chap. 46.

*AN ACT to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the twenty-seventh day of October, one thousand eight hundred and thirty-five.]

**W**HEREAS the establishment of a Bank at Hamilton, in the District of Gore, will conduce to the prosperity and advantage of commerce and agriculture, as well in the Province at large, as in the said District: *And whereas,* Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Wilson, Collin C. Ferrie, Peter Hunter Hamilton, Samuel Mills, Absalom Shade, Allan Napier Macnab, and others, by their petitions presented to the Legislature, have prayed for the privilege of being incorporated: *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,

Preamble;

(See 2 Victoria Ch. 41.)

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Incorporated until first  
August, 1860;

That Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Wilson, William Bull Sheldon, Collin C. Ferrie, Samuel Mills, Absalom Shade, Peter H. Hamilton, Allan Napier Macnab, and all such persons as hereafter shall become Stockholders of the said Bank, shall be, and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of August, which will be in the year of our Lord one thousand eight hundred and sixty, a body corporate and politic, in fact and in name of the President, Directors and Company, of the Gore Bank, and that by that name, they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the same name of the President, Directors and Company, of the Gore Bank, shall be in law capable of purchasing, holding or conveying, any estate real or personal, for the use of the said Corporation: *Provided, that no incorporated Company shall be permitted to hold any stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case, such incorporated Company shall not be entitled to vote upon such stock, in the election of Officers.*

Common Seal;

May hold real estate;

Repeated by 2 Vic. Ch. 41.

Shares not to exceed  
5000, at £12 10s. each;

Books of subscription to  
be opened.

Subscribers limited to  
50 shares at first;

Ten per cent deposit.

II. *And be it further enacted by the authority aforesaid, That a share in the stock of the said Bank shall be twelve pounds ten shillings, or the equivalent thereof in specie, and the number of shares shall not exceed eight thousand; and that books of subscription shall be opened at the same time in the towns of Cornwall, Prescott, Brockville, Cobourg, Port Hope, City of Toronto, Dundas, Hamilton, Ancaster, Brantford, Niagara, St. Catharines, Amherstburgh, London, and Simcoe, 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 shall direct.*

III. *And be it further enacted by the authority aforesaid, That it shall be lawful for any person, His Majesty's subjects, or foreigners, to subscribe for such and so many shares, as he, she or they, may think fit, not however exceeding in the first instance eighty; and that the shares respectively subscribed, shall be payable in gold or silver, that is to say, ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors, hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such instalments, as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided* no instalment shall exceed*

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ten per centum upon the capital stock, or be called for or become payable in less than sixty days after public notice shall have been given in the Upper Canada Gazette, and in at least one newspaper in the District of Gore, to that effect: *Provided always*, that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, with the amount previously paid thereon, and 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 divided in like manner as other moneys of the Bank.

Remaining instalments not to exceed ten per cent each;

Forfeiture of shares.

IV. *Provided also, and it is further enacted by the authority aforesaid*, That if the whole number of shares shall not be subscribed within two months after the said books of subscription shall be opened, then, and in such case, it shall and may be lawful for any former subscriber or subscribers to increase his, her or their, subscriptions: *And provided further*, that if the total amount of subscriptions, within the period aforesaid, shall exceed the capital stock limited by this Act, then, and in such case, the shares of each subscriber or subscribers, above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of shares be brought down to the limits aforesaid: *And provided, nevertheless*, that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase, after the said Bank shall have commenced its operations.

If the whole number of shares shall not be subscribed within two months, subscriptions may be increased;

Provision in case the amount subscribed shall exceed the sum required.

V. *And be it further enacted by the authority aforesaid*, That the whole amount of the stock, estate and property, which the said Corporation shall be authorised to hold, including the capital stock or shares before mentioned, shall never exceed in value one hundred thousand pounds.

Capital not to exceed £100,000.

VI. *And be it further enacted by the authority aforesaid*, That as soon as the sum of twenty-five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting, at some place to be named, in the town of Hamilton, in the District of Gore, aforesaid, 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 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 shall be capable of serving until the expiration of the first Monday in August, then next ensuing the said election; and the Directors so chosen shall, as soon as the deposit amounting to ten thousand pounds, subscribed as

Upon £25,000 being subscribed, meeting may be called for the election of Directors;

Mode of election;

The business of the Bank to commence as soon as £10,000 capital paid;

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Thirty days notice to be given of the meeting.

aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank: *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published in a public newspaper, in each and every District of this Province, at the distance of not less than thirty days from the time of such notification.

Affairs of the Company to be managed by ten Directors;

VII. *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 ten Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be Stockholders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in August in every year, at such time of the day, and at such place in the town of Hamilton, aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in one newspaper within each and every District in 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 said Stockholders

To be elected on the first Monday in August, annually;

Election to be by ballot.

persons, or by proxy; and all elections for Directors shall be by ballot; and the ten persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than ten shall, by a plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of ten; 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 their President; and four of the Directors which shall be chosen, at any 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 six 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 fewest 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 room of such last described person or persons, and 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 move out of the said Province, his office shall be considered as vacant; and if any

Directors to elect a President;

Four Directors ineligible for the year following;

President always eligible to be re-elected a Director; Non-resident Shareholders ineligible;

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vacancy or vacancies should at any time happen among the Directors, 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 special election for that purpose, to be held in the same manner as hereinbefore directed respecting annual elections, at such time and place in the town of Hamilton, in the District of Gore, aforesaid, as the remainder of the Directors, or the major part of them, shall appoint: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty shares.

Vacancies;

Qualification of Directors.

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.

In case the election of Directors shall not be made on the day appointed, the Corporation not dissolved.

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, at least three months prior to the time of voting, according to the following ratios, that is to say,—at the rate of one vote for each share, not 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; Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy: *Provided always*, that no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Number of votes ;  
[See 2 Vic. chap. 41 ]

X. *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 Bank, as to them, or the 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 ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the time of that credit, and of the surplus profits, if any, after deducting losses and dividends.

Dividends to be made half-yearly ;

Once in three years a statement of the debts, &amp;c. to be made.

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

Directors may make by-laws.



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duties and conduct of the Officers, Clerks and Servants, employed therein, and all such other matters as appertain to the business of a Bank; 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.

Debts owing by the Corporation not to exceed three times the amount of Stock subscribed and paid:

XII. *And be it further enacted by the authority aforesaid*, That the total amount of the debts, which the said Corporation shall at any time owe, whether by bond, bill, note, or otherwise contracted, over and above the moneys then actually deposited in the Bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the Bank, and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act, whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the Stockholders, at a general meeting which they shall have the power to call for that purpose.

In case of excess, the Directors for the time being to be held liable:

But may exonerate themselves by giving notice.

Corporation not to issue notes, &c. under the value of 5s.

XIII. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for the said Corporation to issue any note or bill under the value of five shillings, of lawful money of the Province of Upper Canada.

Limitation of real property to be held by the Corporation:

XIV. *And be it further enacted by the authority aforesaid*, That the lands, tenements and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bonâ fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; and further, the said Corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandize, or commodities whatsoever: *Provided*, that nothing herein contained shall in any wise be construed to hinder the said Corporation from dealing in bonds, bills of exchange, or promissory notes, or in buying or selling bullion, gold or silver.

Company not to trade in goods or merchandize.

Share to be transferable.

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

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XVI. *And be it further enacted by the authority aforesaid,* That the bills, obligatory and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their, assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee successively, and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their, own name or names; and bills or notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the principal Cashier or Treasurer, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their, private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bank obligations  
assignable.

XVII. *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk, before he enters into the duties of his office, shall give bonds, with two or more sureties, in such sum as may be satisfactory to the Directors, with conditions for the faithful discharge of his duty.

Cashier and Clerks to  
give bonds with two  
sureties.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount, than at the rate of six per centum per annum.

Interest on loans not to  
exceed 6 per cent.

XIX. *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services; and that five Directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

None of the Directors,  
except the President,  
entitled to emolument.

XX. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place in the town of Hamilton, in the District of Gore aforesaid, as the Directors, or the majority of them, may appoint: *Provided always,* as soon as it may be deemed expedient, branches of the said Bank, and offices of deposit and discount, may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations as the said Directors, or the major part of them, may think proper, not repugnant to the general rules of the said Corporation.

The Bank to be esta-  
blished at such place in  
Hamilton as the Directors  
may appoint;Branch Banks may be  
established, if expe-  
dient.

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In case of refusal to pay in specie, the Bank to stop discounting on pain of forfeiting charter.

XXI. *And be it further enacted by the authority aforesaid,* That if, at any time after the passing of this Act, the said President, Directors and Company, shall refuse, on demand being made at their Banking House, or any branch or branches hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt, issued by the said Company, the said President, Directors and Company, shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the President, Directors and Company, shall resume the redemption of their bills, notes, or other evidences of debt, in specie, or other lawful money of this Province.

Annual statement under oath to be made to the Legislature of the affairs of the Bank.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly; which return shall contain a full and true account of the funds and property of the said Bank; the amount of its capital stock subscribed and paid; the amount of debts due to and from the said Bank; the amount of the bills and notes emitted by the said Bank, in circulation; and the amount of specie in the said Bank, at the time of making such return.

Any Stockholder during the hours of business may take the names of the Stockholders.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank to allow, during the hours of business, the names of the Stockholders in the said Bank, with the amount of stock respectively owned by them, to be taken by any Stockholder who may require the same.

Future Legislative provisions respecting notes and Provincial Banks.

XXIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein contained be construed to prevent the Legislature from applying to the said Bank, any provisions or restrictions which by any Act of the Parliament of this Province may be applied or enforced with respect to any of the Banks of Upper Canada.

Annual statement under oath to be made to the Legislature;

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly; which return shall contain a full and true account of capital stock paid in; bills in circulation of five dollars and upward, not

Of the following particulars.

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bearing interest; bills in circulation under five dollars, not bearing interest; bills and notes in circulation, bearing interest; balance due to other Banks; cash deposited, including all sums whatsoever due from the Bank, not bearing interest, (its bills in circulation, and balances due to other Banks, excepted); cash deposited, bearing interest; total amount due from the Bank; of the resources of the Bank; the gold, silver, and other coined metals in the Banking House; real estate; bills of other Banks; balances due from other Banks; amounts of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks; total amount of the resources of the Bank; rate and amount of the last dividend; amount of reserved profits at the time of declaring the last dividend; amount of debts due to the Bank, and not paid, and considered doubtful.

XXVI. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank, to any Stockholder or Stockholders, upon the credit of the stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders, endorsers, in all respects as safe and substantial, as would be required from any applicants for discounts, not being Stockholders.

No money to be lent on the security of the stock.

XXVII. *And whereas* it is expedient to afford additional security to the public against the failure of Banks in this Province, by rendering the holders of stock in such Banks personally liable, to a certain extent, beyond the amount of stock subscribed: *be it therefore further enacted by the authority aforesaid,* That the Shareholders of the said Bank shall be respectively liable for the engagements of the Company, to the extent of twice the amount of their subscribed shares, including the amount of stock so held, as aforesaid.

Shareholders to be liable to double the amount of their shares.

XXVIII. *And be it further enacted by the authority aforesaid,* That the sum for which such Stockholder or Stockholders shall be so liable, beyond the amount of the original or first value of the stock by them respectively held, shall be called in by instalments, in the same manner as such Bank may have been authorised to call in stock originally subscribed; and in case any Stockholder or Stockholders shall neglect or refuse to pay the amount which may be so called in, the Directors of any such Bank shall be, and they are hereby authorised to sue or prosecute, in its corporate name, in any of the Courts of Law in this Province, for such instalment; *Provided always,* that such sum or sums of money, which may be so called in, shall only be applied towards the payment of such debts or claims as may be outstanding against such Bank: *And provided also,* that nothing herein contained shall extend or be construed to extend to authorise such Directors to call in or demand any sum from the Stockholders over and

Further liabilities to be paid by instalments;

In case of non-payment, Directors authorized to sue.

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above a sum sufficient to discharge such debts and claims as may be outstanding, as aforesaid.

In case of the failure of the Bank, &c. managers to be appointed.

XXIX. *And be it further enacted by the authority aforesaid,* That in case of the failure or insolvency of any such Bank, or in case the Stockholders shall neglect or refuse to appoint Directors, within three months after the time when by law the same should be appointed, or if such Directors shall neglect or refuse to call in the several sums for which the Stockholders are so liable, as aforesaid, in the manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to name and appoint five Commissioners to manage the affairs of the said Bank, who shall have and exercise all the power of Directors in the settlement of the affairs of the said Bank, but shall not be authorised to carry on any other business of banking, except the calling in so much of the several sums for which the respective Stockholders may be liable, as shall be sufficient to discharge the sum or sums which may be due by such Bank, together with the necessary expenses attending such management.

Charter not to be forfeited by non-user before first January, 1839.

XXX. *And be it further enacted by the authority aforesaid,* That this present Act of incorporation shall in nowise be forfeited by non-user, at any time before the first day of January, one thousand eight hundred and thirty-nine.

## 2nd Vic. Chap. 41.

*AN ACT to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank.*

[Passed 11th May, 1839.]

Preamble.  
(See 5, Wm. 4, chap. 46.)

WHEREAS it is provided in the first section of the Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank," that no incorporated Company shall be permitted to hold any stock in the Corporation created by the said Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case such incorporated Company shall not be entitled to vote upon such stock in the election of officers: *And whereas,* it is expedient to repeal the said enactment: *Be it therefore enacted* by the Queen's most Excellent Majesty,

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by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the said clause as provides that "no incorporated Company shall be permitted to hold any stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case such incorporated Company shall not be entitled to vote upon said stock in the election of officers," be and the same is hereby repealed: *Provided always*, that nothing in this Act contained shall authorise any incorporated Company holding any stock in the said Bank, to vote for the election of any Directors of the said Bank, or in case any stock now held by any such incorporated Company shall be sold or transferred previous to the next election of Directors, such purchaser, or the holder of such stock, shall not be entitled to vote for Directors, or be eligible to be elected a Director at the ensuing election of Directors for the management of the affairs of the said Bank.

Restriction against corporate body holding stock in the Gore Bank repealed (See 5, Wm. 4, chap. 46, sec. 1.)

Corporate Companies holding stock not entitled to vote for Directors.

[See Statutes of Canada, 4 & 5 Vic. Chaps. 29 & 99.]

## 7th Wm. IV. Chap. XXXIV.

*AN ACT to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors or Manager, for the time being, of the said Company in this Province, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

**WHEREAS** several persons have formed themselves into a Company, Preamble. or partnership, called or known by the name of "the Bank of British North America," for the purpose of establishing and carrying on Banks of issue and deposit at various cities, towns and places, within this Province, as well as in other British Provinces and Colonies in North America, and adjacent to British North America, and have subscribed a considerable sum of money in order to carry on the business of the said Bank: *And whereas*, it is expected that this Province will be greatly

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benefited by the formation of such Company: *And whereas*, difficulties may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle, the property of, or who may commit or be guilty of any other offence against, or with intent to injure or defraud the said Company, since by the law all the said Proprietors or Shareholders, for the time being, of the said Company, must in such cases sue and be sued, and prosecute by their several and distinct names and descriptions; wherefore, for obviating and removing the difficulties, aforesaid: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, all actions and suits whatsoever, at law or in equity, which may be brought, instituted or prosecuted, within this Province, against any person or persons already indebted, or who may be hereafter indebted, to the said Company, called "the Bank of British North America"; and all actions, suits and other proceedings whatsoever, in law or in equity, within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may, for the time being, be vested, whether in the said Company, or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof; or upon or in respect of any present or future liability or liabilities to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof; or upon any bonds, covenants, contracts, or agreements, which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested; and all instruments, petitions or proceedings, for issuing or prosecuting any writ of attachment or proceeding under any law against insolvent or absconding debtors, now or hereafter to be in force in this Province, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof; and generally, all other proceedings whatsoever, at law or in equity, within this Province, wherein the said Company is or shall be concerned or interested against any person or persons, or body or bodies politic or cor-

All actions against persons indebted to the Bank of British North America;

Or for any wrong to their real or personal estate;

Or on any liabilities to the said Company;

Or upon any bonds, &c. given to the said Company;

Or any proceeding against insolvent debtors;

And generally, all proceedings in law or equity wherein the Company is concerned against any person or Corporation;

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porate, or others, whether such person or persons, or any such persons, or such body or bodies politic or corporate, or any member or members thereof, respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, made, instituted and prosecuted, in the name of any one of the local Directors, or of the Manager of the said Company in this Province, at the time when any such action or suit or other proceeding shall be commenced or instituted, as the nominal plaintiff, or as acting in any other character for or on behalf of the said Company; and all actions, suits and other proceedings, at law or in equity, within this Province, to be commenced, instituted or prosecuted, against the said Company, by any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, or such body or bodies politic or corporate, or any member or members thereof, respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, instituted and prosecuted, against one of the local Directors or Manager of the said Company, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal defendant in such last-mentioned action, suit or proceeding, for and on behalf of the said Company; and the death, resignation or removal, or any other act of such local Director or Manager, shall not abate or prejudice any action, suit or other proceeding, at law or in equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended, in the name of any other local Director, or of the Manager, for the time being, in this Province of the said Company.

Whether shareholder in the said Company or not;

May be brought in the name of any one of the local Directors or Manager of the Company in this Province, as nominal plaintiff;

And all proceedings at law or in equity against the said Company;

May be instituted against any one of the local Directors or Manager as the nominal defendant;

Death &c. of any such Director or Manager not to abate the action.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be lawful for the said Company, by any local Director or Manager, for the time being, within this Province of the said Company, to prefer any indictment or indictments, information or informations, or other criminal proceeding or proceedings, in any Court or Courts within this Province, against any person or persons, for any offence already committed, or which shall hereafter be committed, against the said Company; and on all indictments, informations and other proceedings, against any person or persons, whether such person or persons, or any of such persons, be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company, or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds, or any securities, moneys, effects, or any real or personal property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company or in some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, such goods, chattels, notes, bills,

Criminal proceedings may be instituted on behalf of said Company by any local Director or Manager;

And in all proceedings for offences against the property of the Company;



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The property may be laid as the property of the Bank of British North America;

And in all indictments &c. for an offence with intent to injure or defraud the said Company;

The same may be laid as done with intent to injure or defraud the Bank of British North America;

And the names of persons composing the Company need not be stated;

And any offender may be convicted as effectually as if all names, &c. had been mentioned.

Shareholder of the Company having a claim thereon, may sue local Director or Manager, as nominal defendant;

And local Director or Manager may sue (as nominal plaintiff) any Shareholder in the Company, against whom the Company have a demand;

Death of local Director or Manager, not to abate suits.

bonds, deeds, securities, moneys, effects or property, respectively, may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, moneys, effects or property, respectively, of the Bank of British North America; and in all indictments, informations or other proceedings, against any person or persons, whether such person or persons, or any such persons, be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company, or not, for any conspiracy, crime, fraud or offence, already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud the Bank of British North America; and it shall not be necessary to state in any such indictment, information or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Company, and any offender or offenders shall or may thereupon be lawfully convicted of such conspiracy, crime, fraud or offence, in as full, valid and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company, and the name or names of the person or persons in whom the goods, chattels, notes, bills, bonds, deeds, securities, moneys, effects or property, relating to which such indictment, information or other proceeding, shall be preferred, were inserted or used in such indictment, information or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

III. *And be it further enacted by the authority aforesaid,* That any person being or having been a proprietor or other holder of any share or shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may for such claim or demand commence, prosecute and carry on, any action, suit or other proceeding, either at law or in equity, within this Province, against any local Director or Manager, for the time being, of the said Company in this Province, as the nominal defendant; and any local Director or the Manager, for the time being, of the said Company in this Province, may, as the nominal plaintiff, commence and carry on in his own name, any action, suit or other proceeding, at law or in equity, within this Province, against any individual proprietor or other holder of any share or shares in the said Company, against whom the said Company may have any claim or demand, and all such actions, suits or other proceedings, shall be as valid and effectual as if all the proprietors or other holders of shares in the said Company had been made parties thereto, and every judgment, decree and order, made therein shall be binding for or against the said Company, and all the proprietors or other holders of shares in the said Company; and no abatement shall arise from the death, resignation, removal, or any other act of the said local Director or Manager, pending any such action, suit or other proceeding, but that the same may be continued, defended, pro-

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secuted or carried on, in the name of any other local Director or Manager, for the time being, of the said Company in this Province.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That in case, for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a proprietor or proprietors, or other holder or holders, of any share or shares in the said Company, or not, shall be desirous to include any proprietor or proprietors, or other holder or holders of any share or shares in the said Company, besides such local Director or Manager, as aforesaid, as a defendant or defendants in any bill or other proceeding, in any Court of equity, it shall be lawful for him, her or them, so to do, any thing in this Act contained to the contrary notwithstanding.

Any proprietor other than local Director or Manager may, at the plaintiff's option, be included in proceedings in equity.

V. *Provided always, and be it further enacted by the authority aforesaid,* That every person being a proprietor or other holder of any share or shares in the said Company, shall in all cases be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such actions, suits, and other proceedings, in such and the same manner, as effectually, and with such and the same legal consequences, as if such person had not been a proprietor or other holder of any share or shares in the said Company,

Shareholders may be proceeded against for the benefit of the Company, as fully as if they had no shares therein.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no person or persons, or body or bodies politic or corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any of such persons, shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company, or not, shall bring more than one action or suit in respect of such demand; and in case the merits in respect of any demand shall have been determined in any action or suit against any local Director or Manager of the said Company in this Province, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits for the same demand, against any other local Director or Manager of the said Company in this Province, and in case the merits in respect of any demand which the Company now has, or hereafter may have, on any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company, or not, shall have been determined in any action or suit commenced and prosecuted by any local Director or Manager of the said Company in this Province, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits for the same demand, which may be commenced or prosecuted by the same or any other local Director or Manager of the said Company in this Province.

Not more than one action to be brought in respect of a demand against the Company.

In case the merits have been determined in an action against any Director, &c.

such judgment may be pleaded in bar of any other action for the same demand,

And if the merits have been determined in any suit brought by the Company in the name of any Director, &c.

the Judgment may be pleaded in bar of any other suit for the same demand,

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Local Director or Manager being plaintiff or prosecutor, or defendant in any proceeding;

or other Shareholder;

not incompetent witnesses in any such action, &c.;

but such Director, Manager or Shareholder, if not otherwise interested or objectionable, may be as competent witnesses;

as if their names had not been made use of as plaintiff, prosecutor or defendant.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That any local Director or Manager of the said Company in this Province, being the plaintiff or prosecutor, or being the defendant in any action, suit, proceeding, prosecution or indictment, commenced, instituted, prosecuted or preferred, under the authority of this Act, or any other proprietor or holder of any share or shares in the said Company, shall not, by reason thereof, be deemed incompetent to be witness in any such action, suit, proceeding, prosecution or indictment, but such local Director, Manager, or other proprietor or proprietors, or other holder or holders, shall and may, if not otherwise interested or objectionable, be a good and competent witness, or good and competent witnesses, and be admissible and be admitted as such in all Courts, by and before all Judges, Justices and others, in any such action, suit, proceeding, prosecution, or indictment, in the same manner as he or they might have been, if his or their name or names had not been made use of as the plaintiff, prosecutor or defendant, in such action, suit, prosecution, proceeding or indictment, or as if he or they had not been a local Director or Manager, or proprietor or proprietors, or other holder or holders of any share or shares in the said Company.

Execution upon any judgment or decree against local Director or Manager;

may be issued against any Stockholder;

and if such execution against any Shareholder be ineffectual;

Execution may issue against any one who was a Shareholder;

at the time the contract was made in respect whereof such suit was instituted;

no such execution to issue without leave of Court;

Past proprietors not liable excepting when as partners they would have been liable if originally sued;

VIII. *And be it further enacted by the authority aforesaid,* That execution upon any judgment or decree in any action or suit, or other proceeding under this Act, obtained against any local Director or Manager, for the time being, of the said Company in this Province, whether as plaintiff or as defendant, may be issued against any proprietor or proprietors, or other holder or holders, for the time being, of any share or shares in the said Company: *Provided always,* that in case such execution against any proprietor or proprietors, or other holder or holders of any share or shares in the said Company, shall be ineffectual for obtaining payment of and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a judgment or decree against any local Director or Manager, for the time being, of the said Company in this Province, to issue execution against any other person or persons who was or were a proprietor or proprietors, or other holder or holders of any share or shares in the said Company, at the time the contract or contracts was or were entered into, upon which such action, suit or other proceeding, may have been brought or instituted; but no such execution, as last mentioned, shall be issued without leave first granted by the Court in which such action, suit or other proceeding, may have been brought or instituted, which leave shall be applied for on motion to be made in open Court, on notice to the person or persons sought to be charged: *Provided also,* that nothing herein contained shall render such past proprietor liable for payment of any debt for which such action, suit or other proceeding, may have been brought, to which they would not have been liable by operation of law, as partners, in case any action, suit or other proceeding, had been origi-

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nally brought against them for the same: *Provided also*, that nothing herein contained shall be deemed or taken to enable any plaintiff, prosecutor or defendant, in any action, suit or other proceeding, under this Act, to recover from any proprietor or other holder, for the time being, of shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such proprietor or other holder or person would or might have been liable to pay, either at law or in equity, under any contract for the time being subsisting, if this Act had not been passed: *Provided also*, that every local Director or Manager, in whose name any action, suit or proceeding, under this Act, shall be commenced, prosecuted or defended, and every proprietor or other holder of any share or shares in the said Company, against whom any execution upon any judgment or decree obtained in any such action, suit or proceeding, shall be issued, as aforesaid, shall always be reimbursed and repaid out of the funds of the said Company, all such costs, charges, losses and damages, as by the event of such action, suit or proceeding, he or they shall be put unto, or become chargeable with; and if the funds of the said Company, for the time being, shall be insufficient to pay such costs, charges, losses and damages, in full, then the deficiency shall be made good by the proprietors, or other holders for the time being, of shares in the said Company.

This Act not to enable more to be recovered of any proprietor, &c. than he would have been liable for, if this Act had not passed;

Director or Shareholder against whom execution shall have issued, to be reimbursed.

IX. *And be it further enacted by the authority aforesaid*, That all and every judgment or judgments, decree or decrees, which shall, at any time after the passing of this Act, be obtained or recovered in any action, suit or other proceeding, in law or equity, against any local Director or Manager of the said Company in this Province, shall have the like effect and operation upon and against the funds or property of the said Company, as if such judgment or judgments, decree or decrees, had been recovered or obtained against the said Company, in any action, suit or proceeding, in law or equity, brought or commenced against the said Company, by or in the several and distinct names and descriptions of the several proprietors or other holders of shares in the said Company, and as if this Act had not been passed; and further, that the insolvency of such local Director or Manager, in his individual character or capacity, shall not be or construed to be the insolvency of the said Company; and the said Company, and the funds and property thereof, shall, notwithstanding the insolvency of any such local Director or Manager, be attached or attachable, and be in all respects liable to the lawful claim and demands of the creditor or creditors of the said Company, in like manner as if no such insolvency had happened or taken place.

Judgments and decrees against local Directors, &c.

to be as effectual against property of the Company,

as if obtained against the Company;

Insolvency of the Director, &c. not to be considered the insolvency of the Company.

X. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Company to cause a memorial of the names of the several local Directors or Managers, for the time being, of the said Company within this Province, and of the names, residences, and descrip-

Memorial of the Directors, &c. within the Province;

And of Shareholders in the Province or elsewhere,

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tion of the several proprietors or other holders of shares in the said Company, whether in this Province or elsewhere, in the form or to the effect expressed in the schedule to this Act, or as near thereto as the circumstances of the case will admit, which shall be verified by a declaration in writing, in the form (or as near thereto as the circumstances of the case will admit) prescribed in the schedule to this Act, which shall be made by one of the local Directors or Manager, for the time being, of the said Company, before the Chief Justice, or one of the Puisne Judges of His Majesty's Court of King's Bench in this Province; and when so verified, to be enrolled in the office of the Secretary of this Province, within twelve calendar months next after the passing of this Act, and between the first day of August and the first day of November, in every succeeding year; and when any new local Director or Directors, Manager or Managers, shall be appointed, a memorial of the name or names of the new Director or Directors, Manager or Managers, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company in this Province, and enrolled within twelve calendar months after such appointment or appointments, in the form or to the effect expressed in the said schedule for that purpose; and when any person or persons shall cease or discontinue to be a proprietor or proprietors of the said Company, a memorial of his, her or their, name or names shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company in this Province, and enrolled within twelve calendar months after such person or persons shall have so ceased or discontinued to be such proprietor or proprietors; and when any new proprietor or proprietors shall be admitted into the said Company, a memorial of his, her or their, name or names shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company in this Province, and enrolled within twelve calendar months after any such new proprietor or proprietors shall have been so admitted into the said Company; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new local Director or Directors, or Manager or Managers, of the said Company in this Province, and also of any person or persons who shall have ceased or discontinued to be a proprietor or proprietors of the said Company, and also of any person or persons who shall have been admitted a new proprietor or proprietors into the said Company, or to memorialize the names of any two or more of the above classes of persons, the names of such persons, respectively, may be contained in one and the same memorial, to the form and effect expressed in the said schedule, and to be verified and enrolled as hereinbefore directed: *Provided always*, that if any declaration so made shall be false or untrue, in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

verified by declaration;

To be enrolled in the office of the Secretary of the Province in 12 months after passing of this Act;

and between the 1st August and 1st Nov. in each succeeding year; Memorial of change of Directors &amp;c. to be enrolled;

and of changes of Shareholders;

and of new Proprietors;

A general memorial of all such changes may be made and enrolled.

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**XI. *Provided always, and be it further enacted by the authority aforesaid,*** That until the first memorial shall have been duly enrolled, in manner by this Act directed, no action, suit, or other proceeding, shall be commenced, made or instituted, under the authority of this Act; and until the memorial by this Act required to be enrolled, in the event of any person or persons ceasing or discontinuing to be a local Director or Directors, or Manager or Managers, of the said Company in this Province, or a proprietor or proprietors of the said Company, shall have been enrolled as hereinbefore mentioned, the person whose name shall appear in the last memorial, which shall have been made as hereinbefore required, shall be and continue liable to all such actions, suits, executions and other proceedings under this Act, and shall be entitled to be reimbursed out of the funds or property of the said Company all costs, charges, losses, damages and expenses, incurred or sustained thereby, in the same manner as if he, she or they, had not ceased or discontinued to be a local Director or Manager, or local Directors or Managers, of the said Company in this Province, or a proprietor or proprietors of the said Company.

No action &c. to be commenced by virtue of this Act, until the first memorial shall have been enrolled;

And until new memorial be enrolled;

Persons whose names appear in the last memorial to continue liable;

And be entitled to be reimbursed, as if they had not ceased to be Director, Manager or Shareholder.

**XII. *And be it further enacted by the authority aforesaid,*** That an examined copy of the enrolment of every memorial to be enrolled pursuant to this Act, shall be received in evidence, as proof of the contents of such memorial; and proof shall not be required that the person by whom the memorial purports to be verified was, at the time of such verification, one of the local Directors or Manager of the said Company in this Province.

Examined copy of enrolled memorial to be received as evidence.

**XIII. *And be it further enacted by the authority aforesaid,*** That this Act, and the provisions herein contained, shall extend, and be construed and taken to extend, to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore, from time to time, or shall hereafter be composed of all or some of the persons who were the original proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be, at the time of passing this Act, composed altogether of persons who were not original proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original proprietors thereof, or of persons all of whom shall have become proprietors of the said Company subsequent to the passing of this Act.

This Act to extend to the Bank of British North America during the continuance thereof,

notwithstanding any change in the Shareholders.

**XIV. *Provided always, and be it further enacted by the authority aforesaid,*** That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the proprietors or other holders of shares in the said Company, from any responsibility,

Nothing in this Act to extend to incorporate the Company.

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contract, duty or obligation whatsoever, to which by law they, he or she, now are, or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual proprietors, or other holders of shares in the said Company and others, or as between or among themselves, or in any other manner howsoever.

Fees of Registrar on  
enrolling Memorials, &c.

XV. *And be it further enacted by the authority aforesaid,* That for registering every such memorial, which the Secretary of the Province on receipt of the same, with the declaration hereinbefore mentioned, is required immediately to do, it shall and may be lawful for the said Secretary to demand and receive the sum of two shillings and six pence for the first folio, consisting of one hundred words, and at the rate of one shilling per folio for the residue of every such memorial; and for every search into such memorial or memorials, so registered, the said Secretary is authorised to demand and receive from the person making any such search the sum of one shilling and six pence; and for every examined copy of such memorial or memorials, which copy or copies the said Secretary is hereby required to make, or cause to be made and delivered, certified as aforesaid, to any person or persons requiring the same, the sum of one shilling for every folio of one hundred words, and the sum of two shillings and six pence for every such certificate.

Penalty for neglecting to  
render account, and to  
renew same.

XVI. *And be it further enacted by the authority aforesaid,* That if the said Company shall neglect or omit to cause such account or return to be made and renewed yearly, and every year, between the days and times hereinbefore appointed for that purpose, such Company shall, for each and every week they shall so neglect to make such account or return, forfeit the sum of five hundred pounds.

Fines and forfeitures,  
how recoverable.

XVII. *And be it further enacted by the authority aforesaid,* That all pecuniary penalties and forfeitures imposed by this Act, shall and may be sued for and recovered in any Court of Record having jurisdiction in this Province; and that no suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty's Attorney-General of the Province, for the time being.

Return of affairs to be  
laid before the Legis-  
lature.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall, once in every year, if thereto required by either branch of the Legislature of the Province, lay the same account before the Legislature of their affairs and concerns within this Province, as is now by law required of the Bank of Upper Canada.

No notes under five  
shillings to be issued;

XIX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, carrying on business under the provisions of this Act, to issue any note or bill under the value of five

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shillings, of lawful money of the Province of Upper Canada, or to issue any note or bill (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province; and in case the said Company shall issue any bill or note under the value of five shillings, of lawful money aforesaid, or shall issue any bill or note (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province, the said Company so offending, shall for every such offence, forfeit and pay the sum of twenty-five pounds.

Not payable otherwise than on demand;

Penalty for offending against this provision.

XX. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said Manager or Directors shall refuse, on demand being made at their Banking House or Office now established, or hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, any of their bills, notes, or other evidences of debt, issued by the said Company, they shall wholly discontinue their Banking operations, either by way of discount or otherwise, until such time as they shall resume the redemption of their bills, notes, or other evidences of debt, in specie or other lawful money of this Province.

On failure to redeem notes, &c. in specie, Company to discontinue Banking operations.

XXI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank as may be deemed necessary; nor shall anything herein contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which, by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks in Upper Canada.

Nothing in this Act to prevent Legislature from making other provisions to affect the said Company.

## SCHEDULE TO WHICH THE ACT REFERS.

Memorial, made the ——— day of ———, of the names of the present local Directors and Managers, in the Province of Upper Canada, of "The Bank of British North America," and the proprietors of the said Bank in this Province and elsewhere, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled, "An Act to enable the proprietors and shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company in this Province."

A. B. of ———	} Local Directors.
C. D. of ———	
E. F. of ———	Manager.
G. H. of ———	} Proprietors.
I. K. of ———	
&c. &c.	



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L. M., one of the local Directors (or Manager) of the said Company, doth declare, that the above-written memorial doth contain the names of the present local Directors and Manager of the said Company in this Province, and of all the present proprietors of the said Company, as the same appear in the books of the said Company, by the latest returns received in this Province.

*In case of a change of Directors, or Manager.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_, of the names of the new local Directors (or Manager) in this Province, of the Bank of British North America, and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled, "An Act to enable the proprietors or shareholders of a Company called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors or Manager, for the time being, of the said Company in this Province."

E. F. of \_\_\_\_\_, in the place of A. B. of \_\_\_\_\_.

G. H. of \_\_\_\_\_, in the place of C. D. of \_\_\_\_\_.

H. I. of \_\_\_\_\_, one of the local Directors (or Manager) of the said Company, doth declare, that the above-written memorial contains the names of the new local Directors or Manager of the said Company in this Province, and of the persons in whose places they have (or he has) been appointed, as the same appear in the books of the Company.

Signed, H. J.

N. B. The last memorial as to new local Directors (or Manager) was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_.

*In case of persons ceasing to be Proprietors.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_, of the names of the persons who have ceased or discontinued to be proprietors of the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_, being the date of the memorial last registered, respecting the proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled, "An Act to enable the proprietors or shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company in this Province."

A. B. of \_\_\_\_\_.

E. F. of \_\_\_\_\_, one of the local Directors (or Manager) of the said Company in this Province, doth declare, that the above memorial doth contain the name or names of the persons who have ceased or discon-

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tinued to be proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_, so far as the latest returns received in this Province shew.

Signed, E. F.

*In case of Persons becoming new Proprietors.*

Memorial, made the \_\_\_\_\_ of \_\_\_\_\_, of the persons who have become new proprietors in the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_ (being the date of the memorial last enregistered, respecting new proprietors of the said Company,) enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled "An Act to enable the proprietors or shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company in this Province."

J. K. of \_\_\_\_\_.

L. M. of \_\_\_\_\_.

A. B. of \_\_\_\_\_, one of the local Directors (or Manager) of the said Company in this Province, doth declare, that the above memorial doth contain the names of the persons who have become new proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_, so far as the latest returns received in this Province shew.

Signed, A. B.

*In case of memorializing several changes at the same time.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_, of the names of the new local Directors, and of the Manager, in this Province, of the Company called the Bank of British North America, and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled, "An Act to enable the proprietors or shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company in this Province."

*Names of the New Directors, and of the persons in whose place they have been appointed.*

E. F. of \_\_\_\_\_, in the place of A. B. of \_\_\_\_\_.

G. H. of \_\_\_\_\_, in the place of C. D. of \_\_\_\_\_.

*Name of the Manager, and of the person in whose place he has been appointed.*

E. F. of \_\_\_\_\_, in the place of A. B. of \_\_\_\_\_.

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*Names of persons who have ceased to be Proprietors.*

A. B. of ———.

C. D. of ———.

*Names of new Proprietors.*

J. K. ——— L. M. ———

E. F. of ———, in the District of ———, (description) one of the local Directors (or Manager) of the said Company in this Province, doth declare, that the above-written memorial doth contain the names of the new local Directors, and of the Manager, of the said Company in this Province, and of the persons in whose place they have been appointed, and of the persons who have ceased or discontinued to be proprietors of the said Company, and of the new proprietors of the said Company, as the same respectively appear in the books of the said Company, so far as the latest returns received in this Province shew.

Signed, E. F.

N.B. The last memorial, as to new Directors, was enrolled on the ——— day of ———. The last memorial, as to the appointment of Manager, was enrolled on the ——— day of ———. The last memorial, as to the ceasing and discontinuing of proprietors, was enrolled on the ——— day of ———. The last memorial, as to new proprietors, was enrolled on the ——— day of ———.

**7th Wm. IV. Chap. 35.**

*AN ACT to authorise the President, Directors and Company, of the Bank of Montreal, to collect debts due to them in this Province, notwithstanding the expiration of their Charter, under certain restrictions therein mentioned.*

[Passed 4th March, 1837.]

Preamble.

(See Statutes of Canada, 4 &amp; 5 Vic. Chaps. 98 &amp; 99.)

**WHEREAS** the President, Vice-President and Directors, of the Bank of Montreal, in the Province of Lower Canada, have by their Petition, signed on their own behalf and on behalf of the Stockholders of the said Institution, represented that the Act of Incorporation, under which they have heretofore conducted the business of the said Bank, will expire on the first day of June next: *And whereas* the said Petitioners have represented, that in the course of their business large sums of money have been lent and advanced upon promissory notes, bills, and other negotiable securities, to Merchants and others resident in this Province; and have also represented, that on the expiration of the said Act of Incorporation, the said Bank will be exposed to the liability of loss, as

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well in such of the said sums as may have previously become due and shall then remain unpaid, as those which may become due and remain payable after that date, unless, by Legislative enactment, the said Petitioners, or some other person or persons in trust for them, be authorised to recover such debts, notwithstanding such Act of incorporation shall have expired: *And whereas* it is reasonable and just to grant the prayer of the said 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said President, Directors and Company, of the Bank of Montreal, by their corporate name, or in the name of their assignee or assignees, to prosecute any action or actions that they may deem necessary, for the recovery of any debt or debts that may be due and owing, or which, having been contracted, may afterwards become due and owing to the said President, Directors and Company, of the Bank of Montreal, at the time of the expiration of the said Act of incorporation, in the same manner and under the same limitations and restrictions, that they or their assignee or assignees might or could do if the said Act of incorporation had not expired, but continued in full force and effect: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to authorise the said Corporation to bring any action after the expiration of their Charter, which they could not have done previous to the expiration thereof.

Bank of Montreal, by their corporate name, or in the name of their assignee, may sue for debts due or contracted at the expiration of their Charter;

As they might have done before their Charter expired;

No authority given to bring any action which could not have been sustained if their Charter was in force.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAPS. 98 & 99.]

## 1st Vic. Chap. 1.

*AN ACT to afford relief to certain Banking Institutions heretofore carrying on business in this Province, by enabling them more conveniently to settle their affairs, and for protecting the interests of persons holding their notes.*

[Passed 11th July, 1837.]

**WHEREAS** there is reason to believe that about the time of the passing of the Act of Parliament of this Province, in the seventh year of His present Majesty's reign, intituled, "An Act to protect the public against

Preamble.

(See 7 Wm. 4, Ch. 13; and 1 Vic. Ch. 23.)

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injury from Private Banks," and before the passing of that Act became generally known throughout this Province, several associations of persons were engaged in carrying on the business of Banking, not being among the number of those enumerated in that Act as intended to be exempt from its provisions: *And whereas* it is expedient to afford facility to such associations in collecting their debts, and in the final arrangement of their affairs, in order that the prohibition against the continuance of their business may not operate injuriously to the public: *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 if any person or association of persons were, before the first day of April now last past, engaged in carrying on the business of Banking in this Province, and in the issuing of bills or notes, contrary to the provisions of the said Act passed in the seventh year of His present Majesty's reign, which person, or association of persons, not being specified in the said Act, remains subject to the prohibitions and provisions therein contained, it shall and may be lawful for the person or persons, in every such case, to apply by petition to the Judge of the District Court, for the District in which their principal office or place of business was situated, to approve of any three persons to be named by them as Commissioners, for the purpose of settling the affairs of such Bank or Institution; and in case the persons so named shall be approved of by such Judge, as being men of good character and substance, then such persons shall be and are hereby enabled (using their individual names) to sue as Commissioners for settling the affairs of such Bank or Institution, for any debt or demand arising upon any mortgage, bond, bill, note or other security, given to the said Bank or Institutions, or to any person or persons for their use, or in trust for them, or in order to secure any moneys advanced by them; and the amount due upon any such security may be recovered in an action for money had and received, to the use of the persons suing as Commissioners, a copy of the instrument or writing being attached to the copy of process which may be served upon the Defendant.

Provision made for the appointment of Commissioners to settle the affairs of persons engaged in the business of Banking, contrary to Act of last Session, upon application of the parties; and authority given to such Commissioners to recover debts, &c.

Parties applying for appointment of Commissioners to state their names in a list to be filed in office of Clerk of District Court, &c.

II. *And be it further enacted by the authority aforesaid,* That before any appointment of Commissioners shall take place under this Act, the names of all persons who have been parties to the association applying for the nomination of such Commissioners, from the commencement thereof, shall be stated in a list which shall accompany the petition, and shall remain filed in the office of the Clerk of the District Court, with

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such petition, and that in the said list shall be specified when each person became a member of such association, and when, if at any time, he ceased to be a member thereof; and that the correctness of such list shall be attested by the oaths of the President and Cashier of such association, or of one-third of the number of persons stated in such list to be members thereof, which oath the Judge of such District Court is hereby authorised to administer; and a copy of the articles of association, agreement or deed of settlement, attested in like manner, shall be annexed to the said list.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners to be named in any case under the authority of this Act shall have power to compel payment by any subscriber to such association or institution, of the amount of stock or shares subscribed by him or her, and not paid in, in an action for money had and received, to their use.

Commissioners may compel payment of stock or shares subscribed for by Stockholders.

IV. *And be it further enacted by the authority aforesaid,* That the holders of any notes or bills put in circulation by any person or association of persons coming under the provisions of this Act, may, after demanding payment from any of the Commissioners that may be appointed for settling the affairs of such Bank or Institution, sue upon such note or bill in the Court of Requests, or in any other Court of higher jurisdiction, as the case may require, any one or more of the persons who shall appear upon the list, delivered and attested as aforesaid, to have been associated in such Bank or Institution, at or after the time of such note or bill being issued: *Provided always,* that nothing herein contained shall interfere with any other remedy given by law to the holder of any bill, note, or other evidence of debt, of any such association, Bank or Institution.

Persons whose names appear in list delivered in, may be held for debts due by the Association.

V. *And be it further enacted by the authority aforesaid,* That no person or persons shall be liable to any penalty or punishment under the said Act, passed in the seventh year of His present Majesty's reign, for any thing done contrary to the provisions of the said Act before the first day of April now last past.

Penalties imposed by Act of last Session relieved against.

VI. *And be it further enacted by the authority aforesaid,* That the nomination of Commissioners shall be made at a meeting of the subscribers or shareholders, to be held on the first Monday in August after the passing of this Act, at the place where the District Court is usually holden, for the District in which the principal office of any such Bank or Institution shall have been or shall be situated; and in case the Judge shall not confirm such nomination, then others shall be chosen at a meeting to be held at the same place, on a day to be named by him, by

Manner in which Commissioners are to be nominated, and time of nomination.

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advertisement in some public newspaper of the District, giving ten days notice; and that in case of any vacancy occurring by the death, removal or incapacity, of any of the Commissioners, a successor shall be nominated and appointed in like manner, upon a notice of meeting to be given as hereinbefore provided by the Judge of the District Court.

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## 6th Wm. IV. Chap. 25.

*AN ACT for the relief of William Conway Keele.*

[Passed 20th April, 1836.]

Preamble; Court of King's Bench authorised to admit W. C. Keele as an Attorney, on proving service under articles.

[See 7 WM. IV. CH. 15. SEC. 2. IN VOL. 1ST.]

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## 1st Vic. Chap. 42.

*AN ACT to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province.*

[Passed 6th March, 1838.]

Preamble.

[2 Geo 4, Ch. 5, Sec. 3.]

**W**HEREAS an Act was passed in the second year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, intituled, 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same:" *And whereas*, it is among other things enacted, that from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney in this Province, unless upon an actual service, under articles, for five years, with some practising Attorney in this Province: *And whereas*, John Prince, Esquire, late of Cheltenham, in the County of Gloucester, in England, a Solicitor and Attorney of Her Majesty's Courts of Law and Equity, has been for some years a resident inhabitant of this Province, and during the late invasion of the Western District, rendered very zealous and effective service in its defence: *And whereas*, it is desirable that the Legislature should mark their approbation of the conduct of the said John Prince, by enabling him to practise in his

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profession in this Province, without incurring the delay which is required by the law in that behalf: *Be it therefore enacted, &c.*

Court of King's Bench authorised to admit John Prince to practise as an Attorney. 2. Law Society, in its discretion, to receive the said John Prince, and introduce him as a Barrister, who, being received at the bar of the Court of King's Bench, may thenceforth practise as a Barrister.

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## 2nd Vic. Chap. 33.

*AN ACT to make valid and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery in this Province.*

[Passed 11th May, 1839.]

Preamble; Admission of John Bristowe, as Solicitor, confirmed. 2. Past professional acts declared valid.

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## 2nd Vic. Chap. 34.

*AN ACT to authorise the Court of King's Bench to admit Adam Ainslie to practise as an Attorney in that Court, and to authorise the Vice-Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province.*

[Passed 11th May, 1839.]

Preamble; Court of King's Bench authorised to admit Adam Ainsley as an Attorney. 2. Vice-Chancellor authorised to admit Adam Ainsley to be a Solicitor.

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## 3rd Vic. Chap. 29.

*AN ACT to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court.*

[Passed 10th February, 1840.]

Preamble; Court of Queen's Bench may admit John Ford Maddock, an Attorney.



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## 8th Geo. IV. Chap. 12.

*AN ACT to incorporate certain persons therein mentioned, under the style and title of "the Cataraqui Bridge Company."*

[Passed 17th February, 1827.]

Preamble.

[See 10 Geo 4, Ch. 16.]

£6000 stock subscribed.

Certain persons incorporated under the name of the Cataraqui Bridge Company;

**WHEREAS** John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, and Edward Forsyth, have petitioned to be incorporated for the purposes of this Act: *And whereas*, they have represented, by their agent, that they have made arrangements with His Majesty's Government, in case the object above recited shall be carried into effect, for the passage of Military and Naval Stores, and of the officers and men belonging or attached to the various Military and Naval Departments, for a certain consideration to be annually paid by the Government; and that for the purposes of their incorporation they have subscribed stock to the amount of six thousand pounds: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, Edward Forsyth, and their successors, who 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 Cataraqui Bridge Company," and

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that 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 or 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 Cataraqui Bridge Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always, nevertheless*, that the Company shall not be allowed to hold real estate, exclusive of the said Bridge and its immediate dependencies, of a greater annual value than five hundred pounds; and that nothing herein contained shall be considered to authorise the said Company to transact the business of banking.

Common Seal;

To hold real and personal estate;

Not to hold real estate of greater annual value than £500. nor to transact business as Bankers.

II. *Provided always, nevertheless, and be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend to give to any femme covert, who may be a subscriber to the stock of the said Company, a right to be regarded as a member of the Company, but that her husband shall be regarded as the Stockholder in her stead, notwithstanding the name of such femme covert, and not that of her husband, shall have been inserted in the petition herein-before recited.

Where femmes covert are Stockholders, the husband shall represent the Stock;

III. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to erect and build a good and substantial Bridge over the great River Cataraqui, near the Town of Kingston, in the Midland District of this Province, from the present scow landing on the Military Reserve, opposite to the North-east end of the continuation of Front-street in the said Town, to the opposite shore on Point Frederick, at the present scow landing on the Military Reserve, adjoining the Western addition of the Township of Pittsburgh, in the said District, with convenient access thereto at both ends of the said Bridge, to and from the adjacent highways at present in use; that the said Bridge shall be at least twenty-five feet in width, and of sufficient strength for the passage of artillery, carriages, and cattle of every description, having sufficient side-rails for the security of passengers, and a convenient foot-way for passengers, separated from the carriage-way by secure railings; that the said Company shall also be at liberty to erect and build toll houses and toll bars, and to construct turnpikes, and other necessary dependencies, on or near the said Bridge; and also, from time to time, to alter, repair, amend, widen, or enlarge the same; and that for the purpose of erecting, building, and keeping in repair

The Company to build a Bridge over the River Cataraqui, from Kingston to Point Frederick.

Description of the Bridge;

Toll Houses and Turnpikes;

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Power given to occupy land for the purpose of placing and working up materials &c.

General powers given to the Company ;

Draw-bridge to be made to admit the passing of vessels and crafts ;

And to admit of Steam Boats if necessary.

Bridge &c. vested in the Company ;

Justices of the Peace to certify when the Bridge is completed.

Publication of such certificate.

Tolls permitted to be taken.

the said Bridge, the said Company shall have full power and authority to take, from time to time, and use such land on either side of the said River, at the places aforesaid, belonging to His Majesty, as may be necessary, and there to lay timber, boards, lumber, stone, gravel, sand, and all other materials which may be requisite for building, maintaining or repairing, the said Bridge, and there to make, work up, and finish the same, doing no unnecessary damage; and also to construct, make, perform and do, all other matters and things which they shall think necessary and convenient for the making, preserving, improving, completing and using, the said Bridge, in pursuance of, and within the true meaning of this Act. *Provided always*, that the said Company shall make, or cause and procure to be made, in some part of the said Bridge, a Draw-bridge, or moveable part, not less than eighteen feet in length, for the passage of all vessels, boats and crafts, of every description, and shall cause the same to be opened for their passage at all hours during the season of navigation, without exacting any toll or reward; and that if from any improvement which shall hereafter be made, it shall become desirable to have a passage for vessels or boats of larger dimensions through or under the said Bridge, it shall be incumbent upon the said Company, so soon as may be practicable, to increase the dimensions of their Draw-bridge, so that the navigation shall not be obstructed by the said Bridge.

IV. *And be it further enacted by the authority aforesaid*, That the said Bridge, toll houses, turnpikes, and all other dependencies at or near thereto, and also the approaches to the said Bridge, and all materials which shall be from time to time gotten or provided for erecting, building, making, maintaining, or repairing the same, shall be and the same are hereby vested in the said Company, and their successors, forever; and so soon as the said Bridge shall be erected and built, and the same, as well as the accesses thereto, shall be made fit, and proper for the passage of travellers, carriages and cattle, of every description, and that the same shall be certified by the Clerk of the Peace, by order of a majority of the Justices of the Peace present at any General Quarter Sessions of the Peace, or at any adjourned General Quarter Sessions, and notice of such certificate shall be published twice in each of the public newspapers in the town of Kingston, it shall and may be lawful for the said Company, and their successors, from time to time, and at all times, to ask, demand, receive, recover and take, as toll, to and for their own proper use, benefit and behoof, for pontage, as in the name of a toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say :

For every waggon or carriage of any description, on four wheels, (laden or unladen,) drawn by two horses, oxen, or other beasts of draught, seven pence half-penny, provincial currency.

For every carriage with four wheels, and drawn by one horse, six pence.

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For every additional horse, ox, or other beast of draught, two pence half-penny.

For every chaise, cart, or other vehicle, on two wheels, (laden or unladen,) drawn by one horse, ox, or other beast of draught, six pence.

For every additional horse, ox, or other beast of draught, one penny half-penny.

For every carriage, sleigh, or other vehicle, without wheels, drawn by one horse, or other beast of draught, six pence.

For every additional horse, or other beast of draught, two pence half-penny.

For every horse and his rider, five pence.

For every horse, mule, ass, ox, bull or cow, two pence half-penny.

For every hog, pig, goat, calf, sheep, or lamb, one penny.

For every person who shall pass the said Bridge, except children under two years of age, and except the driver of any chaise, carriage, cart, waggon, train, carriage, sleigh, or other vehicle, two pence.

*Provided also*, that the said Company, and their successors, shall affix, or cause to be affixed, and kept affixed, at or near the toll house or gate, a table of the rates of toll payable for passing over the said Bridge, painted or written in plain and conspicuous characters.

Rates of toll to be put up near the toll house in conspicuous characters.

V. *And be it further enacted by the authority aforesaid*, That the said tolls shall be and the same are hereby vested in the said Company and their successors.

Tolls vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall pass over, or wilfully attempt to pass over the said Bridge, without paying the tolls above specified, every such person or persons shall forfeit and pay for every such offence, to the said Company, the sum of five shillings, provincial currency, and that the same may be recovered upon the oath of one or more credible witness or witnesses, or upon confession of the party, before any one or more of His Majesty's Justices of the Peace, in and for the Midland District, and the said penalty shall be levied by distress and sale of the goods and chattels of such offender or offenders, under the hand and seal, or hands and seals of such Justice or Justices, and the overplus, if any, (after deducting the charges of such distress and sale) shall, upon demand, be returned to the owner or owners of such goods and chattels, and in case no such distress shall be found, such offender or offenders shall be committed to the common gaol of the District, for a time not exceeding one week, at the discretion of such Justice or Justices.

Penalty on persons attempting to evade the payment of toll.

VII. *And be it further enacted by the authority aforesaid*, That if the said Company shall contract with His Majesty's Government, or with any public Naval or Military Department of His Majesty's service, for a consideration to be paid to the said Company, to allow officers and men

Provision for carrying into effect any agreement that may be made by the Company with His Majesty's Government for the passage of Soldiers, &c. free of toll.

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belonging or attached to the various Military and Naval Departments, and carriages of all descriptions, and horses or other beasts of draught or burthen, belonging to or used in the employment of any Military or Naval Department of His Majesty's service, to pass free of all toll or impost over the said Bridge and its dependencies, then and in such case it shall not be lawful to receive or exact any toll or impost contrary to the said agreement, but all persons, carriages, and beasts of burthen or draught, which it shall be agreed by any such contract to allow to pass free of toll or impost, shall be permitted to pass freely according to such agreement, without interference or obstruction on the part of the said Company or their assigns.

Felony, maliciously to burn or destroy the Bridge, &c.

VIII. *And be it further enacted by the authority aforesaid,* That if any person shall maliciously pull down or destroy the said Bridge, or set fire to any part thereof, every person so offending, and being thereof lawfully convicted, shall be deemed guilty of felony.

Punishment for maliciously injuring the Bridge, &c.

IX. *And be it further enacted by the authority aforesaid,* That if any person shall maliciously pull down or destroy any part of the said Bridge, or any toll-house or other work to be erected or made by virtue of this Act, or any part thereof, every such person or persons shall forfeit and pay, for every such offence, to the said Company, a sum not exceeding forty shillings, nor less than two shillings and six pence, and that the same may be recovered upon the oath of one or more credible witness or witnesses, or upon confession of the party, before any one or more of His Majesty's Justices of the Peace, in and for the said District, and the said penalty shall be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal or hands and seals of such Justice or Justices, and the overplus, if any, after deducting the charges of such distress and sale, shall, upon demand, be returned to the owner or owners of such goods and chattels, and in case no such distress shall be found, such offender or offenders shall be committed to the common gaol of the District, for a time not exceeding fourteen days, at the discretion of such Justice or Justices: *Provided,* that nothing herein contained shall prevent or be construed to prevent the said Company from commencing or maintaining any action or actions at law against any person or persons.

Not to restrain the Company from seeking a remedy by civil action.

President and Directors, how to be chosen;

To be one year in office; Qualifications;

Notice of Election;

X. *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 said Directors shall be Stockholders, and inhabitants of this Province, and be elected on the last Monday in January in every year, in the Town of Kingston, 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 the several public newspapers

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of the said Town, at least ten 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 person or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors; and if it should 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 five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election shall proceed to elect by ballot until it is determined, by plurality of votes, 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 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, 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 said 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 four shares.

Five Directors;

President;

Vacancies, how supplied.

XI. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting, 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.

XII. *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 day to make and hold an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Corporation not to be dissolved if Directors not chosen on the day appointed.

XIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make half yearly dividends, in the months of January and July in each year, of so much of the profits of the said Company as to them, or the majority of them, shall appear advisable;

Dividends of profits.

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and that once in every year, at the general election of Directors, an exact and particular statement shall be rendered of all debts which shall be due to or by the said Company, and of the surplus profits, if any, after deducting losses, dividends and expenditures.

Power and duty of Directors;

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 and conduct of the officers, clerks and servants, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided,* that such rules and regulations be not repugnant to the laws of this Province.

Clerks, Servants, &c.

Salaries.

Company may make rules for preventing damage to the Bridge in certain cases.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to make such rules and regulations as shall be deemed necessary for the preservation of the said Bridge, by preventing any person or persons from crossing the same at too rapid a rate, or drawing thereon logs of timber, or other heavy articles, without a carriage.

Tolls may be farmed.

XVI. *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, to let and farm the said tolls, (authorised to be taken by this Act,) to such person or persons as may be willing and desirous of taking and farming the same; and all such person or persons shall receive the like tolls, and may recover the same penalties for non-payment thereof, as the said Company can or might do, any thing herein-before contained to the contrary thereof in any wise notwithstanding.

Shares, number and amount;

XVII. *And be it further enacted by the authority aforesaid,* That each share in the said Company shall be twenty-five pounds, Provincial Currency, and that the number of shares shall not exceed two hundred and forty: *Provided always nevertheless,* that in case the sum of six thousand pounds, already subscribed by the Stockholders of the said Company, shall not be sufficient for the building and erecting the said Bridge, agreeably to the provisions of this Act, it shall and may be lawful for the Directors, and they are hereby authorised, to declare the same by a resolution passed for that purpose, and published in the several newspapers of the Town of Kingston; and that in such case additional stock may be subscribed and held under the provisions of this Act, so that the whole number of shares do not exceed three hundred and twenty; and all persons thus becoming Stockholders shall be entitled to all the privileges.

Shares may be increased to 320.

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and benefits of this Act, in as full and ample a manner as if they had been original subscribers.

XVIII. *And be it further enacted by the authority aforesaid,* That so soon as the Directors shall be elected, after the passing of this Act, it shall and may be lawful for them to call in, by instalments of not more than ten per cent on each share, the amount of the shares subscribed, which are hereby declared to be due and payable to the said Company as above mentioned: *Provided,* that no instalment shall be called for in less than thirty days after public notice shall be given in one or more of the public newspapers of the Town of Kingston: *Provided always,* that if any Stockholder or Stockholders 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 or shares, 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 thirty 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.

Calling in instalments;

Forfeiture of shares by non-payment.

XIX. *And be it further enacted by the authority aforesaid,* That after the first instalment on each share shall have been paid to the said Company, the shares shall become transferable on the books of the said Company; and that such shares shall be deemed personal property, and as such shall and may be disposed of and distributed, and shall, like other personal property, be subject to execution and sale for the satisfaction of debts.

Shares may be transferred;

Shall be deemed personal property, and be subject to be sold in execution, &c.

XX. *And be it further enacted by the authority aforesaid,* That on the second Monday after the passing of this Act, a meeting of the Stockholders shall be held at the Court House in the Town of Kingston, who, in the same manner as herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in office as such Directors until the last Monday in January next after their election, and who shall, during their continuance in office, discharge the duties of Directors in the same manner as if they had been elected at the annual election in January.

When first Directors shall be chosen;

Their continuance in office.

XXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors, for the time being, to diminish the rate of toll or duty on passing the said Bridge, as herein-before mentioned,

Directors may at any time diminish the rates of Tolls;



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And increase them again, but not beyond the rates authorised by this Act.

to such standard as to them, or a major part of them, shall seem necessary; *Provided always*, that no such diminution shall be construed to prevent them from again increasing the same as they shall think expedient, so that such increase shall not exceed the rate of toll herein-before established by the fourth clause of this Act.

The bridge shall in some one part, have a space not less than 40 feet between the piers for rafts to pass.

XXII. *And be it further enacted by the authority aforesaid*, That the said Bridge shall be built in such a manner that the piers shall, at least in one part of the same, be forty feet apart, in order that rafts may pass under and through the same without any hindrance or obstruction.

Bridge must be completed in three years;

[See 10 Geo. 4. Ch. 16.]

Or the Tolls shall go to His Majesty, and the Company shall not be reimbursed their expenses;

If Bridge out of repair it may be presented at the Quarter Sessions;

Forfeiture if neglect to repair after presentment;

Company to provide ferry-boats while the bridge is being rebuilt or repaired;

Tolls for such ferry.

XXIII. *And be it further enacted by the authority aforesaid*, That the said Company, to entitle themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to erect and complete the said Bridge, toll-houses, turnpike and dependencies, within three years from the day of the passing of this Act; and if the same shall not be completed within the time last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said Company and their successors shall cease to have any right, title or claim, of, in or to, the tolls hereby imposed, which shall from thenceforward belong to His Majesty; and the said Company shall not, by the said tolls, or in any other manner or way, be entitled to any reimbursement of the expenses they may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, carriages or cattle, the said Company and their successors shall, and they are hereby required, within twelve months from the time at which the said Bridge, by presentment of a Grand Jury, at any General Quarter Sessions of the Peace in and for the Midland District, be declared to be impassable or unsafe, and notice thereof to the Directors by the said Court given, to cause the same to be re-built or repaired, and made safe and commodious for the passage of travellers, carriages and cattle; and if, within the time last mentioned, the said Bridge be not so repaired or re-built, as the case may require, then the said Bridge and all its dependencies shall be taken and considered to be the property of His Majesty, and the right of the said Company and their successors in the premises shall be wholly and forever determined: *Provided always*, that before the said default is incurred, and during the interval hereby allowed for the repairing or re-building of the said Bridge, it shall and may be lawful for the said Company and their successors, and they are hereby authorised and obliged to provide proper and convenient ferry-boats or scows for the passage of travellers, carriages and cattle, over the said River, as near to the said Bridge as conveniently may be, and to demand, collect and receive, for the passage of such travellers, carriages and cattle, in the said ferry-boats and scows, before they respectively shall be permitted to pass, the like tolls as are hereby authorised to be taken for passing over

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the said Bridge, any thing herein-before contained to the contrary notwithstanding.

XXIV. *And be it further enacted by the authority aforesaid,* That so soon as the said Bridge shall be passable and opened for the use of the public, the present ferries between the Town of Kingston and Point Frederick shall cease, and from thence forward no person or persons shall erect, or cause to be erected, any Bridge or Bridges, or work or use any Ferry for the carriage of any persons, carriages or cattle, whatsoever, for hire, across the said River Cataraqui, between any part of the said Town of Kingston and Point Frederick, aforesaid; and if any person or persons shall at any time, for hire or gain, pass or convey any person or persons, cattle, carriage or carriages, across the said River, within one mile of the said Bridge, on either side thereof, such offender or offenders shall, for each carriage, person or animal, forfeit and pay to the said Company the sum of twenty shillings, currency, which said sum shall be recovered in like manner as the penalty mentioned in the fifth clause of this Act: *Provided always, nevertheless,* that it shall and may be lawful for any person to hire a boat for the purpose of crossing the said River, within the limits aforesaid, on any occasion, so that no boat shall be used as a public or common Ferry, to the prejudice of the said Company.

There shall be no ferries to interfere with the bridge;

Nor bridge erected;

Penalty;

Exception as to boats hired.

XXV. *And be it further enacted by the authority aforesaid,* That if any action 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 or directions herein-before 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.

Protection afforded in actions brought for matters done under this Act.

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

Public Act.

XXVII. *And be it further enacted by the authority aforesaid,* That after the expiration of fifty years, to be accounted from the passing of this Act, it shall and may be lawful for His Majesty, His Heirs and Successors, under the authority, and upon the conditions, and subject to the provisions of any Act of the Legislature of this Province, to assume the possession and property of the said Bridge, toll-houses, turnpikes and dependencies, and the approaches thereto, upon paying to the said Company the full and entire value thereof at the time of such assumption; which value shall be ascertained by three Arbitrators, one of whom shall be appointed by the Governor, Lieutenant-Governor, or Person Adminis-

After fifty years His Majesty may assume the possession of the bridge;

Compensation to be paid to the Company;

Arbitration.

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tering the Government of this Province, another by the said Company, and a third shall be chosen by such two Arbitrators; and if His Majesty shall, in the manner herein-before mentioned, assume the possession and property of the said Bridge, toll-houses, turpikes and dependencies, and the approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to His Majesty, His Heirs and Successors, to and for the uses to be declared in any such Act, who shall from thenceforth be substituted in the place and stead of the said Company for all and every the purposes of this Act.

### 10th Geo. IV. Chap. 16.

*AN ACT to amend part of an Act passed in the eighth year of the reign of His present Majesty, intituled, "An Act to Incorporate certain persons therein mentioned, under the style and title of 'The Cataraqui Bridge Company.'"*

[Passed 20th March, 1829.]

Preamble;

**WHEREAS** by the twenty-third section of an Act passed in the eighth year of His present Majesty's reign, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of 'The Cataraqui Bridge Company,'" the said Company to entitle themselves to the benefit and advantages granted to them by the said recited Act, are required to erect and complete the said Bridge within three years from the day of the passing thereof; *And whereas* it is expedient to extend the time for the completion thereof: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the period for the erecting and completing of the said Cataraqui Bridge be and is hereby extended to two years from the day of the passing of this Act.

The period for completing the Cataraqui Bridge extended to two years from the passing of this Act.

A Public Act.

*II. And be it further enacted by the authority aforesaid,* That this Act shall be considered a public Act, and as such shall be judicially noticed, without being specially pleaded.

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## 3rd Wm. IV. Chap. 30.

*AN ACT granting a sum of money to defray the expense of erecting a Bridge over the Grand River at Brantford, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** it is expedient to erect a Bridge across the Grand River at Brantford; *And whereas* it is necessary to provide a sum of money to defray the expense of erecting and keeping the same in repair: May it therefore please your Majesty that it may be enacted, *and be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That Charles Duncombe, Jedediah Jackson, James Racey, John Westbrook and Absalom Shade, be Commissioners, whose duty it shall be to procure plans and estimates of a Bridge across the Grand River at Brantford, 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 moneys by them received and paid under the provisions thereof.

Preamble;

Commissioners appointed;

Duty of Commissioners;

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

£1,500 to be raised by loan to build Brantford Bridge;

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to be issued under this Act, a sum of money not exceeding fifteen hundred pounds, at a rate of interest not exceeding six per cent, payable half yearly in this Province.

Debentures to be issued  
by Receiver General.

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 fifteen 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, for the time being.

Forging Debentures  
made felony.

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.

Return of the number of  
Debentures issued to be  
made annually.

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

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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.

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 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 receipts to be taken by him, as aforesaid.

Debentures when and how to be made payable.

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 the Province, for the time being, for the payment of each Debenture as the same may become due, and be presented in favour 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.

Warrants to be issued for payment of Debentures.

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.

Debentures when and how to be called in and made payable.

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 the Province, for the time being, to

Governor to fill vacancies in the board of Commissioners.

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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, shall or may happen in the said Board of Commissioners, by death, resignation, or otherwise.

Commissioners may appoint engineers and agents to superintend works.

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.

No Commissioner or Secretary to be interested in any contract.

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.

First meeting of Commissioners when and where to be held after bridge, &c. completed;

Tolls to be fixed.

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.

Tolls when, how, and to whom made payable.

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.

Penalty for maliciously damaging bridge.

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.

All persons may use bridge, &c. on payment of tolls.

XV. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have liberty to use with horses, cattle and car-

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riages, the Bridge, roads and approaches, to be made as aforesaid, upon payment of such tolls and dues as shall be established by said Commissioners.

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 of Gore, 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.

Penalties and forfeitures how recovered.

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 moneys, 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.

Penalties how accounted for.

XVIII. *And be it further enacted by the authority aforesaid,* That if any complaint 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, herein-before 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 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 matters 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

Actions against persons acting under this Act to be brought within six months;

Defendant may plead general issue.



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Commissioners may make rules and regulations for carrying Act into effect.

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 moneys 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.

Acting Commissioner may be appointed.

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 moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

First meeting of Commissioners when and where to be holden.

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.

Moneys raised under this Act to whom to be paid, and how accounted for.

XXII. *And be it further enacted by the authority aforesaid,* That all moneys 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 favour 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.

### 3rd Wm. IV. Chap. 33.

*AN ACT to provide for the erection of a Bridge across the River Trent, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

MOST GRACIOUS SOVEREIGN :

Preamble.

**WHEREAS** it is expedient to erect a Bridge across the River Trent, in the Township of Murray, at or as near to the mouth of the said River

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as the convenience of the public and the security of such Bridge may admit; *And whereas* it is necessary to provide a sum of money to defray the expense of erecting and keeping the same in repair, and also to provide for the expenses incurred by His Excellency the Lieutenant Governor in procuring certain plans and surveys, in pursuance of an Address of the House of Assembly during the last Session: May it therefore please Your Majesty that it may be enacted, *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That Reuben White, James G. Bethune, and Robert C. Wilkins, Esquires, be Commissioners, whose duty it shall be to cause a survey or surveys to be made, and to determine the most fit and proper situation for a Bridge across the mouth of the said River Trent, to procure plans and estimates thereof, and to contract with such person or persons as shall undertake to 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 intention 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 moneys by them received and paid under the provisions thereof.

Commissioners appointed  
to carry the objects of  
this Act into effect.

- II. £4,050 may be raised by way of loan.
- III. Debentures therefor to be issued by Receiver-General.
- IV. Penalty for counterfeiting Debentures.
- V. Account of the Debentures issued to be laid before the Legislature.
- VI. Interest when and how made payable.
- VII. Warrants to be issued for payment of Debentures.
- VIII. Debentures when and how to be called in.

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IX. Vacancies in the Board of Commissioners to be filled up by the Lieutenant-Governor.

Commissioners may  
appoint officers.

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.

Neither Commissioners  
nor Secretary to be  
concerned in contracts.

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.

General powers of  
Commissioners.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have full power and authority to examine and survey such parts of the Townships of Murray and Sidney as may be necessary for the purposes of this Act, and to designate and establish, take, appropriate, have and hold, to and for the use of this Province, the said Bridge, and all other necessary erections, and to contract with any person or persons to undertake, do and perform, all and every act or thing, work or works, which may be thought necessary to carry the intention of this Act into full effect.

Further powers of  
Commissioners, as to  
taking possession of  
land, and taking  
materials, &c.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered by themselves, their agents or workmen, contractors or servants, to enter into or upon the lands or grounds of or belonging to any person or persons, bodies politic or corporate, and to survey the same, or any part thereof, and set out and ascertain such parts thereof as they shall think necessary and proper for making roads or approaches to such Bridge in connection with the highway through this Province; to take, carry away and lay, all such timber, stone, and other materials, out of or upon any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing and keeping in repair the said Bridge, and the roads or approaches thereto; and also to 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 also to make, maintain, repair and alter, any fences or passages which shall communicate therewith; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, completing, using and repairing, the said Bridge and approaches, in pursuance and within the true intent and meaning of this Act, they the said

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Commissioners doing as little damage as may be in the execution of the several powers to them hereby granted.

XIV. *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 the said roads and approaches, the said Commissioners be 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 in behalf of those whom they represent, whether infants, lunatics, idiots, femmes covert, or other person or persons who shall occupy, be possessed of, or be interested in any grounds or lands which shall be set out or ascertained, as aforesaid, for the absolute surrender of so much of the said land as shall be required; for the damages which he, she or they, may be entitled to receive from the said Commissioners in consequence of such roads and approaches, and other constructions and erections, being made or constructed in or 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.

Commissioners may agree with parties interested, for lands taken or damages done.

XV. *And be it further enacted by the authority aforesaid,* That if no voluntary agreement shall have been made, as to the amount of compensation to be paid for damages according to this Act, the Commissioners superintending the said works shall, at any time after the completion of such Bridge, together with the roads and approaches thereto, upon the notice or request in writing of the proprietor of such lands, or his agent legally authorised, appoint one of their number as 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 shall first make an oath or affirmation before some one of His Majesty's Justices of the Peace then there present, (which oath or affirmation the said Justices of the Peace are hereby authorised to administer,) to give a just and true award upon the claim submitted to them; and shall, upon the statement 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.

Disputes may be left to arbitration;

Arbitrators selected may appoint a third;

Arbitrators to be sworn.

XVI. *And be it further enacted by the authority aforesaid,* That if either of the Commissioners superintending the said works, or the party claiming damages, as aforesaid; shall decline to abide by any such award,

Party dissatisfied with award may have damages assessed by a Jury at his own expense.

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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 solé expense of the party refusing to abide by such 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 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 in which the lands lie, for the purpose of striking a Jury to assess the damages so claimed, as aforesaid.

Time and manner of striking Juries.

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 of the clock in the afternoon, proceed in the presence of the parties, or such of them, their attornies or agents, as may be present, to select the names of forty-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 forty-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 is reduced to seven; and that such seven persons shall be a Jury for assessing 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 party not attending.

Jury to attend upon the premises in question, and Sheriff to administer the following:

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 six 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 so called in the order in which they shall stand upon the original list the oath following, that is to say:

Oath.

"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."

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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 the party desiring such Jury to be summoned shall pay to the Sheriff for summoning the same six pence per mile for the whole distance he shall be compelled to travel in order to summon such Jury; and the like sum of six pence per mile for the distance he shall travel to attend and take the verdict; and for taking the verdict the sum of twenty-five shillings; and to each Juryman attending in pursuance of such summons the sum of ten shillings for every day he shall be necessarily absent from his place of residence.

Fees to Sheriff and Jurymen.

XXI. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any person or persons to compensation for property taken, or for damages done under the authority of this Act, the Arbitrators or Jury assessing such damages shall take into their consideration the benefit which shall probably accrue to such person or persons from the constructing and erecting of the said Bridge, by its enhancing the value of his property, or producing other advantages: *Provided always, nevertheless,* that it shall not be competent to any Arbitrators or Jury to direct any person or persons claiming, as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such persons shall be estimated.

In ascertaining damages, the benefit conferred by the erection of the Bridge to be considered.

XXII. *And be it further enacted by the authority aforesaid,* That any award or awards to be made under the provisions of this Act shall and may be made a rule or order of His Majesty's Court of King's Bench in this Province; which Court shall have full power and authority to make such order, touching the performance of such award, as shall to such Court seem just.

Awards to be made rules of Court.

XXIII. *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.

Commissioners to fix tolls;

Rates of toll to be affixed on the gate of the Bridge.

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Manner of collecting  
tolls.

XXIV. *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.

Penalty for damaging  
works.

XXV. *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 or completing, supporting or maintaining, the said Bridge, every such person or persons so offending shall be deemed guilty of a misdemeanor.

All persons may pass  
over the Bridge on  
payment of toll.

XXVI. *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 the said Commissioners.

Penalties how recovered.

XXVII. *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 Newcastle or Midland Districts, 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, after such penalties and forfeitures, and the charge 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 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 either of the said Districts, 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.

Penalties when levied  
how to be applied.

XXVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule or order, or by-law, of the Commissioners, to be made in pursuance thereof, when levied or satisfied, in manner aforesaid, shall be paid to the said Commissioners, to be by them with other moneys transmitted to His

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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.

XXIX. *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, herein-before 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 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

All actions to be brought within six months for any thing done under this Act;

General issue may be pleaded.

XXX. *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 moneys coming into their hands, and touching the duty 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.

Commissioners to be construed to mean the majority thereof;

Commissioners may make rules and regulations.

XXXI. £50 to be paid to the person who made the survey.

XXXII. *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 moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

An acting Commissioner to be appointed.

XXXIII. *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 when and where to be appointed.



## BRIDGES.

TRENT &amp; DUNNVILLE.

Moneys how to be paid  
and accounted for.

XXXIV. *And be it further enacted by the authority aforesaid, That all moneys 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 favour 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.*

NOTE.—The clauses of which only the marginal notes are printed, are similar to those for the same purposes contained in the Brantford Bridge Act.—*Qu. vide.*

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### 5th Wm. IV. Chap. 35.

*AN ACT for the remuneration of Dean S. Howard, for extra work performed by him in the erection of the Trent Bridge.*

[Passed 16th April, 1835.]

Preamble; £375 granted to D. S. Howard. 2. To be paid on warrants to Receiver-General; And accounted for.

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### 4th Wm. IV. Chap. 43.

*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.]

Preamble.

[See 7 Wm 4, Ch. 35.]

**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 Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's

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## DUNNVILLE.

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 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 moneys 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 moneys

II. Receiver-General to raise a loan, upon Government securities, not exceeding £1250, at six per cent interest.

III. Debentures may be issued for such sum of £1250: Three Debentures to be issued for each advance; Date; Each Debenture for payment of one-third of loan; Payable in eight, nine and ten years, with interest.

IV. Forging or uttering counterfeit Debentures, &c. felony.

V. 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. Interest to be payable half-yearly; Warrants to be issued for payment of interest after 30th June and 31st of December.

VII. Separate warrant for payment of each Debenture.

VIII. Notice to holders of Debentures to present them for payment; Interest, when, to cease.

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 and 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.

Vacancies among Commissioners, how filled.

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DUNNVILLE.

Commissioners may  
appoint Engineers and  
Officers, &c.;

with salaries;

Security by officers, &amp;c.

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.

No Commissioner or  
Secretary to be interested  
in any contract.

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.

Rates and dues, when to  
be ascertained and fixed;

Power to alter the same;

Schedule of rates to be  
affixed to the gate.

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.

Payment of tolls;

How recoverable.

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.

Wilful damage or  
obstruction to be deemed  
a misdemeanor.

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.

Bridge free to all persons,  
cattle, &c. on payment  
of tolls.

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.

Recovery of penalties,

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

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thereof, shall, upon proof of the offences, respectively, before any two before two Justices, 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 by distress and sale, 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 in default of 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 commitment to gaol, 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 not exceeding 20 days. days, unless such penalties and forfeitures, and all reasonable costs and charges attending the same, shall be sooner paid and satisfied.

XVII. *And be it further enacted by the authority aforesaid,* That all Application of penalties. 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 moneys, 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 Limitation of actions; 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, herein-before 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 General issue may be pleaded. 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XIX. *And be it further enacted by the authority aforesaid,* That when- The word "Commissioners" to mean the majority; over 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 Their power to make rules. subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the moneys coming

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DUNNVILLE.

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.

Commissioners may appoint one of their own number to manage the works;

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 moneys which shall come into their hands, under the provisions of this Act, such sum as they may consider proper.

Allowance to such Commissioner.

First meeting of Commissioners.

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.

Moneys raised under this Act; to whom payable.

XXII. *And be it further enacted by the authority aforesaid,* That all moneys 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 favour 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.

NOTE.—The clauses of which only the marginal notes are printed, are similar to those for the same purposes in the Brantford Bridge Act.—*Qu. vide.*

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## 7th Wm. IV. Chap. 85.

*AN ACT to grant the Commissioners of the Dunnville Bridge a certain sum of money to complete the same.*

[Passed 4th March, 1837.]

Preamble; £250 granted. 2. How to be paid and accounted for.

BRIDGES.

PARIS.

## 4th Wm. IV. Chap. 44.

*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:

**W**HEREAS divers inhabitants of the London and Gore Districts have Preamble. 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, 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 John Smith, Charles Duncombe, Commissioners, Hiram Capron, Luke Poorhies Spur, and William Curtis, be Commissioners; whose duty it shall be to procure plans and estimates of a Bridge their duty with respect to plans and estimates &c. 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, Rates and tolls; fix such rates and tolls as to them may appear just; and shall report to the Annual report to be laid before the Legislature. 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 moneys by them received and paid under the provisions thereof.

II. Receiver-General to raise a loan upon Government securities; Not exceeding £1,500, at six per cent, payable half-yearly.

III. 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. Forging or uttering counterfeit Debentures, &c. felony.

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PARIS.

V. Receiver General to render account of number and dates of Debentures issued, to be laid before Parliament; And amount of Debentures redeemed and outstanding.

VI. Interest on Debentures to be payable half-yearly, and receipts taken; Warrants for such payments to issue after 30th June and 31st December.

VII. Separate warrants for payment of each Debenture.

VIII. Notice in Gazette to holders of Debentures due, to present them for payment; Interest when to cease.

Appointment of new Commissioners.

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.

Commissioners may appoint engineers and officers,

with salaries;

taking good security.

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.

No Commissioner or Secretary to be concerned in any contract.

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.

Establishment of rates and tolls;

Power to alter the same;

Schedule to be affixed to the gate.

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.

Payment of tolls;

How recoverable.

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.

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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 misdemeanor.

Wilful damage or obstruction to be deemed a misdemeanor.

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.

Bridge to be free to all persons, cattle, &c. upon 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, 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 over-plus, 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.

Recovery of penalties,

before two Justices,

by distress and sale;

In default of distress,

commitment,

not exceeding 20 days.

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 moneys, 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.

Application of penalties.

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 herein-before given and granted, every such suit shall be brought or commenced within six

Limitation of actions;



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General issue may be pleaded.

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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

The word "Commissioners" to mean the majority;

Power to make rules.

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 moneys 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.

Commissioners may appoint one of their own number to manage the works.

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 moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

First meeting of Commissioners.

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.

Moneys raised under this Act to whom payable.

XXII. *And be it further enacted by the authority aforesaid,* That all moneys 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 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.

NOTE.—The clauses of which only the marginal notes are printed are similar to those, for the same purpose, contained in the Brantford Bridge Act. *Qu. Vide.*

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## 6th Wm. IV. Chap. 10.

*AN ACT to Incorporate certain persons under the style and title of the Cayuga Bridge Company.*

[Passed 20th April, 1836.]

**WHEREAS** the construction of a Bridge over the Grand River, on Preamble. the main Canboro and Simcoe road, at the town of Cayuga, would greatly conduce to the advantage of the inhabitants thereof: *And whereas*, Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph Young, and others, by their petition have prayed for the privilege of being incorporated for the promotion of that object: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph Incorporation; Young, together with all such other persons as hereafter shall become Stockholders of the said Cayuga Bridge Company, shall be and are hereby ordained, constituted, and declared to be a body Corporate and Politic, in fact and by the name of "The Cayuga Bridge Company;" and by this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever; and that they and their successors may and shall have a common seal, Common Seal; and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Cayuga Bridge Company may hold lands. Company, shall be in law capable of purchasing, having and holding, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company from time to time, as they shall deem necessary, not over ten acres.

**II.** *And be it further enacted by the authority aforesaid,* That a share Amount of shares. in the said Cayuga Bridge Company shall be six pounds five shillings, and the number of shares shall not exceed four hundred; and that the whole amount of the stock, estate and property, which the said Company

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shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value two thousand five hundred pounds.

Books of subscription  
to be opened.

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

First meeting;

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

Election of Directors.

Affairs of the Company  
to be managed by three  
Directors;

One to be President;

Qualification;

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year; which Directors shall be Stockholders to the amount of at least two shares, and be elected on the first Monday in May in each and every year, at such time of the day and at such place at or near the intended site of the works of the said Company as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in some one newspaper published in the District of Niagara, of such time and place, not more than sixty nor less than thirty days previous to the said election, as they shall think fit; and such election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is hereafter provided; and if it shall at any election appear that any two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall by a plurality of votes appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors for the ensuing year, so as to complete the whole number of three; and the said Directors immediately after the said election shall proceed in like manner to elect by ballot one of their number to be President; and if any Director shall absent himself from the Province and cease

Mode of election.

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to be an inhabitant thereof for the space of six months, his office shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company shall become vacant by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the Director or Directors may appoint.

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

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

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

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's subjects or others, to subscribe for any number of shares, not exceeding in the first instance twenty shares, the amount whereof shall be due and payable as follows, that is to say—Ten per cent on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors herein-before mentioned, and the remainder by instalments of not more than twenty per cent, at such period as the President and Directors shall from time to time appoint: *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in such papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the instalments due on any share or shares held by him, her or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares, as aforesaid, together with the amount previously paid thereon; and the share or shares so forfeited shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied Subscribers may hold twenty shares; £10 per cent to be paid on subscription; Forfeiture of shares.

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in the same manner as any other funds of the said Company: *And provided also*, that nothing herein contained shall extend to prevent the purchaser or purchasers from paying up the residue of the instalments on back shares, so purchased as aforesaid, before he, she or they, shall be entitled to a certificate for such shares.

Subscribers may increase their number of shares at the end of one month.

X. *And be it further enacted by the authority aforesaid*, That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his or their subscriptions; and that after the first instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company.

Directors empowered to make by-laws,

XI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Company, and touching the security to be given by, and the duties and the 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 have power to appoint such officers, clerks and servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit; also to place such tolls on travellers and carriages as may yield them a return for their outlay, not exceeding twenty per cent per annum: *Provided*, that such rules and regulations be not repugnant to the laws of this Province, and that the tolls thereon shall not exceed ten per cent more than is or may be placed on the Bridge at Brantford or Dunnville.

and establish tolls, not exceeding 20 per cent on the outlay,

or 10 per cent more than tolls at Brantford or Dunnville.

Public Act.

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

General issue may be pleaded.

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

Shares transferable.

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

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## QUEENSTON SUSPENSION.

XV. *And be it further enacted by the authority aforesaid,* That this Act of incorporation shall in no wise be forfeited by any non-user at any time before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty.

Act not forfeited for non-user before 1st January, 1840.

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

Commencement of operations.

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

Future alteration of this Act.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall construct the said Bridge with a suitable swing, not less than thirty-six feet wide, or in such manner as will not obstruct the navigation of the Grand River; and keep a proper person or persons to open the same at any and all times; and for neglecting or refusing to keep a proper person or persons to attend the same when required, shall forfeit the sum of six pounds five shillings, to be recovered before any one of His Majesty's Justices of the Peace in and for the Niagara District, on the oath of one or more credible witness.

Construction of Bridge;

Person to be kept to open the same;  
Penalty in case of neglect.

XIX. *And be it further enacted by the authority aforesaid,* That this Act shall continue to the full end and term of fifty years, and no longer.

Continuance of the Act.

## 6th Wm. IV. Chap. 12.

*AN ACT for erecting a Suspension Bridge over the Niagara River, at or near Queenston, in Upper Canada.*

[Passed 20th April, 1836.]

**WHEREAS** Alexander Hamilton, Joseph Hamilton, Joseph Wynn, Robert Grant, Robert Hamilton, Daniel Secord, Richard Woodruff, William Wynn, William Woodruff, Malcolm Laing, Adam Brown, and Wil-

Preamble.

## BRIDGES.

## QUEENSTON SUSPENSION.

liam McMicking, have by petition set forth the necessity of a Suspension chain Bridge across the Niagara River: *And whereas*, to obviate the great uncertainty and inconvenience attending the crossing of the said River at certain seasons of the year, it is expedient that a better and more perfect mode of crossing the same, than by ferry, should be provided: *And whereas*, the greatly increased travel in this direction, as anticipated from the prospect of a rail-way from this point, by Hamilton to Sandwich, and to Lake Huron, whereby the distance to Lake Huron will be shortened more than one-half, as compared with the present more dangerous route by water, requires, to perfect the chain of communication, that a Bridge should be constructed across the said Niagara River: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all persons who shall become Stockholders pursuant to this Act, shall be and they are hereby constituted a body corporate and politic, by and under the name, style and title, of "the Niagara River Suspension Bridge Company," with power to construct a Suspension Bridge across the Niagara River, at or near Queenston; and the said Corporation, by the name aforesaid, shall and may, they and their successors, have continued succession, and 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, under the said name of "the Niagara River Suspension Bridge 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 Bridge, and for objects immediately connected therewith.

Company incorporated;

Common Seal;

Company may hold lands;

But only for the purposes required by this Act.

Amount of capital.

II. *And be it further enacted by the authority aforesaid*, That the capital stock of the said Company shall be twenty-five thousand pounds, currency, which shall be divided into shares of twenty-five pounds each.

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## QUEENSTON SUSPENSION.

III. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Corporation, shall be managed by five Directors, who shall be Stockholders, and shall be annually chosen on the first Monday in May in each year, at such place in the town of Queenston as a majority of the Directors shall appoint, of which due notice shall be given at least ten days before such election; each Stockholder at all elections of Directors shall be entitled to vote for each share of stock held in his own name at least fourteen days previous to the time of voting; all elections shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold their offices for one year, and until others shall be chosen in their places; the Directors shall, at their first meeting after each election, appoint one of their number to be President, and some proper person to be Treasurer of the said Company.

Affairs of the Company to be managed by five Directors;

To be elected annually at Queenston;

Qualification for voting:

Election by ballot;

Appointment of President.

IV. *And be it further enacted by the authority aforesaid,* That the Directors may require from the Stockholders payment of all sums of money by them subscribed, at such times and such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares, and all previous payments thereon.

Payment of shares subscribed.

V. *And be it further enacted by the authority aforesaid,* That David Thorburn, Robert Grant, William Wynn, Alexander Hamilton, and Gilbert McMicking, of Chippewa, shall be Commissioners, who shall on the first Monday in July next, in the town of Queenston, aforesaid, and at such other place or places as they, or a majority of them, shall appoint, open books to receive subscriptions to the capital stock of said Corporation; and thirty days public notice shall be given by the said Commissioners of the time and places of opening said books, in a public newspaper printed and published in the District of Niagara; and the said books shall remain open for at least three days at the several places where the same may be opened, under the direction of one or more of the said Commissioners; and the sum of one pound, currency, on each share subscribed, shall be paid to the said Commissioners attending, at the time of making such subscription.

Commissioners to open books for subscriptions;

giving thirty days notice.

Books to be kept open three days at least;

£1 to be paid on each share at the time of subscribing.

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall assemble at the town of Queenston, aforesaid, on the first Monday of August next, or as soon thereafter as the whole capital stock of the said Corporation shall be taken up, and shall proceed to distribute the said stock among the subscribers thereto; and in case there shall be subscriptions to more than the amount of such stock within the term specified for keeping open the said books, it shall be the duty of the said Commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the said Corporation; and as soon as the stock

First meeting for distributing;

In case the subscriptions shall exceed the amount required, shares to be apportioned;



## BRIDGES.

## QUEENSTON SUSPENSION.

Meeting for election of Directors;

shall be distributed, the said Commissioners shall give notice for a meeting of the Stockholders, at such time and place as a majority of the Commissioners shall appoint, to choose five Directors; the last mentioned notice shall be published for the same time and in the same manner as the notice herein-before required to be given of opening the books for subscription to the stock, aforesaid; and such election shall be made at the time and place so to be appointed by such of the Stockholders as shall attend for that purpose, either in person or by lawful proxy; and the said Commissioners shall deliver over the subscription money and books to the said Directors; and the time and place of holding the first meeting of Directors shall be fixed by the said Commissioners; and the said Directors shall have power to cause such examinations and surveys of the way to and location for said Bridge as may be necessary to the selection of the most advantageous site for the same; and the said Directors shall select and, by certificates, designate the way to and site for said Bridge; one of which certificates shall be filed in the office of the Clerk of the Peace of the District of Niagara, aforesaid; and which way and site shall be deemed the way to and site for the said Bridge, and on which the said Corporation may make and construct the said way and Bridge as hereinafter mentioned.

Subscriptions to be paid over to the Directors;

Survey of intended site for Bridge;

Site, &c. to be designated by certificates;

Certificates to be filed in office of Clerk of the Peace.

Persons injuring the Bridge, &c guilty of a misdemeanor, as well as liable for treble damages.

VII. *And be it further enacted by the authority aforesaid,* That if any person shall willingly do, or cause to be done, any act or acts whatever, whereby the said Bridge, or any work or thing appertaining thereto, shall be obstructed, impaired, weakened, injured or destroyed, the said person or persons so offending shall forfeit and pay to the said Corporation treble damages sustained by means of such offence or injury, to be recovered in the name of the Corporation, with costs of suit, by action of debt; and shall moreover be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment, or both, by any Court having cognizance of the offence.

What tolls to be taken.

VIII. *And be it further enacted by the authority aforesaid,* That whenever the said Bridge shall be completed, and its safety fully tested, and the facts certified by a majority of the Directors, the said Corporation may erect a gate, and determine and establish the rate of tolls to be demanded for the use of the said Bridge.

Persons forcibly passing the Bridge liable for five times the amount of toll.

IX. *And be it further enacted by the authority aforesaid,* That if any person shall forcibly pass the gate, without having paid the legal toll, such person or persons shall forfeit and pay to the said Corporation five times the amount of legal toll, to be recovered in manner aforesaid.

Corporation authorised to make rules;

X. *And be it further enacted by the authority aforesaid,* That the said Corporation shall have power to prescribe such rules as may be reasonable and proper, and with suitable penalties, touching the speed in passing.

## BRIDGES.

## GWILLIMBURY WEST.

over said Bridge, and the weight to be admitted thereon at any one time; which rules, as well as the rates of toll, shall be plainly painted upon a board or cloth, and put up on or near the gate in a conspicuous place; which penalties, if incurred, shall be recoverable in like manner as the penalties directly hereby imposed.

Rules and rates of toll to be publicly exhibited.

XI. *And be it further enacted by the authority aforesaid,* That if any toll gatherer shall unreasonably and without cause delay or hinder any passenger, or the passage of any property, agreeably to the rules prescribed, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of one pound five shillings, currency, to be recovered, with costs, for the use of the person so delayed, hindered or defrauded.

Toll-gatherer misconducting himself liable to penalty of £1 5s.

XII. *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 Corporation, and touching the duties of its officers, clerks and servants, their appointment and salaries, and all such other matters and things as appertain to the business of the said Corporation.

Power of Directors in management of Company's property.

XIII. *And be it further enacted by the authority aforesaid,* That if the said Bridge shall not be constructed and used within ten years after the passing of this Act, then the said Corporation shall from thenceforth cease.

Bridge to be constructed within ten years.

XIV. *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, to alter, amend or repeal, this Act.

Act may be amended or repealed.

## 6th Wm. IV. Chap. 28.

*AN ACT to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll-gate thereon.*

[Passed 20th April, 1836.]

**W**HEREAS divers inhabitants of the County of Simcoe have by their petition set forth the necessity of expending a sum of money for putting and keeping in repair the Bridge and Road leading from Yonge Street, near the Holland Landing, through part of West Gwillimbury, to Evans'

Preamble.

[See 7 Wm 4. Ch. 76, secs. 10, 11, 12, 13, 14 & 15; Statutes of Canada, 4 & 5 Vic. Ch. 73.]

## BRIDGES.

G.WILLIMBURY WEST.

Appointment of  
Commissioners;

Their powers;

Commissioners to report.

tavern, in the said township, known as the road laid out and established by George Lount, Esquire, Deputy Surveyor, and upon which the public money has hitherto been expended: *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 Thomas Drury, Joseph Hodgins, Adney Penfield, William Laughton, and Francis Phelps, be Commissioners, with power to make such improvement on the said Bridge and Road as to them may be deemed expedient and necessary; and who shall have power to 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, after the completion of such Bridge and Road, have power to erect a gate and fix such tolls and rates as to them may appear just and necessary; 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 December in each and every year, all matters by them done by virtue of this Act, with an account in detail of all moneys by them received and paid under the provisions thereof.

II. £1,000 to be raised on credit of tolls.

III. Debentures to be issued by Receiver-General; When payable.

IV. Forging, or uttering forged Debentures, felony.

V. Receiver General to transmit account of Debentures to Lieutenant Governor, previous to each Session.

VI. Interest on Debentures payable half-yearly.

VII. Payment of Debentures when due.

VIII. Notice of Debentures becoming due; When interest to cease.

Vacancies amongst  
Commissioners to be  
filled up by Lieut.  
Governor.

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 see 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.

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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 with 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 officers, workmen &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 engage in any contract under this Act.

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 and Road shall be completed, ascertain and fix the rates and dues to be taken by 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.

Amount of tolls to be settled by Commissioners.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such tolls.

Commutation of tolls.

XIV. *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.

Tolls, how and to whom payable.

XV. *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 misdemeanor.

Wilful injuries to works declared misdemeanors.

XVI. *And be it further enacted by the authority aforesaid,* That any person or persons who shall, after proceeding on any part of the said Road with any of the carriages or animals liable to toll, turn out of the same into any other Road, and shall enter the said Road beyond the said

Evading payment of tolls.

## BRIDGES.

G.WILLIMBURY WEST.

Penalty 10 shillings.

turnpike gate, without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of ten shillings; which said sum shall be expended on the said Road or Bridge, towards the payment of the principal and interest of the sum expended thereon; and any one Magistrate of the Home District shall, on conviction of said offender, fine him in the said penalty, to be collected in the same way as other forfeitures under this Act.

All persons, on payment of tolls, to have right to use the road, &c.

XVII. *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, Road 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;

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule 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 Home District, either by 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 Home 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.

Distress and sale;

Commitment in default;

Not exceeding 20 days.

Application of penalties.

XIX. *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 shall be paid to the said Commissioners, to be, with all other moneys received 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, in such manner as His Majesty shall be pleased to direct.

Limitation of actions.

XX. *And be it further enacted by the authority aforesaid,* That if any complaint 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 and authorities, or the orders and directions, herein-before given and

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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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XXI. *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; who 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 moneys 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.

Commissioners may make by-laws.

XXII. *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 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 moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

Overseer of works;

Remuneration for his services.

XXIII. *First meeting.*

XXIV. *Governor's warrant to be issued for moneys to be raised on Debentures.*

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CHATHAM.

## 7th Wm. IV. Chap. 83.

*AN ACT granting a sum of money for the erection of a Toll Bridge over the River Thames, at Chatham, in the Western District.*

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

[See 3 Victoria, Ch. 51:  
Revised Statutes, Vol. 1,  
page 104b.]Power given to Governor  
from time to time, to  
appoint Commissioners to  
superintend erection of  
Bridge, &c. and to carry  
Act into effect;Commissioners to report  
proceedings, for infor-  
mation of the Legislature.

**WHEREAS** it is expedient to erect a Bridge across the River Thames, at Chatham, in the Western District: *And whereas* it is necessary to provide a sum of money to defray the expense of erecting and keeping the same in repair: May it therefore please your Majesty that it may be enacted, *and be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, shall have power, from time to time, to appoint two or more Commissioners, to superintend the erection and completion of a Bridge across the River Thames, at Chatham, in the Western District, and such Commissioners to remove, and at his pleasure to appoint another or others in lieu thereof; whose duty it shall be to procure plans and estimates of such Bridge, 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, as may be 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 January 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 moneys by them received and paid under the provisions thereof.

II. £1,500 to be raised by loan, on Bills or Debentures.

III. Receiver-General authorised to issue Debentures.

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IV. Punishment for forgery of Debentures.

V. Receiver-General to report amount of Debentures issued.

VI. Interest on Debentures to be paid half-yearly.

VII. Warrant to issue for payment of Debentures.

VIII. Debentures, when due, to be called in and discharged.

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 and 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.

Vacancies in Board of Commissioners to be filled by Governor.

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 authorised to appoint agents and engineers, and to pay them,

taking security, &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.

Commissioner or Secretary appointed not to be concerned in contracts.

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 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 to be levied, to be fixed by Commissioners.

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.

Commissioners empowered to collect tolls and dues.



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CHATHAM.

Punishment for wilful mischief done bridge, &c.

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 guilty of misdemeanor.

Public to have leave to use bridge, &c. on payment of tolls, &c.

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.

How penalties to be recovered,

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 Western District, 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 Western 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 costs and charges attending the same, shall be sooner paid and satisfied.

and if not paid, in what manner offenders to be punished.

Appropriation of fines and 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 moneys, 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 and form as His Majesty shall be pleased to direct.

Protection of parties sued for acts done under this Act.

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, herein before given or granted, every such suit shall be brought or commenced within

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## CHATHAM.

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 matters 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

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 moneys 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.

Majority of Commissioners to determine questions.

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 moneys which shall come into their hands, under the provisions of this Act, such sum as they may consider proper.

Commissioners may appoint one of themselves to act; and to make compensation to him for his services.

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 moneys that 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 favour 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.

Moneys advanced to be paid by Receiver General, upon warrant issued by Governor, and to be accounted for through the Lords of His Majesty's Treasury.

NOTE.—The clauses of which only the marginal notes are printed, are similar to those for the same purposes in the Brantford Bridge Act.—*Qu. vide.*

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CHATHAM &amp; WATERLOO.

## 3rd Vic. Chap. 51.

*AN ACT granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District.*

[Passed 10th February, 1840.]

Preamble; £359 to be raised by loan on Government Bills or Debentures. 2. Warrant may be issued for £359 in favour of Commissioners for building the Bridge at Chatham. 3. Provisions of 7th Wm. IV. Chap. 83, extended to this loan. 4. Limitation of the right of Ferries within a certain distance of this Bridge; Penalty; How recoverable; How appropriated.

[SEE REVISED STATUTES, VOL. 1, PAGE 1048.]

## 1st Vic. Chap. 32.

*AN ACT to Incorporate certain persons under the style and title of the Waterloo Bridge Company.*

[Passed 6th March, 1838.]

Preamble.

[See 2 Vic. chap. 40.]

Waterloo Bridge Company incorporated.

**WHEREAS** William Scollick, Adam Ferrie, the younger, Thomas H. McKenzie, David Clemens, John Erb, Peter Erb, Abraham Erb, Abraham Kolb, Jacob C. Snyder, Jacob Shantz, Daniel Snyder, David Snyder, Henry Bechtel, George Clemens, Isaac Master, Jacob Hespeter, John Scott, and others, have, by petition, prayed to be incorporated for the purpose of erecting a Toll Bridge on the Grand River, in the Township of Waterloo, in the District of Gore: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Scollick, Adam Ferrie, the younger, Thomas H. McKenzie, David Clemens, John Erb, Peter Erb, Abraham Erb, Abraham Kolb, Jacob C. Snyder, Jacob Shantz, Daniel Snyder, David Snyder, Henry Bechtel, George Clemens, Isaac Master, Jacob Hespeter, John Scott, and such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared, to be a body politic and corporate, in fact and by the name of "the Waterloo Bridge Company."

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II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend to give to any femme covert, who shall be a subscriber to the stock of the said Company, a right to be regarded as a member of the Company, but that her husband shall be regarded as the Stockholder in her stead, notwithstanding the name of such femme covert, and not that of her husband, shall have been subscribed to the stock of the said Company.

Husband of femme covert  
Stockholder to be  
regarded as the cor-  
porator.

III. *And be it further enacted by the authority aforesaid,* That the said Company be and they are hereby authorised and empowered, at their own cost and charge, to erect a good and substantial Bridge over the Grand River, at or near the residence of Christian Shantz, the elder, in the Township of Waterloo, in the District of Gore; which Bridge shall be at least *twenty-five feet* in width, and of sufficient strength to carry the heaviest carriages, and cattle of every description; with sufficient side rails for the security of passengers, and a convenient foot-way for passengers, separated from the carriage-way by a secure railing; and that the said Company shall also be at liberty to erect and build such toll-houses, toll-bars and dependencies, as they may deem proper, on or near the said Bridge; and that for the purpose of erecting and keeping in repair the said Bridge, they shall have full power and authority to take, from time to time, and use such land on either side of the said River as may be necessary, and there to lay timber, boards, lumber, stone, gravel, sand, and all other materials which may be required for building, maintaining or repairing, the said Bridge, and there to make, work up and finish, the same, doing no unnecessary damage; and also to construct, make, perform and do, all other matters and things which they shall think necessary and convenient for erecting, completing, maintaining, improving and using, the said Bridge, in pursuance of and within the true intent and meaning of this Act.

General powers of the  
Company to erect Bridge;

of certain dimensions;  
[See 2 Victoria, Ch. 40.]

and conveniences;

to erect toll-bars;

to take and use land, &c.  
for building and repairs.

IV. *And be it further enacted by the authority aforesaid,* That the said Bridge, toll-houses and other dependencies, at or near thereto, the approaches thereto, and all materials which shall be from time to time gotten or provided for erecting and maintaining the same, shall be and the same are hereby vested in the said Company, and their successors, for ever; and so soon as the said Bridge shall be erected and built, and the same, as well as the access thereto, shall be made fit and proper for the passage of travelling carriages, and cattle of every description, and the same shall have been inspected and approved of by two Justices of the Peace for the District, it shall be the duty of the said Justices to give to the said Company a certificate, under their hands and seals to that effect; which certificate shall be published twice in some newspaper published in the District of Gore; after which publication it shall and may be lawful for the Company, from time to time, and at all times, to ask for, receive and take, to and for their own proper use, benefit and behoof, as toll or

Property vested in the  
Corporation;

Certificate of inspecting  
Justices that the bridge  
is available;

Company entitled to  
receive tolls;

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Scale of tolls.

duty, the following sums, that is to say: Every waggon or sleigh, with one pair of horses, six pence; every waggon or sleigh, with two pair of horses, ten pence; every pleasure carriage, with two horses, seven pence half-penny; every sleigh or pleasure waggon, with one horse, four pence; for every additional horse to such pleasure sleigh or waggon, two pence; every saddle horse, four pence; every sleigh or waggon, with one yoke of oxen, four pence; every additional yoke to ditto, three pence; every head of horned cattle, two pence; every hog, pig, goat or calf, one penny; every sheep or lamb, one half-penny; every horse, when in droves, three pence; every ass or mule, three pence; every foot passenger, one penny: *Provided*, that the said Company shall affix, and keep affixed, at or near the toll-house or gate, a table of the rates of toll payable for passing over the Bridge, painted in plain and conspicuous characters.

Tolls vested in the Company.

V. *And be it further enacted by the authority aforesaid*, That the said tolls shall be, and the same are hereby vested in the said Company, and their successors.

Penalty for evading payment of tolls.

VI. *And be it further enacted by the authority aforesaid*, That if any person shall pass over, or wilfully attempt to pass over the Bridge without paying the toll, every such person shall forfeit and pay to the Company the sum of five shillings, to be recovered on the oath of one or more credible witness or witnesses, or upon confession of the party, before some one of Her Majesty's Justices of the Peace for the District of Gore; and in default of payment, the said penalty shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice, and the overplus (if any) shall be returned to the owner; and in case no such distress shall be found, such offender shall be committed to the common Gaol of the District, for a term not exceeding one week, at the discretion of such Justice.

Malicious destruction of bridge, felony.

VII. *And be it further enacted by the authority aforesaid*, That if any person shall maliciously pull down or destroy the said Bridge, or set fire to any part thereof, every person so offending, being thereof lawfully convicted, shall be deemed guilty of felony.

Penalty for malicious injuries to property of the Corporation.

VIII. *And be it further enacted by the authority aforesaid*, That if any person shall maliciously or wantonly pull down or destroy any part of the said Bridge, or any toll-house or other work erected or made by virtue of this Act, or any part thereof, every such person shall forfeit and pay for every such offence, to the said Company, a sum not exceeding twenty pounds, nor less than five pounds; and that the same may be recovered upon the oath of one credible witness, or upon confession of the party, before any one of Her Majesty's Justices of the Peace in and for the said District; and in default of payment, the said penalty shall be levied by distress and sale of the goods and chattels of such offender, by warrant

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under the hand and seal of such Justice, and the overplus, if any, after deducting the charges of distress and sale, shall be returned to the owner; and in case no distress shall be found, such offender shall be committed to the common Gaol of the District, for a time not exceeding fourteen days, at the discretion of the Justice: *Provided*, that nothing herein contained shall prevent, or be construed to prevent, the said Company from commencing or maintaining any action at law against any person guilty of such offence.

IX. *And be it further enacted by the authority aforesaid*, That the stock, property, estate and effects, 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 inhabitants of this Province, and be elected on the last Monday in January in each and every year, at such place and at such time as the Directors for the time being may appoint; and public notice thereof shall be given in some one newspaper published in the District, at least ten 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 such elections shall be by ballot, and the five persons who shall have the greatest number of votes shall be Directors; and if it shall happen at any such election that two or more persons have an equal number of votes, then the said Stockholders shall again proceed by ballot, until it is determined which of the persons so having an equal number of votes shall be Director or Directors, so as to complete the 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 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 shall happen among the Directors, by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of the year in which it may happen by a person nominated by a majority of the remaining Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of five shares.

Election of five Directors;  
[Sec 2 Vic. Ch. 40, Sec. 2.]

Notice;

Election by ballot;

Choice of President;

Vacancies in direction.

X. *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 shall have held in his 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.

Scale of votes according  
to number of shares.

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Half-yearly dividends;

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half-yearly dividends, in the months of January and July in each year, of so much of the profits of the said Company as to a majority of them shall appear advisable; and that once in each year, at the general election of Directors, an exact and particular statement shall be rendered of the affairs of the Company, for the satisfaction of the Stockholders.

And annual statement of the Company's affairs.

Value and number of shares;

XII. *And be it further enacted by the authority aforesaid,* That each share in the said Company shall be six pounds five shillings, and the number of shares shall be one hundred and twenty: *Provided always,* that if the sum of seven hundred and fifty pounds, to be so raised, shall be found insufficient to complete the said Bridge, it shall and may be lawful for the Directors to declare the same, by a resolution passed for that purpose, which shall be published in the several newspapers published in the District of Gore; and that in such case additional stock may be subscribed and held under the provisions of this Act, so that the whole number of shares do not exceed two hundred and forty; and all persons thus becoming Stockholders shall be entitled to all the privileges and benefits of this Act, in as full and ample a manner as if they had been original subscribers.

Additional stock may be subscribed, if necessary.

Calling in instalments;

XIII. *And be it further enacted by the authority aforesaid,* That so soon as the Directors shall be elected after the passing of this Act, it shall and may be lawful for them to call in by instalments of not more than ten per cent on each share, the amount of the shares subscribed, which are hereby declared to be due and payable to the said Company as above mentioned: *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in one or more of the newspapers published in the District: *Provided always,* that if any Stockholder shall neglect or refuse to pay to the said Company the instalment due on any share or shares held by him, at the time required by law, such Stockholder shall forfeit such share or shares, with the amount previously paid thereon; and the share or shares shall be sold by the Directors at public auction; after having given thirty 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 shall pay to the said Company the amount of the instalment due, over and above the purchase money of the share or shares so purchased by him, immediately after the sale, and before he shall be entitled to a certificate of the transfer of such share or shares so purchased.

Thirty days notice;

Forfeiture on non-payment of instalments.

After first instalment paid, shares transferable;

XIV. *And be it further enacted by the authority aforesaid,* That after the first instalment on each share shall have been paid to the said Company, the shares shall become transferable on the books of the Company;

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and that such share or shares shall be deemed personal property, and as such may be disposed of and distributed, and shall, like other personal property, be subject to execution and sale in satisfaction of debts. And deemed private property.

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 such place as a majority may agree upon, who, in the manner herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in office as such Directors until the last Monday in January next after their election. First public meeting.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors for the time being, to diminish the rate of toll or duty on passing the said Bridge, as herein-before established, to such standard as to them, or a major part of them, shall seem necessary: *Provided always,* that no such diminution shall be construed to prevent them from again increasing the same, as they shall deem expedient, so that such increase do not exceed the rate of toll herein-before established by the fourth clause of this Act. Diminution of established tolls.

XVII. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefits and advantages to them by this Act granted, shall and they are hereby required to erect and complete the said Bridge, toll-houses, approaches and dependencies, within two years from the passing of this Act; and if the same shall not be completed within the time specified, so as to afford a convenient and safe passage over the said Bridge, the said Company shall cease to have any right, title or claim, of in or to the tolls hereby imposed, which shall from thence forward belong to Her Majesty; and the said Company shall not, by the said tolls or otherwise, be entitled to any reimbursement of the expenses they may have incurred in erecting the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, carriages or cattle, the said Company and their successors shall, and they are hereby required, within two months from the time at which the said Bridge, by presentment of a Grand Jury at any General Quarter Sessions of the Peace in and for the Gore District, shall be declared to be impassable or unsafe, and notice thereof to the Directors by the said Court be given, to cause the same to be repaired or rebuilt, and made safe and commodious for the passage of travellers, carriages and cattle; and if within the time last mentioned the said Bridge be not so repaired or rebuilt, as the case may require, then the said Bridge and all its dependencies shall be taken and considered to be the property of Her Majesty, and the right of the said Company, and their successors, in the premises, shall be wholly and for ever determined: *Provided always,* that before the said default is incurred, and during the interval hereby allowed for repairing or rebuilding the Bridge, it shall be Time limited for completion of bridge, &c. Consequences of allowing the bridge to become impassable; Ferry-boats may be established, when rendered necessary by repair, &c. of bridge.



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lawful for the said Company and their successors, and they are hereby authorised and required, to provide proper and convenient ferry-boats or scows for the passage of travellers, carriages and cattle, over the said River, as near to the said Bridge as conveniently may be, and to demand, collect and receive, for the carriage of such travellers, carriages and cattle, in the said ferry-boats and scows, before they respectively shall be permitted to pass, the like tolls as are hereby authorised to be taken for passing over the said Bridge, any thing herein contained to the contrary notwithstanding.

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## 2nd Vic. Chap. 40.

*AN ACT to amend an Act, intituled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company."*

[Passed 11th May, 1839.]

Preamble.

**WHEREAS** by an Act passed in the first year of the reign of Her present Majesty Queen Victoria, chapter thirty-two, intituled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company," it was provided, "that the said Company be and they are hereby authorised and empowered, at their own cost and charges, to erect a good and substantial Bridge over the Grand River, at or near the residence of Christian Shantz, the elder, in the Township of Waterloo, in the District of Gore, which Bridge shall be at least twenty-five feet in width": *And whereas* the said Bridge has been erected only twenty feet in width, owing to the timber used on said Bridge, and which was prepared before the passing of the said Act, not permitting it to be constructed of a greater width: *And whereas* it is expedient under the circumstances to indemnify the said Company, and to amend the said Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Waterloo Bridge Company shall have the like privileges, advantages and powers, under the said Act, as if the said Bridge had been constructed at least twenty-five feet in width, and no other or greater.

Company indemnified,  
and Waterloo Bridge  
Act amended.

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II. *And be it further enacted by the authority aforesaid,* That any person shall be eligible as a Director of the said Company who shall be a Stockholder to the amount of two shares and upwards, any thing in the said Act contained to the contrary in any wise notwithstanding.

Qualification of Directors.

### 3rd Vic. Chap. 34.

*AN ACT to incorporate certain persons under the title of the "York Bridge Company."*

[Passed 10th February, 1840.]

**WHEREAS** the construction of a Bridge over the Grand River, at the town of York, would be a great public convenience to the inhabitants thereof: *And whereas* Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, by their petition have prayed for the privilege of being incorporated for the promotion of that object: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province,' and by the authority of the same, That the said Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, together with all such persons as hereafter shall become Stockholders of the said York Bridge Company, shall be and are hereby ordained, constituted and declared to be, a body corporate and politic, in fact and by the name of the "York Bridge Company," and by the same name of the York Bridge Company, they and their successors shall be in law capable of purchasing, having and holding, any estate, real personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary: *Provided always,* that such estate shall not exceed ten acres.

Preamble.

A Company incorporated under the name of the "York Bridge Company."

Corporate powers.

II. *And be it further enacted by the authority aforesaid,* That a share in the said York Bridge Company shall be six pounds five shillings; and the number of shares shall not exceed four hundred; and that the whole

Shares in the Company £6 5s.

Number of shares;

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Stock not to exceed  
£2,500.

amount of the stock, estate and property, which the said Company shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value two thousand five hundred pounds.

Books of subscription  
to be opened.

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

Meeting to be called for  
the election of Directors.

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

Affairs to be managed by  
three Directors;

To hold office one year ;

Notice of election ;

By whom election to be  
made;

Proviso in case of equal  
number of votes ;

President ;

Vacancies how created ;

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year ; which Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in May in each and every year, at such time of the day, and at such place at or near the intended site of the works of the said Company, as a majority of the Directors, for the time being, shall appoint ; and public notice shall be given by the said Directors in some one newspaper published in the District of Niagara, of such time and place, not more than sixty nor less than thirty days previous to the said election, as they shall think fit ; and such election shall be had and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy ; and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter provided ; and if it shall at any election appear that any two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to ballot a second time, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be a Director or Directors for the ensuing year, so as to complete the whole number of three ; and the said Directors, immediately after the said election, shall proceed in like manner to elect by ballot one of their number to be President ; and if any Director shall absent himself from

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the Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company shall become vacant, by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the Director or Directors may appoint.

How filled.

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

Regulation as to number of votes.

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

Corporation not dissolved by default in electing on the proper day.

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

Half yearly dividends to be made.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, Her Majesty's subjects or others, to subscribe for any number of shares, not exceeding in the first instance twenty shares, the amount whereof shall be due and payable as follows, that is to say: ten per cent on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors herein-before mentioned, and the remainder by instalments of not more than twenty per cent, at such period as the President and Directors shall from time to time appoint; *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in such papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the instalments due on any share or shares held by him, her or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares, as aforesaid, together with the amount previously paid thereon; and the share or shares so forfeited, shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be

No person to subscribe more than twenty shares;

Shares how payable;

Instalments not to exceed twenty per cent;

Public notice;

Forfeiture of shares on which instalments are not paid;

Forfeited shares to be sold;

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Purchaser to pay instalments as well as purchase money.

accounted for and applied in the same manner as any other funds of the said Company: *And provided also*, that the purchaser or purchasers shall pay up the residue of instalments on back shares, so purchased as aforesaid, before he, she or they, shall be entitled to a certificate for such shares.

If stock not subscribed within one month, former subscribers may increase their subscription;

X. *And be it further enacted by the authority aforesaid*, That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his 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.

Shares transferable.

Powers of Directors;

XI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Company, and touching the security to be given by and the duties 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 have power to appoint such officers, clerks and servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit; also to place such tolls on travellers and carriages as may yield them a return for their outlay, not exceeding twenty per centum per annum; *Provided*, that such rules and regulations be not repugnant to the laws of this Province, and that the tolls on the said Bridge shall not exceed those which are or may be placed on the Bridge at Brantford or at Dunnville.

To appoint officers, &c.

Fix salaries;

To impose tolls;

Rules not to be repugnant to the laws of the Province.

This Act a public Act.

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

In actions brought against the Company they may plead the general issue.

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

Shares transferable.

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

Act not to be affected by non-user for a specified time.

XV. *And be it further enacted by the authority aforesaid*, That this Act of incorporation shall in no wise be forfeited by any non-user at any time

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before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-five.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors to commence the operations of the said Company as soon as five per cent shall be paid on the capital stock subscribed, as aforesaid. Directors may commence operations as soon as five per cent is paid.

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

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall construct the said Bridge with a suitable swing, not less than thirty-six feet wide, or in such a manner as will not obstruct the navigation of the Grand River, and keep a proper person to open the same at any and all times; and for neglecting or refusing to keep a proper person or persons to attend the same when required, shall, for every such offence, forfeit the sum of six pounds five shillings, to be recovered before any one of Her Majesty's Justices of the Peace, in and for the Niagara District, on the oath of one or more credible witnesses. Manner in which the Bridge is to be constructed; Person to be kept to open the same; Penalty.

XIX. *And be it further enacted by the authority aforesaid,* That this Act shall continue to the full end and term of fifty years, and no longer. Continuance of Act.

## 4th Geo. IV. Chap. 8. (1823.)

*AN ACT to provide for constructing a navigable Canal between Burlington Bay and Lake Ontario.*

[Passed 19th March, 1823.]

**W**HEREAS a Canal navigable for vessels, between Burlington Bay, in the District of Gore, and Lake Ontario, would tend to promote the general interest of this Province, and particularly that part of the country contiguous thereto: *And whereas* it is expedient to raise a sum of money by way of loan to make and complete the said Canal, the annual interest on

Preamble;  
 [See 4 Geo 4, Sess. 2,  
 Chap. 16;  
 8 Geo 4, Ch. 19;  
 9 Geo 4, Ch. 12;  
 11 Geo 4, Ch. 12;  
 2 Wm 4, Ch. 26;  
 3 Wm 4, Chap. 36;  
 7 Wm 4, Chap. 91;  
 Statutes of Canada,  
 4 & 5 Victoria, Chap. 38.]

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which to be paid from a fund to be raised and collected by a toll to be levied on goods, produce, and all other articles, as well as vessels and other craft, passing in or through the same, and also to establish a fund for the redemption of the said loan: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, 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 five thousand pounds, to make and complete the said Canal, and also such works as may be deemed necessary to protect and secure the entrance thereof, as well from Burlington Bay as from Lake Ontario.

A sum not exceeding £5,000 authorised to be raised by loan upon debentures.

II. His Majesty's Receiver-General to issue the debentures; Debentures to be redeemable in not more than 16 years from their date,

III. Forging, or knowingly uttering forged debentures, declared felony, without benefit of Clergy.

IV. His Majesty's Receiver-General shall transmit to the Governor, to be laid before Parliament, an account of the debentures issued and redeemed, with the interest paid thereon; And of those outstanding.

V. Interest to be payable half yearly; And the Governor to issue half yearly warrants to the Receiver General for the payment thereof.

VI. Compensation to the Receiver General for his trouble.

VII. Separate warrant to be issued for the payment of each debenture.

VIII. The Governor may direct notices to be inserted in the Gazette, requiring the holders of debentures to present the same for payment within six months from date of notice, and in default thereof that the interest shall cease.

IX. [Repealed by 4 Geo. IV. Chap. 16, Sess. 2, Sec. 6; and by 11 Geo. IV. Chap. 12]

Governor to appoint five Commissioners for carrying this Act into effect, three of whom shall be a quorum; President and Vice President to be elected; Commissioners to obtain plans of the proposed Canal between Burlington Bay and Lake Ontario, and contract for the completion thereof; Security to be taken for the performance of contracts; Commissioners to fix rates of toll after the loan is paid off, and to report every three months to the Governor the progress of the work.

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X. *And be it further enacted by the authority aforesaid, That so soon as the said Canal shall be opened, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint a careful and discreet person to collect the toll and dues imposed by this Act, who shall account to His Majesty's Receiver General of this Province, for the time being, on the thirtieth day of June and thirty-first day of December in each and every year, which account shall be rendered in detail, on oath, and specify the number of barrels, packages, and all other articles passing through the said Canal, together with the number of vessels, boats, and other craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen, and shall retain to his own use five per cent on all moneys so collected and paid by him.*

Governor &c. to appoint a toll collector, who shall account half-yearly to the Receiver General for the toll collected, and of the boats and merchandize passing through the said canal; [See 11 Geo 4, Ch. 12, Sec. 20.]

XI. *And be it further enacted by the authority aforesaid, That the toll and dues mentioned in the following schedule, and no other, shall be exacted and paid on all goods, wares, merchandize, produce, lumber, vessels, boats, raft or craft, previous to their passing through or into the said Canal, until the loan for making the same, and interest thereon, shall be fully redeemed and paid, as herein-before mentioned; and the said money so to be raised and collected, shall be paid by the said Collector into the hands of the Receiver General of this Province, to and for the redemption of the said debentures, and the interest thereon annually accruing.*

Fees to be paid previous to articles passing through the canal; Money collected to be paid to the Receiver General for the redemption of the Debentures. [See 11 Geo 4, Chap. 12, Secs. 2 & 3.]

XII. Governor to issue his warrant to the Receiver General in favor of the Commissioners, for the said £5000, from time to time, as it is required.

XIII. Money to be accounted for through the Lords Commissioners of His Majesty's Treasury.

[For tolls and dues collected on boats, see 9 Geo. IV. Chap. 12; on cargo, 11 Geo. IV. Chap. 12, Sec. 2.]

*All articles not enumerated to pay in proportion to the above rates, subject to the direction of the Commissioners appointed by virtue of this Act: Provided nevertheless, that any boat, vessel or craft, entering the said Canal, shall be at liberty to pass and return through the same on payment of the toll or dues herein specified, and such toll shall not be exacted more than once for such passing and return.*

[See 11 Geo 4, chap. 12, Sec. 3.]

Boats to pass and repay once for each payment of toll.

XIV. *And be it further enacted by the authority aforesaid, That the Commissioners appointed under the authority of this Act shall cause a sufficient draw-bridge to be erected on the said Canal, upon which no toll or due for passing the same shall be demanded.*

Draw-bridge to be erected over the Canal, toll free.



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## 4th Geo. IV. Chap. 16. (1824.)

*AN ACT to amend and extend the provisions of an Act passed at the last Session of Parliament, intituled, "An Act to provide for constructing a navigable Canal between Burlington Bay and Lake Ontario."*

[Passed 19th January, 1824.]

Preamble.

**W**HEREAS an Act was passed at the last Session of this present Parliament, intituled, "An Act to provide for making a navigable Canal between Burlington Bay and Lake Ontario," and providing for a loan of five thousand pounds, Province currency, to carry the same into effect, redeemable in sixteen years, by means of a toll to be thereon established; *And whereas* it is found from the experience of the past season, that the produce of the said toll will greatly exceed the sum estimated, and enable the Commissioners, to be appointed by virtue of the said Act, to construct the same on a more extensive scale, and also to reduce the rate of toll established by the said Act: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, &c.

Receiver General to raise a loan of £3000, in addition to the £5000 authorised by 4 Geo. IV. Ch:8, under the same regulations; Governor to issue his warrant in favour of the Commissioners to be appointed under said Act; How applied, and accounted for.

## II. [Repealed by 11 Geo. IV. Chap 12.]

**III.** *And be it further enacted by the authority aforesaid,* That the Commissioners, so to be appointed, shall have full power and authority to make such rules and regulations as to them may seem meet, regulating the passing of vessels, boats, rafts and craft, into and through the said Canal, and to alter and amend the same from time to time as they may deem proper; and also regulating the discharging of ballast, as well within Burlington Bay as in Lake Ontario adjacent thereto; a copy of which regulations the said Commissioners shall cause to be stuck up in not less than three public places adjacent to Burlington Bay; and should any person or persons, masters of vessels, or others, evade or infringe such rules or regulations, they and each of them shall, on conviction thereof, upon the oath of one or more credible witness or witnesses, before one

Such Commissioners to have power to lower the rate of toll; Such abatement not to leave a less sum than will pay the interest of the sum borrowed, and redeem the principal within 16 years.

Commissioners shall have full power to make regulations from time to time as they see fit;

Copy of such regulation, to be affixed in not less than three public places near Burlington Bay;

Persons infringing them (on the oath of witnesses) convicted before a Justice to pay a fine not exceeding £5;

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or more Justice or Justices of the Peace, pay a fine not exceeding the sum of five pounds for each offence, and in default of payment thereof shall be confined in the common Gaol of the District for the period of twenty days, unless said fine and reasonable costs, to be fixed by the said Justice or Justices, thereon accruing, are sooner paid; the said fine, so to be levied, to be transmitted by the Justice or Justices imposing the same to His Majesty's Receiver General of this Province, once in every six months, to be by him applied to the general purposes of this Province; and accounted for to His Majesty through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty may be pleased to direct.

Or in default, to be imprisoned 20 days, unless the fine and costs be paid;

Such fines to be transmitted to the Receiver General every six months;

How applied; And accounted for.

IV. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, His Majesty's Government should think fit to aid in making the said Canal upon a scale to admit vessels of war, it shall be the duty of the Commissioners, to be appointed by virtue of the before recited Act, to cause the same to be constructed on an enlarged scale, equal to the sum which may be so provided, the same to be contracted for in the same manner and conditions as is directed by the said Act.

Should His Majesty's Government think proper to enlarge the Canal so as to admit vessels of war;

The Commissioners to cause the same to be enlarged in proportion to the sum provided to be contracted for, according to 4 Geo 4, Chap. 8.

V. *And be it further enacted by the authority aforesaid,* That nothing in this Act or in the before recited Act contained, shall extend or be construed to extend to authorise the levying any toll or dues upon any vessel, boat, or other craft or property belonging to His Majesty, His Heirs or Successors, passing through or into the said Canal.

No boat &c. belonging to His Majesty passing through Canal to pay toll.

VI. *And be it further enacted by the authority aforesaid,* That so much of the ninth section of the said Act, passed in the fourth year of His present Majesty's reign, as respects the dimensions of the proposed Canal, shall be and the same is hereby repealed; and that the said proposed Canal shall not contain less than twelve feet depth of water, nor be less than seventy-two feet in width at the top: *Provided nevertheless,* that the said Commissioners, so to be appointed, shall not contract for any part of the said work unless the whole is contracted for to be done, on the scale herein mentioned, for the said sum of eight thousand pounds.

9th Sec. 4 Geo 4, Ch. 8, as respects dimensions of proposed Canal repealed;

Canal not to be less than 12 feet deep, and 72 wide at top;

Commissioners not to exceed the sum of £8000.

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## 8th Geo. IV. Chap. 19.

*AN ACT to provide for a further survey of the works done at the Burlington Bay Canal, and also to afford further aid to complete the same.*

[Passed 17th February, 1827.]

Preamble; Certain surveys and estimates required to be made of the work in progress at Burlington Bay; A sum not exceeding £8000 to be raised by loan, upon debenture, for completing the work. 2. Debentures how to be made and issued. 3. Debentures charged on the Provincial Revenues. 4. Debentures may be called in, upon six months' notice; And if not presented, interest shall cease thenceforward to accrue. 5. General provisions respecting debentures; Forgery. 6. No deduction to be made for poundage to the Receiver General. 7. The Governor to appoint a competent Civil Engineer to superintend the work. 8. Moneys appropriated by this Act shall be paid into the Bank of Upper Canada, on account of the Commissioners, and paid by them to the Contractor, upon the Engineer's estimate of work done. 9. Estimate of the work now done to be made on oath, and also of the cost of completing the work; Contractor to be remunerated for any excess of that estimate above the sum received; Sums now in the hands of the Commissioners to be paid over immediately to the Contractor. 10. Security to be taken from the Contractor before further moneys are to be paid for work remaining to be done. 11. Moneys paid under this Act, how to be accounted for.

## 9th Geo. IV. Chap. 12.

*AN ACT to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour.*

[Passed 25th March, 1828.]

Preamble; Arbitrators to be appointed for estimating the actual value of the labour and materials employed in making the harbour at Burlington Bay; Power and duties of such Arbitrators.

II. Provision in case default shall be made in choosing a third Arbitrator.

III. Oath to be taken by the Arbitrators.

IV. Sum awarded to be paid by the Commissioners out of moneys heretofore granted for making the said harbour; Award to be made on or before 1st June next.

V. Sum awarded shall not exceed the balance remaining at the time of the award in the hands of the Commissioners unexpended. (See 1 Wm. 4, Chap. 20)

VI. Compensation to be made to the Arbitrators for their time and trouble.

VII. *And whereas* the rates of toll and tonnage duty to be levied at the said Canal, require to be in some respects altered, *Be it therefore further enacted by the authority aforesaid*, That so much of an Act passed in the fourth year of His Majesty's reign, intituled, "An Act to provide

Alteration in the tonnage  
duty on vessels;

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for constructing a navigable Canal between Burlington Bay and Lake Ontario," as enacts that boats or craft under five tons each shall pay a toll or due of five shillings sterling, and that vessels over five tons shall pay one shilling and three pence sterling, per ton measurement, shall be and the same is hereby repealed; and that the tolls or dues chargeable upon vessels, boats or craft, shall be as follow, that is to say: upon all vessels or boats under ten tons burthen, the sum of two shillings and six-pence, and upon all vessels over ten tons burthen, the sum of one shilling per ton upon all cargo contained in them, which shall be declared upon oath to be intended to be unladen at the Harbour or elsewhere in Burlington Bay: *Provided always*, that no vessel exceeding fifty tons in burthen shall pay a less toll than ten shillings.

Rates of tonnage duty.

VIII. [Repealed by 11 Geo. IV. Chap. 12.]

Wheat, or other grain to pay 1d. per bushel.

IX. *And be it further enacted by the authority aforesaid*, That so much of the above recited Act as provides that the tolls and dues thereby imposed shall be charged in sterling money shall be repealed, and that the same sums therein mentioned, as well as the tolls and dues hereby imposed, shall be considered to be and shall be charged in lawful currency of this Province.

Tolls to be charged in Provincial Currency, and not in Sterling.

## 11th Geo. IV. Chap. 12.

*AN ACT to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal.*

[Passed 6th March, 1830.]

**WHEREAS** since the opening of the navigation of the Burlington Canal, great and manifest advantages have been derived by the Province from that work: *And whereas* its completion would open one of the most spacious Harbours on Lake Ontario, afford a safe and commodious wintering place to vessels navigating that Lake, at all times free from ice, and give increased energy to the agricultural and commercial interests of the Province: *And whereas* the rates and tolls now levied and collected on the said Canal are generally considered too high: *And whereas*, from the experience of the two last years, there is good reason to expect that, although a moderate reduction were made in the said rates and tolls, a sum would be realized, annually, sufficient in amount to pay the annual interest, and gradually to liquidate the principal of any loan that might be found necessary, in order to complete the said navigation:—*Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council

Preamble.

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and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the second clause of an Act passed in the fourth Session of the eighth Parliament of this Province, intituled, "An Act to amend and extend the provisions of an Act passed in the last Session of Parliament, intituled, 'An Act to provide for constructing a navigable Canal between Burlington Bay and Lake Ontario;'" and the eighth clause of an Act passed in the fourth Session of the ninth Parliament, intituled, 'An Act to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour," shall be, and the same are hereby repealed.

4 Geo 4, Ch. 16, Sec. 2;  
9 Geo 4, Ch. 12, Sec. 8,  
repealed.

New tolls to be collected  
in lieu of those repealed;

[Sec 2 *Wm 4, Ch. 26.*]

II. *And be it further enacted by the authority aforesaid,* That instead of the tolls and dues enumerated in a schedule annexed to and authorised to be levied and collected by virtue of the provisions of an Act passed in the third Session of the eighth Parliament of this Province, intituled, "An Act to provide for constructing a navigable Canal between Burlington Bay and Lake Ontario," the tolls and dues enumerated in the following schedule shall be levied and collected on the said Canal, and continued until such time as the loan hereinafter authorised to be raised for the completion of the same, and also the interest on the said loan, shall have been repaid: *Provided always,* that the said tolls and dues authorised to be levied and collected by virtue of this Act, shall continue to be so levied and collected after the said loan and interest shall have been repaid, and until a further sum, sufficient in amount to repay all moneys that have been advanced by this Province for the use of the said Canal, shall have been also raised and collected, and paid into the Provincial Treasury; and that nothing in this Act contained shall be implied to repeal or suspend the operation of the seventh clause of an Act passed in the fourth Session of the last Parliament, intituled, "An Act to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour."

SCHEDULE of tolls and rates payable under the authority of this Act:

Table.

Salt and plaster of Paris, per barrel, six pence currency; flour, per barrel, four pence half-penny; wheat and pease, per bushel, three farthings; beef, pork, butter, lard, whiskey, bees-wax, and herrings, per barrel, nine pence; beef, pork, butter, lard, whiskey, bees-wax, and herrings, per keg, four pence half-penny; ploughs, each, four pence half-penny; shingles, per M. two pence; dry-goods, per cwt. five pence;

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oil, per barrel, one shilling; ashes, per barrel, one shilling and three pence; boards, per hundred pieces, one shilling and three pence; staves, standard, per M. ten shillings.

III. *And be it further enacted by the authority aforesaid,* That apples, cider, potatoes, and all other roots, vegetables and fruits, and also all articles not enumerated to pay in proportion to the above rates, shall be subject to such tolls and dues as may be established by the Commissioners appointed by virtue of this Act.

Proportionate tolls to be levied on Fruit and Vegetables.

IV. [Repealed by 2 Wm. IV. Chap 26.]

Tolls not to be lowered until loan and interest paid off.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct the Receiver General to raise by loan, at a rate of interest not exceeding six per centum per annum, and as much lower as can be obtained, 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 as hereinafter mentioned, such sums, not exceeding in the whole five thousand pounds, as may be required to complete the works and navigation of the said Canal.

£5,000 to be raised by loan on Debenture.

VI. Receiver General to issue Debentures

VII. Debentures chargeable on the tolls of the Canal.

VIII. Tolls to be applied to the redemption of the debt; Collector of tolls to receive per centage.

IX. Provisions contained in 7 Geo. IV. Ch. 20, respecting the issuing Debentures, to be applicable to Debentures issued under the authority of this Act.

X. No poundage to be paid to the Receiver General.

XI. *And be it further enacted by the authority aforesaid,* That *William Chisholm, Alexander Brown, John Aikman, Joshua Freeman, Ashel Davis, William Applegarth, and William B. Sheldon,* be Commissioners for the purpose of receiving plans, tenders and estimates, and of contracting for and superintending the work and labour necessary to be done and performed in order to complete, secure, and make permanent, the Burlington Canal, with the banks, piers, and excavations thereof; and to them shall be paid, 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, the sums required to be expended by the authority of this Act, for the purpose of completing the said Canal: *Provided always,* that the sums so applied shall be accounted

Commissioners appointed;

Duties of Commissioners;

(Repealed as to these Commissioners by 2 Wm 4, Chap. 26; )

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Sums expended how to be accounted for;

[See 7 Wm 4, Chap. 91, Sec. 4; and Statutes of Canada, 4 & 5 Vic. Chap. 38.]

for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be pleased to direct; and that if any of the persons hereby nominated and appointed Commissioners shall die, or refuse to act as such Commissioner under the authority of this Act, it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government, to appoint another Commissioner or Commissioners in the place of him or them who shall die or refuse to act, as aforesaid.

**XII.** Warrants to be issued for the payment of Debentures, which are to be cancelled when paid.

**XIII.** Specifications to be prepared, and work to be let out by public tenders.

**XIV.** Security to be given for its completion; Commissioners to draw upon the Receiver General for money to pay contracts.

**XV.** Arbitrators to be named in each contract, to whom all disputes respecting its fulfilment shall be referred.

**XVI.** Commissioners may adjourn their meetings, and appoint a President; Commissioners may make contracts for repairs; Each Commissioner to attend in succession the daily progress of the work.

**XVII.** Commissioners to account with the Receiver General on first January in each year, for all moneys received.

**XVIII.** Commissioners to make an annual report of their transactions to the Lieutenant Governor.

Commissioners to appoint a Superintendent;

His duty.

**XIX.** *And be it further enacted by the authority aforesaid,* That the said Commissioners shall appoint a fit and discreet person as Superintendent of Works, with a moderate annual recompense; whose duty it shall be to attend constantly at the Canal, to see that the piers are filled with a suitable quality of stone, the piles properly driven, the excavation carried to the proper width and depth, and the work done and performed in all respects according to contract; and the Superintendent shall also act as Secretary to the Board of Commissioners, and keep a book or books, in which their meetings and adjournments, and all their transactions in the business of the Canal shall be duly entered, and in which all receipts and expenditures of money shall be set down; and no account shall be paid by any officer or servant employed on the Canal until the same shall have been regularly inspected and audited by the Board; and it shall be the duty of the Superintendent to file and preserve the accounts that are thus audited, and they shall be transmitted to the Receiver General by the Commissioners, at the period of annual settlement, for the inspection of the Legislature, if required.

Collector of tolls may appoint a Deputy.

**XX.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector of the said tolls and dues, imposed by virtue of this Act, to appoint a Deputy to collect the same.

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**XXI.** *And be it further enacted by the authority aforesaid, That the* 4 Geo 4, Chap. 8, Sec. 9, repealed;  
 ninth clause of an Act passed in the third session of the eighth Parliament [And see 4 Geo 4, Ch. 16, Sec. 6.]  
 of this Province, intituled, "An Act to provide for constructing a navigable  
 Canal between Burlington Bay and Lake Ontario," shall be and the same  
 is hereby repealed.

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## 11th Wm. IV. Chap. 27.

*AN ACT to reimburse the Honourable John Henry Dunn, for moneys advanced by him to the Commissioners for the Burlington Bay Canal.*

[Passed 6th March, 1830.]

Preamble; £656 17s. granted to His Majesty to make good that sum advanced by the Receiver General. 2. How accounted for.

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## 2nd Wm. IV. Chap. 26.

*AN ACT granting to His Majesty a sum of money to be expended in the completion of the Burlington Bay Canal, and to defray the expenses thereof.*

[Passed 28th January, 1832.]

Preamble; £2478 granted to His Majesty for the completion of the Burlington Bay Canal.

II. Commissioners appointed.

III. Money to be accounted for through the Lords of the Treasury; Vacancies how filled up.

IV. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the fourth clause of an Act of the Parliament of this Province, passed in the eleventh year of His late Majesty's reign, intituled, "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal," which provides that the rates, tolls and dues, authorised to be levied and collected under authority of the said Act, shall not be lowered until after the loan of the sum of five thousand pounds, and the interest thereon, shall have been paid to the person or persons who might advance the same on the security of the said rates, tolls and dues; and also so much of the eleventh clause* 11 Geo 4, Chap. 12, Sec. 4, and part of Sec. 11, repealed,



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of the said Act as relates to certain persons therein named to be Commissioners for carrying the provisions of the said Act into effect, shall be and the same is hereby repealed.

V. £337 14s. 2d. to be paid to W. J. Kerr, Esq.

### 7th Wm. IV. Chap. 91.

*AN ACT granting a sum of money to complete the Burlington Bay Canal, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

Preamble; £5000 granted: 2. To be advanced on warrants issued by Governor; and accounted for through Lords of the Treasury. 3. Accounts in detail to be rendered. 4. No money to be advanced until proposed works and improvements have been reported upon by competent Engineer; Governor to appoint two additional Commissioners.

[SEE STATUTES OF CANADA, 4 & 5. VICTORIA, CHAPS. 28 & 38.]

### 4th Geo. IV. Chap. 17.

*AN ACT to Incorporate certain persons therein mentioned, under the style and title of "the Welland Canal Company."*

[Passed January 19th, 1824.]

Preamble.

Petition of certain persons to be incorporated;

[Sec 6 Geo 4, Ch. 2;  
7 Geo 4, Chs. 19 & 20;  
8 Geo 4, Chs. 2 & 17;  
10 Geo 4, Ch. 9;  
11 Geo 4, Ch. 11;  
1 Wm 4, Chap. 17;  
2 Wm 4, Chap. 12;  
3 Wm 4, Chap. 54;  
4 Wm 4, Chaps. 22 & 39;  
5 Wm 4, Chap. 24;  
6 Wm 4, Chap. 34;]  
7 Wm 4, Chap. 92;  
1 Victoria Chap. 28;

Incorporation of a Company to be called the Welland Canal Company.

**WHEREAS** George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, William Hamilton Merritt, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, and William Hamilton Merritt, or either of them, together with all such persons as shall become Stockholders of the

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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 Welland Canal 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 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 Welland 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.

II. *And be it further enacted by the authority aforesaid,* That the Directors of the Welland Canal Company, shall have full power and authority to explore the country lying between the River Welland, in the District of Niagara, and Lake Ontario, and between the said River Welland and the Grand River, or Ouse, 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 two intended Canals, with their necessary locks, towing-paths, basons, and rail-ways, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with the said Grand River, as near the mouth as practicable; and also to select such convenient sites for such and so many mills, manufactories, warehouses 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 herein-before contained shall extend, 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 damage done to property by the said Company.

Directors of said Company empowered to survey the country between River Welland and Lake Ontario, and said River and the Ouse;

To have and hold the line, &c. of two intended Canals, with the necessary Locks, &c.

On convenient sites to erect mills, &c. as may be required, and to purchase the same for the use of the Company;

No person compelled by this Act to sell such site, &c;

[See 7 Geo 4, Chap. 19, Sec. 2;]

The owner of mills using any additional supply of water by means of such Canal to pay a reasonable compensation;

[See 7 Wm 4, Chap. 92, Sec. 12]

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

Company to supply the Canal with water from springs, &c found in making same within 1000 yards therefrom, (except as before and after mentioned);

[See 6 Geo 4, Chap. 2, Sec. 5;]

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Empowered to make one or more reservoirs and feeders, and to supply Canal with water;

For this purpose may enter upon lands of His Majesty or other persons, (except as provided for) and survey such parts as they think necessary for making Canal and reservoirs, &c.;

And such matters, &c. as are necessary for making &c. such navigation;

May bore, dig, &c. carry away, and lay rubbish, soil, clay, stone, &c. for making such Canal, &c. on the grounds of persons adjoining;

May erect on said Canal, or lands adjoining, Bridges, Tunnels, &c.;

May from time to time alter, repair, &c. if necessary;

May place, work, &c. materials, on grounds adjoining;

May repair and alter fences;

thousand yards, (except as herein-before 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, (excepting 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 Majesty, His Heirs or Successors, or to any other person or persons, bodies politic or corporate, (excepting as is herein-before 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, feeders or aqueducts, or out of any lands or grounds of any person or persons adjoining or laying 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 maintaining the same; and also to make, build, erect and set up, in and upon the said Canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, 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 make, maintain, repair and alter, any fences or passages, over, under, or through the said Canal, or the reser-

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voirs 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 Canals, 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 Commissioners, 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 occupiers 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.

May make and appoint boats, barges, &c. on said Canal;

May construct and keep in repair, piers, arches, &c. on any brook, river, &c. for making, &c. said Canal and towing paths;

And other matters and things necessary and convenient for the purposes of this Act;

Doing as little damages as possible, and making satisfaction as hereinafter mentioned;

Not to take away any water belonging to any mills, without the consent of owner, &c.

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 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 and 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.

Should owners of mill seats on the line of the Canal, or within five hundred yards thereof, consider the same injured, or value diminished, from rival establishments, or by means of the Canal, the Company required to purchase the same at a fair valuation, to be ascertained by Arbitrators as hereinafter provided;

This not to compel any person to sell such mill seat.

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 Lake Ontario to the River Welland, and from the said Grand River to the River Welland, to take and appropriate, for the use of the said Canal, as much water as they may find necessary from out of the Niagara River, the said Grand River, and River Welland; and it shall be lawful for the said Company to erect at the mouth of the River Welland a pier; and at the points of departure of the said Canal from the said Grand River, and from the River Welland, and at the

Company in making such Canal, may take as much water as they think necessary from Niagara, Grand and Welland Rivers;

May erect a pier at the mouth of the River Welland and other places;

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And as many wharves, quays &c. as may be necessary for transporting, &c;

No such erections to obstruct the navigation, &c;

Not to prejudice any establishment of the Royal Navy, or other public department, &c;

Power of obtaining land for such purposes governed by provisions herein contained.

After ground ascertained to be necessary for making the Canal, all bodies, corporations, guardians, trustees, &c. not only for themselves, heirs, &c. but also for those whom they represent, whether infants, &c. femmes coverts, idiots, &c. interested in such land, may sell the same, and all such sales shall be valid. Amount to be ascertained as hereinafter mentioned.

The Directors may contract with the owners of land through which the Canal shall pass, for the absolute purchase of so much as they require;

[See 1 Vic. Chap. 28.]

Or for damages occasioned by said Canal &c;

place of its termination at Lake Ontario, such and so many wharves, quays, piers, forebays, locks and other erections, as may be necessary for the use of the said Company and the purposes of transport on the said Canal: *Provided always*, that no such erection, work, or device of the said Company, shall obstruct the navigation of the said River Welland, or the said Grand River, or in any manner prejudice any establishment, work or depot, of or for the use of the Royal Navy, or other department of the public service, now formed and situate at or near the mouth of the Grand River or River Welland, or upon the banks thereof, or be placed on any ground more than one hundred yards distant from such points of departure and termination, as aforesaid; and that the powers of obtaining any land for that purpose shall be governed by the provisions herein contained.

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 herein-before 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 in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, 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

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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 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 an equal number of indifferent persons, 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 be 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.

In case of disagreement, each party to nominate Arbitrators, who, together with one chosen by ballot, by said Arbitrators, the majority of whom shall award the sum to be paid by the Company;

Arbitrators to attend within eight days after notice at a place appointed by the Directors, there to decide;

Arbitrators to be sworn by a Justice of the Peace to assess the damages well and truly;

No Arbitrator compelled to attend if not residing within fifty miles of the place of meeting.

[See 7 Geo 4, Ch. 10, Sec 4;  
10 Geo 4, Chap. 9, Secs. 5, 6, 7 & 8;  
1 Wm 4, Chap. 17, Secs 7, 8 & 9;  
3 Wm 4, Chap. 54;  
5 Wm 4, Chap. 24, Sec. 7.]

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 herein-before provided.

Such award may be set aside by the Court of King's Bench the same as ordinary submission;

Reference again to Arbitrators.

IX. *Provided always, and be it further enacted by the authority aforesaid*, That if any part of the said Canal shall pass through any tract of land in the possession of any tribe or tribes of Indians in this Province, or if any act occasioning damage to their property or their possessions shall be done under the authority of this Act, compensation shall be made to them therefor in the same manner as is provided with respect to the property, possessions or rights of other individuals; and that in any arbitration required for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province is hereby authorised and required to name an arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any such case shall be paid to the said Chief Officer of the Indian Department to the use of the said Indians.

Property of the Indians to be ascertained the same as other individuals;

Arbitrator on their part to be named by the Chief Officer of their Department, to whom the sum awarded shall be paid.

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If it be necessary to cut into any highway, Company within one month shall build a bridge, under the penalty of £5 per day

[Sec 5 Wm. 4, chap. 24.]

Any proprietor of land may (at his own cost) erect bridges to connect his property, separated; but not to obstruct the navigation more than the other bridges.

[Sec 5, Wm. 4, chap. 24, secs. 1, 2, 3, 4, 5, 6.]

Any person destroying any work erecting by this Act shall pay the damages and costs, to be recovered by action, or committed to the gaol for a time not exceeding three months.

X. *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, 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.

XI. [Repealed by 7 Geo. IV. Chap. 19, Sec. 7.]

XII. *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 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.

Every person obstructing the Canal with boat, timber, &c. and upon due notice not removing the same, shall forfeit £5.

XIII. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber upon the said Canal, or shall suffer the loading of any boat or vessel, or raft, navigating in or upon the said Canal, so as by such over-loading 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 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.

Persons throwing gravel, &c. in the Canal shall forfeit not more than £5.

Such forfeitures how applied.

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XIV. *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 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 detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Persons placing any vessel, &c. so as to obstruct the navigation, and not removing the same at request, shall pay 10s for every hour.

Company may cause such boat, &c. to be unloaded and removed;

And may detain the same until all charges are paid.

If any boat, &c. is sunk in Canal, and the owner not drawing up the same, the Company, &c. may do it, and detain the same until all expenses are paid;

XV. *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 for hire, and shall not obstruct or prejudice the navigation of the said intended Canal, or the towing paths thereof.

Owners of land adjoining may use pleasure boats, or boats for conveying cattle from one farm to the other without the interruption of the Company, &c. without paying toll, (not passing through a lock without consent;)

[See 6 Geo. 4, ch. 2, sec. 4.]

But not for the carriage of goods, &c. to market, or for the purposes of gain, and not to obstruct the navigation.

XVI. *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 rebuilt, 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,

If the weirs, flood-gates, &c. give way, Company or their servants, etc. may enter upon any land and dig and take stone, gravel, etc. for the purpose of repairing the same, doing as little damage as possible, and making reparation within six months, as before mentioned.



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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 herein-before described with respect to other damage done by the making and completing the said navigation.

Directors, etc. may cut spaces for boats to turn and lie in, in adjoining lands.

Boats meeting shall go back and lie in such spaces as the majority of Directors under their hands shall direct.

XVII. *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.

President, etc. may regulate the toll.

[See 7, Wm. 4, chap. 92, sec. 17; and Statutes of Canada, 4 & 5 Vic. chap. 45.]

Shall if required exhibit to the Legislature the amount collected and expended;

And of goods, etc. transported.

At or five years from commencement of navigation, the Legislature, if they deem the tolls too high, may reduce them at a rate not less than twenty per cent on capital expended

XVIII. *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.

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XIX. *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, rail-way, towing-paths, and other erections required for the navigation thereof, (as laid down in the report of Mr. Hiram Tibbet, Engineer,) from Lake Ontario to the River Welland, within five years from the date hereof; and from the River Welland to the said Grand River within seven years from the date hereof, so as to be navigable for boats, barges and rafts, otherwise this Act, and every matter and thing herein contained, shall cease, and be utterly null and void: *Provided nevertheless,* that the said Company shall be entitled to all the advantages of this Act, inasmuch as relates to the cut to the River Welland, in case they complete and finish that part of it within the time limited by this Act.

Such Canal from Lake Ontario to the River Welland, (as survey by Mr. H. Tibbet,) to be completed in five years; (See 6 Geo. 4, chap. 2, sec. 7; 7 Geo 4, chap. 19, sec. 1.)

And from Welland to Grand River in seven years;  
So as to be navigable for boats, under forfeiture of charter;

If the cut to the River Welland is finished in five years, they shall be entitled to the privileges of this Act, as far as relates to the same.

XX. *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.

After any part of the Canal is finished, the Company, at a general meeting, to fix the rate of toll.

Directors may alter the same after three months' notice.

Schedule to be affixed in public places.

XXI. *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 forty shillings, currency; 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.

Persons refusing to have their boats measured shall forfeit 40s.;

Company or their toll-gatherer, and owner of boats shall choose a person to ascertain the measurement of the same, whose decision shall be evidence of the tonnage in all questions about the toll;

If the owner shall refuse to choose, the person chosen by the Company shall ascertain it.

XXII. *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,

Persons allowed to use with horses the private roads for the purposes of transportation;

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And to navigate the Canal with boats, and use the quays

And towing-paths, at rate to be established by the Company.

Said dues to be paid to persons, and at places, which the Directors shall appoint.

May sue for the same, if refused;

Or detain such vessel, etc. until payment thereof.

Stock of said Company not to exceed £40,000.

Each share to be £12 10s. Number of shares not to exceed 3,000.

6 Geo 4, chap. 2.

(See 7 Wm. 4, chap. 92, sec. 1;

And Statutes of Canada, 4 & 5 Vic. chap. 42.)

Books of subscription, within two months, shall be opened in all the assize towns, by such persons and under such regulations as the majority of petitioners, to meet at Niagara, shall direct.

Persons taking any number of shares (not more than eighty in first instance) shall pay 10 per cent on each share immediately after election of Directors;

The remainder by instalments of not more than 10 per cent as the Directors shall appoint;

Thirty days' notice to be given in all the newspapers in District where stock is subscribed.

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.

XXIII. *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 or dues 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.

XXIV. [Repealed by 6 Geo. IV. Chap. 2; 4 Wm. IV. Chap. 39.]

XXV. *And be it further enacted by the authority aforesaid,* That each share in the said Company shall be twelve pounds ten shillings, provincial currency, and the number of shares shall not exceed *Three thousand*; and 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 the 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.

XXVI. *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,) 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 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 thirty days after public notice shall have been given in all the newspapers in every District of this Province where any stock shall have been subscribed: *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

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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 thirty 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.

Stockholders refusing to pay the instalment shall forfeit their shares and the amount previously paid thereon;

Directors may sell the same at auction, and may apply the proceeds, with the amount previously paid, for the use of the Company;

The purchasers shall pay the instalment required, besides the purchase money, immediately, and before certificate of transfer.

XXVII. *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 River Welland to Lake Ontario, no part of the funds paid in shall be applied to any other purpose whatsoever; and after the same is completed not more than five thousand pounds shall be expended in the erection of machinery, until the cut to the said Grand River is completed, and the said Company shall proceed to the completion of the whole with as little delay as possible.

If the whole number of shares shall not be subscribed within two months after opening the books, any person may increase his subscription;

After first instalment shares transferable;

Until the Canal is complete from River Welland to Lake Ontario, no money to be expended for any other purpose;

Not more than five thousand pounds shall be expended in erecting machinery until the whole Canal is finished.

XXVIII. *And be it further enacted by the authority aforesaid*, That so soon as five thousand pounds 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 Niagara,) 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 operations of the said Company: *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published in all the newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

After £5000 subscribed, subscribers may call a meeting to elect Directors;

Directors shall be elected by the majority of shares voted for;

Directors so elected shall serve until the first Monday in April, succeeding such election;

Directors, so soon as they receive £500, to commence operations;

No meeting of the subscribers until at least thirty days' notice in all the newspapers.

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The affairs of the Company to be managed by five Directors, of whom one shall be President; Such Directors, etc. how chosen and elected; The Directors by ballot to elect a President; Two Directors shall be ineligible the next year. If more than three elected, the election of those having fewest votes to be void; The President for the time being shall always be eligible to the office of Director; If any Director shall absent himself for six months from the Province, his office shall be void; Such vacancies how filled up; A Director must be a Stockholder of at least ten shares.

Stockholders to have votes according to the number of shares.

[See 6 Geo 4, chap. 2, sec. 14]

If Directors not elected on the proper day, charter not void;

But may elect the same on any other day, according to their by-laws.

Dividend to be made half-yearly by the Directors, if they think it advisable;

If required by the Stockholders, a general statement to be given once in three years, or oftener.

Directors for the time being may make such laws as they think necessary;

XXIX. [Repealed by 7 Wm. IV. Chap. 92.]

XXX. *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.

XXXI. *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.

XXXII. *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 three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeable to the ratios 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.

XXXIII. *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,

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property, estate and effects, of the said Corporation, and touching 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.

And appoint officers, clerks, &c. with proper salaries;

No by law to be contrary to the laws of this Province.

XXXIV. *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.

Treasurer, with two securities, to give bond.

XXXV. *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, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is herein-before directed, shall, upon proof of the offences, respectively, before any two Justices of the Peace for the District of Niagara, 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 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 the District of Niagara, 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; 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.

The penalties for infringing such by laws, upon proof before two Justices of the Niagara District, shall be levied by distress, by warrant of the Justices.

If no distress the party refusing to pay the penalty and costs shall be committed to the gaol of the Niagara District for a time not exceeding twenty days;

Such penalties, how applied.

XXXVI. *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 five 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,

The Canal not to exceed 40 yards in breadth, including ditches, drains, etc. (See 6 Geo 4, Chap. 2, Sec. 2;)

Except where boats are to lie and pass each other;

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Without the consent of the owners of the land adjoining.

At the expiration of 30 years, His Majesty may assume the property of the Canal, by paying to the company, their heirs, &c. the full amount of their shares, and an advance of 25 per cent; And shall belong to His Majesty in the stead of the company, for all the purposes of this Act.

All actions brought for any thing done in pursuance of this Act, must be brought in six months;

Defendants may plead the general issue, and give the special matter in evidence;

If brought after the expiration of six months, a verdict for defendant.

Nothing in this Act contained shall affect the right of His Majesty, or any other person, except as herein provided.

This Act a public Act.

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.

## XXXVII. [Repealed by 6 Geo. 4, Chap. 2.]

XXXVIII. *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 herein-before 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XXXIX. *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.

XL. *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.

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## 6th Geo. IV. Chap. 2.

*AN ACT to repeal part of and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company."*

[Passed 13th April, 1825.]

**WHEREAS** it is expedient to repeal part of and amend an Act passed during the last Session of the Parliament of this Province, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company;" and to enable the Directors thereof to enlarge the dimensions of the said Canal, if they shall think proper: *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, &c. [Repealed by 4 Wm. IV. Chap 39.]

Preamble.

4 Geo. 4, Chap. 17, Sec. 24, part of the 25th, and 37th Secs. repealed; Number of shares extended to 10,000.

(See 7 Wm. 4, Chap. 92, Sec. 4; Statutes of Canada, 4 & 5 Vic. Chap. 48.)

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the land and ground to be taken and used for the said Canal, the towing-paths, ditches, drains and fences, to separate any such towing-path from the adjoining lands, shall not exceed sixty yards in breadth, except in such places where the said Canal shall be raised higher, or cut above five feet deeper, than the present surface of the land; and in such places where it may be judged necessary for boats, and other vessels and rafts, to turn, lie, or pass each other, not more than one hundred yards in breadth, without the consent of the owner or owners of such lands or ground, respectively, under his, her or their, hand and seal first had and obtained, any thing in the said first mentioned Act to the contrary notwithstanding.

Breadth of Canal, towing path, &c. not to exceed sixty yards, except in certain cases;

And one hundred yards where vessels pass each other.

III. *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 extend the dimensions of the said Canal, for the purposes of sloop navigation, if they shall see fit so to do, any thing in the said first recited Act to the contrary notwithstanding.

Canal may be enlarged for sloop navigation.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to construct a track or towing-

Company may construct towing paths along the bank of the Welland river;



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(Sec 11 Geo. 4, Chap. 11,  
Sec. 12.)

The Grand river near the  
mouth;  
And along the Niagara  
river to Fort Erie;

Proviso.

path, from the point where the Canal from Lake Ontario intersects the River Welland, to the point where the Canal leaves the River Welland for the Grand River, and from the point where it intersects the Grand River on the bank thereof, to Lake Erie; also, from the point where the Canal from Lake Ontario intersects the River Welland, to the mouth of said River on either bank thereof, whichever the Company may find most convenient, and from thence to Fort Erie at the head of Niagara River; *Provided always, nevertheless*, that nothing in this Act contained shall be construed to prevent any person or persons whatever from having and enjoying the use of the said Rivers, or either of them, and of the banks thereof, (subject to such regulations as may be made by the said Company for the preservation of the towing-paths or tracks, aforesaid,) for all purposes, as fully, freely and effectually, as if this Act had never been made.

Reservoirs may be con-  
structed on the line of the  
Canal.

V. *And be it further enacted by the authority aforesaid*, That the authority given to the said Company in the third clause of the said recited Act, to construct reservoirs, shall be construed to authorise them to execute the said reservoirs (in the manner pointed out) on the line of the Canal, if to the said Company it shall seem expedient.

Seven directors to be  
chosen annually.

VI. [Repealed by 7 Wm. IV. Chap. 92.]

(Repealed in part by 7  
Geo 4, Chap. 19, Sec. 1;  
See 7 Wm. 4, Chap. 92,  
Sec. 6.)

VII. *And whereas* doubts may be hereafter entertained with respect to the direction by which it was intended the said Canal should be conducted, in order to entitle the said Company to the privileges extended by the above recited Act, the same not having been otherwise declared in the said Act than by reference to the report of Mr. Hiram Tibbet, Engineer: *Be it therefore further enacted by the authority aforesaid, and declared*, That the route along which the said Canal shall be conducted, shall be as follows, that is to say: that part thereof which is to connect the River Welland with Lake Ontario shall commence at John Brown's Farm, on the River Welland, in the township of Thorold, passing down the valley of the Twelve Mile Creek, and terminating in Lake Ontario, at the mouth of the said Creek, such being the route surveyed and reported by Hiram Tibbet, Engineer, before the passing of the said Act, and referred to in the nineteenth section thereof; and that part thereof which is to connect the River Ouse, or Grand River, with the River Welland, shall commence at or near Broad Creek, on the Grand River, and terminate at or near Misiner's mills, on the forks of the River Welland: *Provided always, nevertheless*, that if within three months after the passing of this Act any Stockholder in the said Company, shall, by instrument in writing, executed in the presence of one or more witnesses, under their hands and seals, declare to the President and Directors of the said Company, that they would not, under the provisions of this Act, have taken shares in the said Canal, such Stockholder shall be considered no longer liable to pay his subscription, or any part thereof; and upon re-payment to him of such instalments as he may have paid, his shares shall thenceforth be forfeited.

Line of the Canal defined;

Proviso, that former  
stockholders may with-  
draw their subscriptions  
within three months.

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VIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be construed to authorise the said Company to construct such track or towing path as herein-mentioned, in any manner to interfere with, or prejudice the property of any person or persons having mills, store-houses, wharves or other buildings, on the banks of either of the said rivers.

Towing path on rivers not to interfere with private rights.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors now chosen, to procure without delay a survey to be made of the harbour at the mouth of the Grand River, on Lake Erie, and of the entrance into Twelve Mile Creek from Lake Ontario, by an able and experienced Engineer, in order to ascertain whether secure and capacious harbours can be constructed for sloops and schooners, intended to pass through the said Canal, at an expense which will not occasion the whole estimate to exceed the amount of stock which the said Company are by this Act authorised to hold.

Company to cause the mouths of the Grand river and Twelve Mile Creek, to be surveyed, and to ascertain whether harbours can be constructed there.

X. *And be it further enacted by the authority aforesaid,* That the whole amount of stock now paid in, and remaining on hand, and such as 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, and there placed to the credit of the Welland Canal 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.

Funds of the Company to be deposited with the Upper Canada Bank.

XI. [Repealed by 7 Wm. 4, Chap. 92.]

Funds of the Company not to be appropriated to purposes unconnected with the making the Canal, without the consent of the stockholders.

XII. *And be it further enacted by the authority aforesaid,* That at and after the next general election of Directors, 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, any thing in the twenty-ninth clause of the said Act, passed in the fourth year of His Majesty's reign, to the contrary, notwithstanding.

Future directors must hold stock to the amount of twenty shares. (See 7 Wm 4, Chap. 92, Sec. 8.)

XIII. The Hon. J. Irvine and S. McGillivray, Esq. appointed Directors for the year.

XIV. *And be it further enacted by the authority aforesaid,* That the holder of five shares shall be entitled to one vote; the holder of twenty shares to two votes; the holder of fifty shares, three votes; and the holders of one hundred shares and upwards, four votes, at all general meetings of the Stockholders.

Ratio of voting:

H. M. Government may purchase the Canal after fifty years, under certain regulations.

After the Government assume the Canal, account of toll and profits to be laid annually before the Legislature; and to be accounted for through the Lords Commissioners of His Majesty's Treasury.

XV. }  
XVI. } Repealed by 1 Wm. 4, Chap. 17.

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## 7th Geo. IV. Chap. 19.

*AN ACT to repeal parts of and to explain and amend the several Acts of this Province relating to the Welland Canal Company.*

[Passed 30th January, 1826.]

Preamble.

Welland Canal;

[See 7 Wm 4, Ch. 92,  
Sec. 6.]

Deviation authorised in  
part of the line of the  
Canal as heretofore  
established.

WHEREAS it is expedient to explain alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," and also a certain other Act passed in the fifth year of His Majesty's reign, intituled, "An Act to repeal part of and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, intituled, 'An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company': *And whereas* it has been found that to descend the mountain by the route prescribed by the seventh section of the above recited Statute, passed in the fifth year of His Majesty's reign, would be attended with great difficulty and expense, and that a new route has been surveyed and reported upon, which will diminish the distance and expense, and afford a more easy and practicable descent: *And whereas* the President and Directors of the Welland Canal Company have, by petition, prayed that the Legislature would sanction a deviation, as hereinafter mentioned, from the route prescribed by the Act last mentioned, and it is expedient to authorise the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the seventh clause of the last above mentioned Act, as relates to the route along which that part of the said Canal which is to connect the River Welland with Lake Ontario shall be conducted, shall be, and the same is hereby repealed, and that the route along which that part of the said Canal shall be conducted, shall be as follows, that is to say: by Shaver's Ravine and Dick's Creek, to the valley of the Twelve Mile Creek, as the said route has been surveyed and reported upon by Mr. Clowes and Mr. Roberts, Engineers, or as nearly thereto as circumstances will permit, and that from the said Twelve Mile Creek to Lake Ontario, the same route shall be pursued as has been prescribed by the Act last mentioned, or as near thereto as circumstances will permit.

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II. *And whereas*, by the second clause of the said Act passed in the fourth year of His Majesty's reign, it is provided that nothing therein contained shall extend to compel the owner or owners of any mill seat to sell, convey, or otherwise depart with the same to the said Company, and it being intended that the said proviso should only apply to such good mill seats as actually existed before the making of the said Canal: *Be it therefore enacted by the authority aforesaid*, That the said recited proviso shall not extend or be construed to extend to any mill seat or mill seats not existing before the making of the said Canal.

4 Geo. 4, Chap. 17, Sec. 2, explained as it regards mill seats.

III. *And be it further enacted by the authority aforesaid*, That the value of any mill seat or tract of land which the said Company shall be authorised to purchase for the purposes of machinery, shall be ascertained, in case of disagreement, by arbitrators, in the same manner as the value of the land is to be assessed through which the said Canal shall pass; and that the said arbitrators shall be also empowered to decide whether the mill seat or site, or other machinery desired by the said Company, is such as the person owning the same can be compelled to part with to the said Company.

Value of mill seats, how to be ascertained.

IV. *And whereas*, it is desirable that the arbitrators, to be appointed under the seventh clause of the said Act, passed in the fourth year of His Majesty's reign, should be empowered to consider the advantages as well as the disadvantages of the said Canal, as respects the lands of any person or persons through which the same may pass: *Be it therefore enacted by the authority aforesaid*, That the said arbitrators, so to be appointed as aforesaid, shall and may, and they are hereby authorised and required, in assessing the value of any lands or tenements of any person or persons proposed to be purchased by the said Company, or the amount of damages to be paid by the said Company to any person or persons under the provisions of the said seventh clause, to take into their consideration the advantages likely to accrue, as well as the injury or damage occasioned to lands or tenements by reason of the said Canal: *Provided always, nevertheless*, that it shall not be in the power of such arbitrators to award that any such sum shall be paid by any person or persons to the said Company, on account of any such advantages as aforesaid.

4 Geo. 4, Chap. 17, Sec. 7, extended so as to authorise arbitrators to consider what advantages individuals will receive from the Canal;

(See 10 Geo 4, Chap. 9, 1 Wm 4, Chap. 17, Secs. 7, 8, 9; 5 Wm 4, Chap. 24, Secs. 7, 8, 9, 10, 11.)

Proviso.

V. Time limited for referring claims to arbitration, and for paying sums awarded.

VI. *And be it further enacted by the authority aforesaid*, That whenever the Canal, to be made by the said Company, in any part of its course from the Grand River to Lake Ontario, shall have the effect of depriving any person possessing lands adjacent thereto of any privilege or convenience of water, for ordinary purposes which he had before enjoyed, it shall be incumbent upon the said Company to allow to the

Remedy where persons shall be deprived by the Canal of any privilege of water.

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person or persons, then and at all times hereafter possessing the said lands, free and convenient access for persons and cattle to the waters of the said Canal.

[See 5 Wm. 4, Chap. 24.]

4 Geo. 4, Chap. 17, Sec. 11  
repealed;Regulation as to bridges  
over the Canal.

VII. *And whereas*, in consequence of the enlargement of the said Canal, in order to adapt it to schooner navigation, it is expedient to repeal the eleventh clause of the said Act, passed in the fourth year of His Majesty's reign, and to make further provision in respect thereof: *Be it therefore enacted by the authority aforesaid*, That the said clause shall be and the same is hereby repealed, and it shall be lawful for any person possessing lands through which the said Canal shall pass, and upon which there shall now be buildings, improvements or fields, which the said Canal shall divide, 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.

## 7th Geo. 4, Chap. XX.

*AN ACT to authorise the Government to borrow a certain sum of money, upon Debenture, to be loaned to the Welland Canal Company.*

[Passed 30th January, 1826.]

Preamble.

£25,000 to be raised by  
loan, and advanced to the  
Welland Canal Company.

[See 7 Wm 4, Chap. 92.]

**WHEREAS** the Welland Canal Company are desirous of raising by loan the sum of twenty-five thousand pounds, lawful money of this Province, to facilitate the completion of the Canal now in progress to connect the River Welland with the Lake Ontario: *And whereas* it is expedient that the Governor, or Lieutenant-Governor, or Person Administering the Government of the said Province, should be authorised to raise the said sum of money by debenture, as hereinafter provided, in order to loan the same to 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, 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, 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

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willing to advance, upon the credit of the Government bills or debentures authorised to be issued under this Act, the said sum of twenty-five thousand pounds; and that as soon as the said sum of twenty-five thousand pounds, or any part thereof, shall be so raised, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to issue his warrant upon the said Receiver-General for the same, in favour of the said Welland Canal Company, upon the terms and conditions hereinafter provided respecting the same.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver-General, for the time, 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 twenty-five thousand pounds, as any person or persons, bodies corporate or politic, 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 be signed by him; 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 be actually issued, and being each for the payment of one third of the sum so advanced, at the expiration of two, four, and six years, respectively, with interest at six per cent per annum, from the date of each debenture until the same shall be discharged.

Debentures to be issued for such loan.

III. *And be it further enacted by the authority aforesaid,* That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by and out of the moneys that shall come into the hands of the Receiver-General of this Province, to and for the public uses of the said Province, on account of the proportion payable thereto, of duties which already have been, or hereafter may be levied and received in the Province of Lower Canada, upon goods imported into this Province.

Debentures charged upon certain public revenues.

IV. *And be it further enacted by the authority aforesaid,* That the debentures which shall be lawfully issued by the authority of this Act, and shall, from time to time remain undischarged and uncanceled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the Receivers and Collectors in this Province of the Customs, or 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

Debentures to pass current with all public accountants.

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Receiver-General of this Province, from the said Collectors and Receivers, or from any person making any payment there to His Majesty, His Heirs and Successors, upon any account, or for any cause whatsoever; and that the same, in the hands of such Collectors and Receivers, and in the hands of the Receiver-General of this Province, shall be deemed and taken as cash, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver-General aforesaid, respectively, in their accounts with each other, and with His Majesty, His Heirs and Successors.

Interest on debentures;

in what case to cease.

V. *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 and 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.

Method of ascertaining for what period the interest on such debentures shall be suspended.

VI. 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, 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, as aforesaid.

Capital felony to forge any debenture or indorsement thereon, or to alter any such forged debenture, knowingly and with intent to defraud.

[See 3 Wm 4, chap. 3.]

VII. *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 remain uncanceled, or any stamp, indorsement or writing thereon or therein, or tender in payment any such forged or counterfeited debenture, or any debentures with such counterfeited 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 debenture so tendered in payment or demanded to

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be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, and with intend to defraud His Majesty, His Heirs or 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, without benefit of clergy.

VIII. *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 period aforesaid, and of the expenses attending the issue of the same, and of carrying this Act into execution; and also, of the sum and sums of money lent and advanced to the said Welland Canal Company under the authority of this Act, with a correct account of the numbers, amount and dates, of the different bonds which he may receive from the said Welland Canal Company, according to the provisions of and under the authority of this Act, for the moneys so lent and advanced; of the amount of the said bonds redeemed by the said Company, and of the interest paid thereon, respectively; and also, of the amount of the said bonds unredeemed at the period aforesaid, to be laid before the Legislature of this Province.

Accounts of debentures outstanding, &c. to be transmitted by the Receiver-General.

IX. *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 the Receiver-General of this Province, for the time being, who shall take care 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 parties, 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 and every year, issue warrants to the said Receiver-General for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken, as aforesaid.

Interest accruing upon debentures shall be paid half yearly on demand by the Receiver-General;

Warrants to be issued therefor.

X. *And be it further enacted by the authority aforesaid,* That the Receiver-General of this Province, and the person or persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances, as the Governor, Lieutenant-

Remuneration to the Receiver-General and persons employed under him.



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Governor, or Person Administering the Government of this Province, and the Executive Council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this Act; and that the same shall be paid in discharge of such warrant or warrants as the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, shall from time to time issue for that purpose.

Debentures when due to be paid by warrant on the Receiver-General, and when paid to be cancelled.

XI. *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 favour 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.

Calling in debentures;

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, if he think 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 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 the said six months, shall cease and be no further payable in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

On failure to present them after a certain time, interest to cease.

Before any advance is made, Company to give bond securing the repayments, with interest;

[See 7 Wm 4, Chap. 92, Sec. 1.]

XIII. *And be it further enacted by the authority aforesaid,* That the said Receiver-General of this Province, for the time being, shall not pay or advance to the said Welland Canal Company any sum or sums of money, specified in or by virtue of any warrant or warrants which may be from time to time issued in their favour by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, under the authority of this Act, until the said Welland Canal Company shall have delivered to the said Receiver-General a bond or bonds, or writing or writings, obligatory to our Sovereign Lord the King, His Heirs and Successors, duly sealed and executed, under the seal of the said Welland Canal Company, in the penal sum of double the amount to be secured thereby, such bond or bonds, respectively, to be conditioned for the re-payment to the said Receiver-General, to and for the use of our said Lord the King, His Heirs and Successors, the sum or sums of money specified in the said warrant or warrants that may be from time

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to time issued in favour of the said Welland Canal Company by virtue and under the authority of this Act, and at such period or periods, respectively, as the debenture or debentures upon which such sum or sums of money, so to be from time to time advanced to the said Company, by way of loan, may have been raised, shall respectively become due and payable according to the terms thereof, together with legal interest thereon, at the rate of six per cent per annum, such interest to be paid to the said Receiver-General, to and for the use of our Sovereign Lord the King, His Heirs and Successors, half yearly, computed from the date or dates of the said bond or bonds, respectively; and which bond or bonds, respectively, shall be prepared and made out in such method and form as the said Receiver-General shall think most safe and proper.

XIV. *And be it further enacted by the authority aforesaid,* That upon payment, by the said Company, to the Receiver-General of this Province for the time being, of the principal or interest upon any sum or sums of money from time to time lent and advanced to the Welland Canal Company, by virtue of any such warrant or warrants issued under the authority of this Act, according to the condition, true intent and meaning, of any bond or bonds to be given by the said Company for securing the same as by this Act required, such Receiver-General shall deliver to the said Company a receipt or receipts for the same under his hand, which receipt or receipts, so signed and delivered, shall be and are hereby declared to be a full and sufficient acquittance or acquittances to the said Company for the sum or sums therein respectively mentioned and specified.

How bond to be acquitted on payment.

XV. *And be it further enacted by the authority aforesaid,* That all and every sum and sums of money from time to time paid into the hands of the Receiver-General of this Province, by the said Welland Canal Company, as a principal or interest upon any bond or bonds of the said Company, given by virtue of this Act, shall remain in the hands of such Receiver-General to the use of His Majesty, His Heirs and Successors, for the public uses of this Province and support of the Government thereof; and that the same shall remain at the disposal of the Legislature thereof, and, together with all moneys required to be paid by the authority of this Act, which 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, shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Money advanced shall, when re-paid, be applied to the public uses of the Province, &c.

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## 8th Geo. IV. Chap. 2.

*AN ACT to enable the President and Directors of the Welland Canal Company, to accept an aid from His Majesty's Government, towards the completion of the said Canal, and to secure to His Majesty the free use thereof.*

[Passed 17th February, 1827.]

Preamble.

[See 8 Geo 4, Ch. 17.]

**WHEREAS** His Majesty has been most graciously pleased to intimate, through His Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor of this Province, that His Majesty would be willing to afford to the Welland Canal Company His royal aid and assistance to the extent of sixteen thousand three hundred and sixty pounds, sterling, being the one-ninth part of the sum represented to His Majesty as the estimated cost of the said Canal, upon condition of the Locks thereon being constructed of at least twenty-two feet in width; and also, upon His Majesty being secured in the use of the said Canal, for all vessels and boats, when engaged in conveying Government stores, without payment of any duty or toll: *And whereas*, His Majesty's royal intention having been communicated by His Excellency the Lieutenant Governor to the President and Directors of the said Company, they have expressed their desire to accept His Majesty's bounty upon the terms in which His Majesty has been pleased to signify his pleasure thereon: *And whereas*, for carrying His Majesty's most gracious intentions into effect, it is necessary to secure to His Majesty the free use of the said Canal, for the public services of His Majesty by an Act of the Legislature: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Locks of the said Canal shall not be constructed of a less width than twenty-two feet; and that in all time 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: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to exempt from the ordinary charges of toll or duty, such goods or commodities, the property of individuals, as shall be transported in any vessel or boat, not being the property of His Majesty, or the tonnage employed in the transport thereof.

The locks on the Welland Canal shall not be less than twenty-two feet in width;

His Majesty's vessels, and vessels employed in transporting His Majesty's stores, shall pass at all times free of toll;

Exception as to private vessels carrying also merchandize for individuals.

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## 8th Geo. IV. Chap. 17.

*AN ACT for affording public aid towards the completion of the Welland Canal.*

[Passed 17th February, 1827.]

Preamble; £50,000 public Stock may be taken in the Welland Canal Company. 2. Stock shall not be subscribed unless the Company shall agree to allow interest upon the amount paid in, until the expiration of one year from the completion of the whole Canal; such interest to be hereafter adjusted in account. 3. Bond to be given for payment of such interest. 4. Government may transfer the Stock, but not for a price below its nominal value. 5. Application of interest. 6. No deduction for per centage to Receiver General. 7. Authority to raise £50,000 by loan upon Debenture. 8. Debentures, how prepared and issued. 9. Upon what fund charged. 10. Conditions of loan in regard to its redemption. 11. General provisions respecting the Debentures to be issued under this Act.

## 10th Geo. IV. Chap. 9.

*AN ACT to render effectual certain Securities to be given by the Welland Canal Company, for a Loan advanced by His Majesty's Government, and for other purposes relating to the said Canal; and also, for authorising the making a lateral Cut from the Welland Canal, through the Town of Niagara to the mouth of the River Niagara, by a Company incorporated for that purpose.*

[Passed 20th March, 1829.]

**WHEREAS** the President and Directors of the Welland Canal Company have, by their petition, set forth that certain alterations are expedient in the Charter of the said Company, which it appears proper to provide for: *And whereas* under and by virtue of an Act made and passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the ninth year of the reign of His present Majesty, intituled, "An Act to authorise the advance of a certain sum out of the consolidated fund, for the completion of the Welland Canal navigation in Upper Canada," the Lords Commissioners of His Majesty's Treasury have lent and advanced to the Welland Company the sum of fifty thousand pounds, sterling money of Great Britain, to be applied by the President and Directors of the said Company towards defraying the expenses of completing the said Canal, upon the condition, however, required by the said Act, that the re-payment of the moneys so advanced, with interest at four per centum per annum, within the term of ten years from the passing of the said last recited Act, should be secured by an assignment of the tolls and profits of the said Canal, to such persons, in such

Preamble.

Petition of Welland Canal Company recited;

Imperial Statute, 9 Geo. 4, recited;

Loan made by His Majesty to the Welland Canal Company;

Conditions exacted;

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Authority required to fulfil those conditions;

manner, and under such conditions and regulations, as the said Commissioners of the Treasury should order and direct; *And whereas* it may be doubted whether the President and Directors of the said Welland Canal Company can, without Legislative authority, pledge the said Canal, and the tolls and profits thereof, in fulfilment of the assignment for that purpose made by them with the Lords Commissioners of His Majesty's Treasury, through the agency of William Hamilton Merritt, Esquire, Agent for the said Company, and it is just and expedient to remove all such doubts, and to enable the said Company to afford the required security to His Majesty's Government: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Welland Canal Company, by any instrument or instruments in writing under the Seal of the said Company, well and effectually to convey, transfer and assign, the said Welland Canal, and the tolls and profits thereof, and all and singular, the funds, property and effects of the said Company, unto such person or persons as the said Commissioners of His Majesty's Treasury, or the Governor or Lieutenant Governor, for the time being, of the Province of Upper Canada, by the direction of the said Commissioners, have directed or shall hereafter direct, and to his or their Heirs, Executors, Administrators and Assigns, upon such conditions for redemption thereof, and upon such terms, and with such provisions and conditions as have been heretofore agreed upon by the Lords Commissioners of His Majesty's Treasury, with the said Company or their Agent, and upon such other terms and conditions as the said Company shall agree to and think reasonable, for the effectually securing the repayment of the said fifty thousand pounds, and interest as aforesaid, to the satisfaction of the Lords Commissioners of His Majesty's Treasury: *Provided always, nevertheless,* that no mortgage, or other security, which shall be given by the said Company under the authority of this Act, shall have the effect of defeating or in any manner prejudicing any security or securities by them given, for moneys advanced to them before the eighteenth day of August, in the year of our Lord one thousand eight hundred and twenty-eight, being the date of the agreement entered into between the Lords Commissioners of His Majesty's Treasury and the Agent of the said Company.

Power given to the Welland Canal Company to secure the said loan by mortgage;

Such mortgage not to prejudice any security given for prior debts.

The Company authorised to raise further sums by loan;

II. *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,

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to contract either with His Majesty's Government or with any public Company or body, either politic or corporate, or with any private individual, for the loan of any sum or sums of money to be laid out in the completion of the said Canal, and for securing the repayment thereof, to cause to be executed one or more bond or bonds, or other instrument or instruments in writing, in the name of the Welland Canal Company, and sealed with the seal of the said Company, and signed by the President or Vice-President and Secretary.

And to give bonds for such loan.

III. *And be it further enacted by the authority aforesaid,* That all such bonds or other securities so to be given, as aforesaid, shall be made payable to the person lending the money therein mentioned, or bearer, and shall be transferable by delivery.

Such bonds may be made transferable by delivery.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company hereafter to increase the dimensions of the feeder they are now constructing from the Grand River to the Deep Cut, to the ordinary size of the Canal, for the purposes of ship navigation, if they shall deem it expedient.

The Company may enlarge the feeder now in progress from the Grand River, so as to make it a Canal fit for schooners, etc.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons whose lands shall be taken for or injured by the said Company, or whose mills shall be injured by the stoppage of water, to nominate one Arbitrator, and for the Company to name another, which two shall name a third, to determine upon their oaths the amount to be paid for the land, or the damages done thereto, which award the Directors are hereby required to pay at the time specified therein.

Provision for compensating the owners of lands.

VI. Arbitration provided for in case the parties cannot agree.

VII. Arbitrators and witnesses to be sworn.

VIII. *And be it further enacted by the authority aforesaid,* That the moneys awarded to be paid under this Act, shall be paid by the aforesaid Company to the persons legally authorised to receive the same, within two months from the time of the award being made: *And whereas,* Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, John Barker, and others, inhabitants of the Town of Niagara, are desirous of cutting a lateral branch of the said Welland Canal from the bottom of the Mountain Ridge to the said Town of Niagara, and to be incorporated for that purpose: *Be it therefore further enacted by the authority aforesaid,* that the said Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, and John Barker, or either of them, together with all such persons as shall become

When money awarded shall be paid;

Petition for a Branch Canal to the Town of Niagara;

[See 2 Wm. 4, chap. 12; 4 Wm. 4, chap. 22.]

A Company incorporated by the name of "the Niagara Canal Company";

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Powers and privileges of the Company ;

Seal ;

May hold and dispose of real estate.

May explore a route for the Canal leading to Niagara ;

For boat navigation only ; (Repealed by 4 Wm 4, Chap. 22 )

£25,000 capital.

Directors how to be chosen; Three in number; (Repealed by 4 Wm 4, Chap. 22.)

May make by-laws.

Provision for compensating the Welland Canal Company for the water to be taken for the Branch Canal; Arbitration. Welland Canal Company may decline to accept the sum so awarded, in which case the company and stock created by this Act shall merge in the Welland Canal Company: Provisions for that contingency. Provision as to commencing the work by the Welland Canal Company in case they should assume it: Canal may be increased for ship navigation; Period within which 25 per cent. must be paid in by the subscribers to the Branch Canal.

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 Niagara Canal 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 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 name of "the Niagara Canal Company," 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 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.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Niagara Canal Company, their engineers, agents and servants, to explore the country lying between the Welland Canal, below the Mountain Ridge, in the Township of Grantham, and the Town of Niagara; and to lay out the route, and to excavate, finish and complete a Branch Canal, for *Boat Navigation only*, from any part of the Welland Canal, below the Mountain, to the Town of Niagara, and thence into the Niagara River; and for that purpose to raise by subscription within the said Town, or elsewhere, a sum not exceeding twenty-five thousand pounds, in shares of twelve pounds ten shillings each.

X. *And be it further enacted by the authority aforesaid*, That the affairs of the said Niagara Canal Company shall be managed by *three Directors*, one of whom shall be President, who shall be elected annually, on the first Monday in May in each year; and shall have all the powers, authorities and privileges used and exercised, enjoyed or belonging now by virtue of the charter, to the Welland Canal Company, in so far as the same are applicable to the making and completing the said Branch Canal and keeping the same in repair; and also, as to the regulations and by-laws incidental to the good government of a chartered Company.

XI.

XII.

XIII.

XIV.

} Repealed by 2 Wm. IV. Chap. 12.

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XV. *And be it further enacted by the authority aforesaid,* That the said Directors of the said Niagara Canal Company shall be and they are hereby authorised to contract, compromise and agree, with the owners and occupiers of any land through or upon which the route or line of the said lateral Branch may be determined to be cut, for the purposes of the said lateral Branch Canal, either for the absolute purchase of so much land as shall be required for the said Company, or for the damages he, she or they, shall and may be entitled to receive from the said Company, in consequence of cutting the said lateral Canal; and in case of any disagreement between the said owners or occupiers, aforesaid, then the said owners or occupiers, and the said Directors, shall decide the same by arbitration, in the same manner and following the same provisions, and according to the terms contained in the Act of this Province passed in the fourth year of the reign of King George the Fourth, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company:" *And further,* that the said arbitrators, so to be appointed according to the said Act, shall be paid and indemnified by the said Directors within one month after the sitting of the said arbitrators.

Provision for compensating owners of lands for property taken, damages, &c.;

Arbitration;

Compensation to the Arbitrators.

Not more than five Directors shall be hereafter chosen annually by the Stockholders in the Welland Canal Company; Two to be chosen by the House of Assembly; Certain persons appointed Directors for the present year.

Accounts of receipts and expenditure to be laid before the Legislature.

XVI. Repealed by 7 Wm. IV. Chap. 92, Sec. 8.

XVII. *And be it further enacted by the authority aforesaid,* That the President and Directors of the said Company, shall, and they are hereby required, every year to lay before the Legislature accounts in detail of their receipts and expenditure.

## 11th Geo. IV. Chap. 11.

*AN ACT to grant a further loan to the Welland Canal Company, and to regulate their further operations.*

[Passed 6th March, 1830.]

Preamble; £25000 granted in aid of the funds of the Welland Canal. 2. Limitation of the expenditure. 3. No poundage allowed to the Receiver General. 4. Receiver General to issue Debentures. 5. Debentures chargeable upon the public funds of the Province. 6. Interest on all debentures to cease after six months notice of their being due has been published in the Gazette. 7. Provisions contained in 7 Geo. IV. Chap. 20, relative to debentures issued by the Receiver General, to be in force with regard to debentures issued under the authority of this Act. 8. Welland Canal Company to give bonds to the Receiver General for all sums advanced. [See 7 Wm. IV. Chap. 92.] 9. When bonds are paid off by the Welland Canal Company, Receiver General to give receipts for the money. 10. Money paid to the Receiver General, on bonds, how to be applied and accounted for.

Welland Canal Company not to make any other canal or channel between the Welland Canal and Lake Erie or the Grand River, without further Legislative provisions.

XI. [Repealed by 1 Wm. IV. Chap. 17.]



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Welland Canal Company may make a towing-path along the Niagara River to the deep cut.

**XII.** *Provided always, nevertheless, and be it further enacted by the authority aforesaid,* That nothing herein contained shall be construed to restrain or prevent the said Company, after the completion of the said Canal from Port Dalhousie to the entrance of the said Canal into the Niagara River, to apply such sum of money as may be necessary in the formation and construction of a towing-path along the Niagara River, from Lake Erie to the entrance of the said Canal.

**XIII.** Robert Randal, Esquire, appointed a Commissioner.

**XIV.** Robert Randal, Esquire, to be remunerated for his trouble.

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### 1st Wm. IV. Chap. 17.

*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.*

[Passed 16th March, 1831.]

Preamble ; Debentures to the extent of £50,000 may be issued to the Welland Canal Company, upon giving security : Interest on debentures payable half yearly in London ; Money how to be expended. 2. Debentures charged on the General Revenues of the Province. 3. Directors to appropriate Tolls to the payment of the interest on the debentures. 4. In case default shall be made by the Welland Canal Company in the payment of the interest and principal when due, Canal may be taken possession of for the use of His Majesty ; Security to the amount of £25,000 to be given for the due application of the money, and for payment of half the above loan, and interest.

[See 3 Wm. 4, Ch. 54 ; 4 Wm. 4, Ch. 53, Sec. 14 ; \* 7 Wm. 4, Ch. 92.]

Company may extend their operations to Lake Erie, and improve the Grand River below the Dam.

**V.** *And be it further enacted by the authority aforesaid,* That the President and Directors of the Welland Canal Company shall be permitted to occupy such portion of the Grand River, and the land adjoining the same, from the upper part of the Dam erected by the said Company across the same, and thence to the mouth of the said River, as may be necessary for a towing path, warehouses, and other buildings or erections, and to improve the navigation thereof by the use of dredging machines and otherwise ; and that the said Company shall have the privilege to extend their Canal for ship navigation to the said Grand River, and to any other bay or harbour on Lake Erie to the eastward from the mouth of the said River, and occupy the same, as aforesaid, as they may think the public convenience and the interest of the said Company may require.

6. 11th Geo. 4, Chap. 11, Sec. 11, and 6th Geo. 4, Ch 2, Secs. 15 & 16, repealed. 7. J. Warren, S. Street and D. Thorburn, appointed Arbitrators ; (See 5 Wm 4, Chap. 24, Sec. 7.) 8. Arbitrators to be sworn. 9. Arbitrators may summon witnesses ; Witnesses to be sworn : Expenses of witnesses to be settled by Arbitrators. 10. Account upon oath to be laid before the Legislature.

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### 3rd Wm. IV. Chap. 54.

*AN ACT for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

Preamble; £7,500 may be raised by loan, to be paid to Commissioners. 2. Application by the Commissioners of the sum granted 3. Commissioners appointed; Duty of Commissioners. 4. Receiver General to subscribe stock in the Welland Canal to the amount of the said loan granted. 5. Commissioners to act as arbitrators in conjunction with those heretofore appointed for settling certain claims.

[SEE 5 WM. IV. CHAP. 24, SEC. 7.]

### 4th Wm. IV. Chap. 39.

*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.]

**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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the first clause of an Act passed in the sixth year of His late Majesty's reign, intituled, "An Act to repeal part of and extend the provisions of an Act passed in the fourth year of His present

Preamble.

6 Geo 4, ch. 2, sec. 1, repealed;

[See 7 Wm 4, Chap. 92.]

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Majesty's reign, intituled, '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.

Number of shares not to exceed 20,000 at £12 10s. each.

II. [Repealed by 7 Wm. IV. Chap. 92.]

Governor authorised 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 Company, 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.

To be raised by Government bills or debentures,

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.

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.

Governor, &c. to issue warrants to Receiver General for money so raised.

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.

Debentures made chargeable on public moneys at disposal of Legislature.

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 moneys 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.

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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, intituled, "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 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.

Provisions of 7 Geo 4, ch. 20, relative to debentures, to extend to debentures under this Act;

Forgery.

VIII. [Repealed by 7 Wm. IV. Chap. 92.]

Directors to be chosen annually, of whom three to be appointed by House of Assembly.

## 5th Wm. IV. Chap. 24.

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

[Passed 16th April, 1835.]

**WHEREAS** it was provided by the tenth section of the Act granting a charter to the Welland Canal Company, passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company," that when and so often as it shall be necessary to cut into any highway, in order to conduct the said Canal through the same, the said Company of proprietors shall, within one month, cause to be constructed a secure, sufficient, and commodious bridge for the passing of carriages, in order to re-establish the communication between the several parts of such highways, under the penalty of four pounds currency for each and every day after the expiration of the

Preamble;  
Reciting the 4th Geo 4, chap. 17;

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said time, which the said Company shall neglect to construct such secure sufficient and commodious bridge, as aforesaid: *And whereas* no doubt can be entertained that the intention of the Legislature at the time of passing the Act of incorporation, although not so expressed in the tenth section of the Act, was that the said Welland Canal Company should not only construct the necessary bridges over such highways as the Canal might intersect, but also that such bridges should be thereafter maintained and kept in repair by the said Company, for the safety and convenience of His Majesty's subjects who might have occasion to use the said highways: *And whereas* there are certain roads passing the said Canal, within a short distance, which, by erecting bridges on each, would materially injure the navigation of the said Canal, without producing a corresponding benefit: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Welland Canal Company to erect and keep in repair all bridges over the Canal on highways heretofore used and travelled as public roads, the number, places and situation, to be determined by the Directors who may be appointed by the House of Assembly during the present Session.

Company authorised to erect bridges.

Repairs of bridges;

Penalty for neglect.

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

Overseers of the roads may notify repairs wanting.

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

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

After twenty days notice Overseer may repair;

Account to be made out against the District;

Payment by the Treasurer.

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

Treasurer to be repaid from the first tolls received;

Penalty on toll-gatherers refusing to pay.

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

Indemnity to the Overseer and Treasurer.

VII. *And whereas* by the seventh section of an Act passed in the first year of His present Majesty's reign, intituled, "An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the laws now in force relating to the said Company," John Warren, Samuel Street and David Thorburn, Esquires, were appointed arbitrators to settle and award the damages sustained by individuals from the operations of the said Welland Canal Company; *And whereas* from the

Recital of 1 Wm 4, chap. 18, sec. 7;

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3 Wm 4, chap. 54, sec. 5;

circumstance of the decease of one of the Commissioners, John Warren, Esquire, during that year, the two remaining arbitrators were unable to come to any decision: *And whereas* by the fifth section of an Act passed in the third year of His Majesty's reign, intituled, "An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned," Absalom Shade, William B. Robinson and John Macaulay, Esquires, Commissioners for the affairs of the said Canal, were appointed arbitrators in conjunction with the aforesaid remaining arbitrators, Samuel Street and David Thorburn, Esquires, to arbitrate and determine the amount of damages due by the Company to the different individuals on the line of the said Canal, to be determined by a majority of the said arbitrators; but from the remote residence of the said Commissioners from the Niagara District, or other causes, it has not been found practicable to procure the attendance of a majority of the said arbitrators, so appointed to decide thereon, and it is just and expedient that the claims of the parties who have sustained damage should be satisfied: *Be it therefore enacted by the authority aforesaid*, That so much of the said Act, passed in the third year of His Majesty's reign, as constitutes and appoints the said Absalom Shade, William B. Robinson and John Macaulay, Esquires, arbitrators in conjunction with Samuel Street and David Thorburn, Esquires, be and the same is hereby repealed.

So much of 3 Wm 4, chap. 54, as relates to Arbitrators named, repealed.

Other Arbitrators appointed.

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

Arbitrators to have a discretionary power in forming their judgment.

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

Allowance to the Arbitrators.

X. *And be it further enacted by the authority aforesaid*, That the said arbitrators shall severally be allowed the sum of twenty shillings currency for every day they shall be engaged in the duties of such arbitration, to be paid by the said Welland Canal Company, unless the said arbitrators, or a majority of them, believe that the said Welland Canal

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Company have offered the individual the full value of the property left to their decision, in which case they can make either party pay the expenses as they may deem just and equitable.

XI. *And be it further enacted by the authority aforesaid,* That the said arbitrators shall be sworn before some one of His Majesty's Justices of the Peace, well and truly to hear and determine all matters submitted to them respecting claims for damages against the Welland Canal Company, according to the best of their knowledge and belief. Arbitrators to be sworn.

### 6th Wm. IV. Chap. 34.

*AN ACT to loan two thousand pounds to the Welland Canal Company.*

[Royal assent given by message to the Legislature, 28th November, 1836.]

Preamble; £2,000 granted; To be paid into the hands of Francis Hall, to be distributed among Contractors. 2 Detailed account of expenditure to be laid before Legislature. 3. Money to be accounted for through Lords of the Treasury.

### 7th Wm. IV. Chap. 92.

*AN ACT to provide for the permanent completion of the Welland Canal, and for other purposes herein mentioned.*

[Passed 4th March, 1837.]

**WHEREAS** under the provisions of several Acts of the Parliament of this Province, the sum of one hundred and seven thousand, five hundred pounds, has been subscribed as public stock in the Welland Canal Company, and the further sum of one hundred and two thousand pounds has been loaned by the Government to the said Company, under the provisions of several other Acts: *And whereas* it is expedient to convert the said loans into public stock, and further to extend the public aid of this Province to the said Company, so as to effect the completion of the said Canal in a substantial and permanent manner, with stone locks: *And whereas* it is expedient to repeal part of and amend the laws relating to the said Welland Canal: *And whereas* it is expedient to provide for a careful examination and survey of the route of the said Canal, in order to ascertain what changes in the same (if any) would be for the public interest: *Be it therefore enacted* by the King's most Excellent Majesty, by and

Preamble;

[See Statutes of Canada, 4 & 5 Vic. chaps. 28 & 42, which have superseded most of the provisions of this Act.]



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with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the twenty-fifth clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company," as limits the number of shares of the stock in the said Company to two thousand; and also the twenty-ninth clause of the said Act; and also so much of the first clause of an Act passed in the sixth year of the reign of His said late Majesty, intituled, "An Act to repeal part of and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, intituled, 'An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company,'" as limits the number of shares to be held by the said Company to sixteen thousand; and also the sixth and eleventh clauses of the said last mentioned Act; and also so much of an Act passed in the seventh year of His said late Majesty, as makes the said Company liable for the payment of the sum of twenty-five thousand pounds, and interest thereon, to the Government of the Province, advanced under the provisions of the said last recited Act; also so much of an Act passed in the eleventh year of His said late Majesty, intituled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," as makes the said Company liable for the payment of the further sum of twenty-five thousand pounds, and interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act by way of loan; also so much of an Act passed in the first year of His present Majesty's reign, intituled, "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," as makes the said Company liable for the payment of the sum of fifty thousand pounds, and the interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act by way of loan; and also the second and eighth clauses of an Act passed in the fourth year of the reign of His present Majesty, intituled, "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," be and the same are hereby repealed.

So much of the 25th clause of an Act passed in the 4th year Geo 4, intituled an Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company, as limits the number of shares to be 2000,

and also the 29th clause of that Act;

Part of 1st clause Act 6th Geo 4, chap 2;

The 6th and 11th clauses of last mentioned Act;

Part of 7th Geo 4, ch. 20;

Part of 11th Geo 4, ch. 11;

Part of 1st Wm 4, ch. 17;

2nd and 8th clauses 4th Wm 4, chap. 39,

repealed.

£102,000 heretofore advanced by way of loan, to be held and deemed as public stock.

II. *And be it further enacted by the authority aforesaid,* That the said sum of one hundred and two thousand pounds, advanced to the said

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Company by way of loan, as aforesaid, shall hereafter be held as and deemed to be public stock in the said Company.

III. *And be it further enacted by the authority aforesaid,* That at any time before the first day of April next, it shall be in the power of 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 said Company to the amount of two hundred and forty-five thousand pounds, and that the same, together with the amount of the said loans converted into stock as aforesaid, shall from thenceforth be held as and deemed to be public stock, and that the Government of this Province shall, as the holder of such stock, be subject to the same conditions, and have the same powers, advantages and privileges, as other Stockholders in the said Company.

Governor authorised to subscribe for £245,000 additional stock;

[ See Statutes of Canada, 4 & 5 Vic. Chap. 48.]

IV. *And be it further enacted by the authority aforesaid,* That the capital stock of the said Company shall be five hundred and ninety-seven thousand three hundred pounds; divided into forty-seven thousand seven hundred and eighty-four shares, of the value of twelve pounds ten shillings each, and shall be held as follows: by the Government of Upper Canada, thirty-six thousand three hundred and sixty; by the Government of Lower Canada, two thousand; by private Stockholders, nine thousand four hundred and twenty-four.

Capital stock of company to be £597,300, in shares of £12 10s. each;

Government of Upper Canada to hold 36,360 shares; Government of Lower Canada 2000 shares; and private Stockholders 9,424 shares.

V. *And be it further enacted by the authority aforesaid,* That during the present year, it shall and may be lawful for the Directors of the said Company to expend such sums as may be necessary for temporary repairs, payment of debts now actually due; and for the purchase of the real estate and hydraulic works and sites hereinafter mentioned, so as the whole sum to be expended for all these purposes shall not exceed forty-five thousand pounds.

Directors limited to the expenditure of £45,000 the present year for temporary repairs, payment of debts, purchase of hydraulic works, &c.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors, immediately after the passing of this Act, to appoint two scientific and practical Engineers, not in any way interested in the stock or property, debts or effects, of the said Canal, whose duty it shall be to examine into the state of the Canal, the present route, and to explore the country surrounding the present route, and to report fully on the propriety or necessity, as regards the public interests only, of altering the present route, or any part thereof, and the expense of making the said Canal a permanent work, either on the present or on any other route which they may recommend; and that the Directors of the said Canal may, during the present year, expend a sum of the amount granted by this Act, which, together with the sum herein-before authorised to be expended, shall not in the whole exceed one hundred thousand pounds, in the permanent construction of the said Canal, on that

Commissioners to appoint two practical engineers, to examine and report on the propriety of changing present route of Canal, and generally upon the state of the work;

Commissioners limited to the expenditure of £100,000 in all upon Canal the present year.

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part only of its present route from which the said Engineers, in their report so to be made as aforesaid, shall not recommend any deviation, or in procuring materials for such improvement.

Report of engineers employed to be laid before Legislature; No expenditure beyond £100,000 to be made, until after end of next session.

VII. *And be it further enacted by the authority aforesaid,* That the report of the said Engineers shall be laid before both branches of the Legislature, at their next ensuing Session, and that no expenditure of the amount granted by this Act, beyond that already authorised and pointed out, shall be made until after the end of the said next ensuing Session.

Management of affairs to be entrusted to five Directors: three to be appointed by Governor, and two by Stockholders;

Manner and time of holding election of Directors;  
See Statutes of Canada, 4 & 5 Vic. ch. 42, sec. 4.]

One of the number to be appointed President; no person to be elected Director who is not a British subject, resident in the Province, and possessed of at least ten shares: three Directors necessary to decide questions.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Corporation shall be managed by five Directors, three of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and two elected by the Stockholders, annually, on the first Monday in April in every year, at the office of the said Company, at such time of the day as the Directors, for the time being, shall appoint; and public notice shall be given by the said Directors in the Upper Canada Gazette, and three other newspapers in 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 private 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 so soon as may be after the election of Directors, as aforesaid, the five Directors, or such of them as shall attend for that purpose, shall appoint one of their number to be President: *Provided always,* that no person shall be eligible to be elected a Director, as aforesaid, who shall not be a British subject, resident in the Province, and who shall not be a Stockholder to the amount of at least ten shares: *And provided further,* that no act requiring the assent of the board shall be adopted unless three of the Directors shall concur therein.

Time of holding first election of Directors.

IX. *And be it further enacted by the authority aforesaid,* That the first election of Directors on the part of the Stockholders, shall take place at the office of the Welland Canal Company on the first Monday in April next, at the hour of twelve, noon.

Manner of filling vacancies among Directors;  
(See Statutes of Canada, 4 & 5 Vic. Chap. 42)

X. *And be it further enacted by the authority aforesaid,* That any vacancy occurring in the office of any Director, appointed or elected under the authority of this Act, by death, resignation, removal from the Province or otherwise, shall be filled in the same manner as is provided for the original appointment or election.

XI. *And be it further enacted by the authority aforesaid,* That in order to provide more effectually for the proper expenditure of the moneys to

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be granted by this Act, and for the careful superintendence of the said work, so that all casualties may as speedily as possible be repaired, and the Canal kept in a navigable state, it shall and may be lawful for the Directors appointed and elected, as aforesaid, to appoint, by the vote of a majority, some one person, not being one of their own body, with such salary as they may think reasonable, to have the control, care and superintendence, of the said work, and to take all necessary measures, subject to the control of the said Directors, for keeping the same in good repair, and for rendering the use thereof convenient to the persons navigating the said Canal; and that the said Superintendent may be removed by a vote of the majority of the said Directors, and another appointed in his place: *Provided*, that due notice shall be given to all the Directors of the intention to propose the appointment or removal of such Superintendent, so that they may all have an opportunity of attending the meeting that may be called for that purpose.

Superintendent to be appointed by Directors; (See Statutes of Canada, 4 & 5 Vic. chap. 48;)

May be removed by vote of majority of Directors, and another appointed.

XII. *And whereas* it is of much consequence for making the said Canal effective, that the entire control of the water passing through the same should be at all times within the power of the said Company, and to that end it is desirable that the several situations along the line of the said Canal possessing hydraulic advantages, and which have been heretofore alienated by the said Company, should be again acquired by them, in order that the same may be leased upon such terms as will prevent any danger of obstruction to the use of the Canal; *And whereas* the proprietors of the sites or situations possessing the hydraulic advantages have signified their willingness to re-convey the same to the said Company, with all buildings, works and improvements, erected thereon, upon the consideration that they shall receive from the said Company the amount of moneys paid by them for the purchase of the said sites, and for the improvements which they have placed thereon, respectively: *Be it therefore further enacted by the authority aforesaid*, That no part of the moneys granted by this Act, except that which may be required for unavoidable repairs, shall be paid by the Receiver-General, until it shall be shewn to his satisfaction that the Directors of the said Company have obtained from the proprietors of the sites or situations aforesaid, a valid conveyance of the same, and of all the buildings and improvements erected and made thereon, to the said Welland Canal Company; and that all liability whatsoever of the said Company, under the agreement made in the month of June in the year of our Lord one thousand eight hundred and thirty-four, between the President and Directors of the Welland Canal Company of the one part, and Alexander McDonell, John B. Yates and Ogden Creighton, of the second part, for the re-purchase of a certain portion of the real estate and hydraulic privileges of the said Canal, shall be absolutely and entirely released and discharged; and the said Directors are hereby authorised to contract with the said proprietors of the said hydraulic sites and works, aforesaid, for the re-

Hydraulic privileges and real estate along the line of Canal to be purchased and obtained by Company;

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Expense of purchase not to exceed £20,000.

purchase thereof, upon the terms aforesaid, and to pay the amount that shall be necessary for that purpose out of any moneys which shall come into their hands under the provisions of this Act: *Provided always*, that the whole expense of the re-purchase, including any liability under the said agreement of June one thousand eight hundred and thirty-four, shall in no case exceed twenty thousand pounds.

Debentures to be issued for £245,000.

XIII. *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 to issue and deliver to the Directors, to be appointed and elected under the provisions of this Act, the debentures of this Province, to the amount of two hundred and forty-five thousand pounds, in sums not less than fifty pounds each, as may be required by the said Directors, payable to the order of the said Company forty years from the date of such debentures, bearing an interest not exceeding six per cent per annum, payable half-yearly in this Province.

Debentures chargeable on revenues of the Province.

XIV. *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 moneys that shall come into the hands of the said Directors from tolls; and in case default shall be made in the payment thereof by the said Directors, the same shall be paid by the Receiver General, out of any moneys in his hands at the disposal of the Legislature, and unappropriated.

Former Act relating to debentures to apply to debentures issued under this Act.

XV. *And be it further enacted by the authority aforesaid*, That all and every the provisions contained in the said recited Act passed in the seventh year of His late Majesty's reign, intituled, "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 suspension of interest in certain cases; the submitting to the Legislature accounts of such debentures, and the interest paid thereon, (when any shall be paid from the revenues of this Province,) and the expenses attending the same; paying off and cancelling the said debentures; and also the provision 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.

Board of Directors to report to Governor.

XVI. *And be it further enacted by the authority aforesaid*, That the Board of Directors shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the informa-

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tion of the Legislature, on or before the first day of December in each and every year, all matters by them done or performed in discharge of the duties of their office, with an account in detail of all moneys by them received and paid, with the proper vouchers for all payments made by them.

XVII. *And be it further enacted by the authority aforesaid,* That the tolls received upon the Canal, after deducting the amount required for the charges now made thereon by law, or so much thereof as shall be necessary, shall be first annually applied to discharge the interest which will accrue upon the said sum of two hundred and forty-five thousand pounds, to be advanced for the purposes aforesaid, and the remainder of the income received by the said Company shall be divided among the private Stockholders, until it shall equal six per cent on the amount of their investments.

Tolls received to be first applied to payment of interest on the £245,000 mentioned in this Act, and next to Stockholders, until they receive six per cent. on amount of their investments.

## 1st Vic. Chap. 28.

### *AN ACT to amend the Charter of the Welland Canal Company.*

[Passed 6th March, 1838.]

**WHEREAS** by the seventh clause of an Act passed in the fourth year of George the Fourth, intituled, "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company," it is provided, that all claims for damages made by individuals for land or materials taken for the purposes of the Welland Canal Company, shall in case of disagreement with the said Company as to the value thereof, be settled and determined by arbitration; *And whereas* it is found that the said Welland Canal Company is liable to numerous vexatious law suits for damages alleged to be sustained by individuals, in consequence of the officers in charge of the Welland Canal finding it necessary for the safety of that work to discharge the waste water in times of freshets, or for the purpose of making repairs absolutely necessary, upon the premises of such individuals: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

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All claims now pending or hereafter to be made against the Company, to be settled by arbitration.

[See 4 Geo 4, chap. 17.]

further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, all claims now pending, or which may hereafter be made, for damages caused as aforesaid, or in any other way whatever, in the maintaining and keeping in repair the said Canal, shall be settled and determined by arbitration, in the same manner as is provided by the before recited and subsequent Acts relating to the Welland Canal, as regards other damages.

[SEE 2 WM. 4, CHAP. 12, AND STATUTES OF CANADA, 4 & 5 VIC. CHAPS. 28, 38 & 48.]

## 7th Geo. IV. Chap. 18.

*AN ACT to incorporate certain persons therein mentioned, under the style and title of "Desjardins' Canal Company."*

[Passed 30th January, 1826.]

Preamble.

[See 2 Wm 4, chap. 24;  
5 Wm 4, chap. 34;  
7 Wm 4, Chap. 65.]

**W**HEREAS public benefits are expected to be derived from connecting Burlington Bay with Lake Ontario, and in order that those benefits may be more generally extended to the surrounding country, it is of manifest importance to form a water communication or Canal, sufficient for the passage of sloops and other vessels of burden, from the said Bay to the Village of Cootes Paradise, through the intervening marsh and other lands: *And whereas* Peter Desjardins, and others, have petitioned the Legislature to be by law incorporated, for the purpose of effecting, by means of a joint capital or stock, such water communication or Canal from the said Bay to the said Village: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Peter Desjardins, Christopher Holmes, William Holmes, David Stegman, Edward Lesslie, John Lesslie, William Lesslie, James Nation, Peter Paterson, John Paterson, or any six of them, together with all such other persons as shall become Stockholders in such joint capital or stock as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by the name of Desjardins' Canal Company, and that by this name they and their successors shall and may have continued succession, and by such name shall

A Company to be incorporated to be called Desjardins' Canal Company.

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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 Desjardins' 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.

II. *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 ten thousand pounds, of lawful currency of this Province, which capital shall be composed of eight hundred shares, of the value of twelve pounds ten shillings 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.

Amount of capital stock;  
Shares transferable.

III. *And be it further enacted by the authority aforesaid,* That within twenty days after the passing of this Act, books of subscription shall be opened as nearly as possible at the same time in the towns of York, Niagara, and Dundas, by such person or persons, and under such regulations, within the meaning of this Act, as the said petitioners, or a majority of them, shall by writing direct.

How stock shall be subscribed.

IV. Limitation as to the time of subscribing, and the amount.

V. Calling in instalments.

VI. If instalments not paid shares to be forfeited.

VII. First Directors to be chosen; To serve till first Monday in April, 1827.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the Corporation of the Desjardins' Canal Company, shall be managed and conducted by five Directors, one of whom shall be President, and another Vice President, who shall hold their offices for one year, which Directors shall be Stockholders, and shall be inhabitants of this Province, and shall be elected on the first Monday in April in every year, at such time of the day, and at such place in the said

Affairs of the Company to be managed by five Directors;  
When and how chosen.



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village of Dundas, as the majority of the Directors, for the time being, by thirty days public notice, shall appoint: *Provided nevertheless*, that the first Board of Directors, to be chosen by the subscribers, as aforesaid, shall continue in office till the first Monday of April, which will be in the year of our Lord one thousand eight hundred and twenty-seven, as in the last clause provided, and no longer, unless re-elected.

Regulation of voting by number of shares;

IX. *And be it further enacted by the authority aforesaid*, That the election of Directors shall be held and made by such Stockholders of the said Company as shall attend at Dundas, aforesaid, for that purpose, in their own proper persons or by proxy, and shall be determined by ballot, such ballot to be regulated and calculated by the number of votes allowed to such Stockholders according to the number of shares held by them, respectively, as follows, that is to say: one vote for each share not exceeding four; or five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten: *Provided always*, that the Stockholders so voting shall be possessed of the share or shares in respect of which they shall respectively vote at least three months before the time of election; and also, that no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election, nor at the determination of any other matter or thing concerning the said Company or its affairs, which may, by the provisions of this Act, be submitted to the judgment and decision of the Stockholders generally: *Provided always*, that the choice of the Scrutineers hereinafter mentioned, and of President and Vice President, be had as is hereinafter expressly directed.

Such shares to be held three months before election.

Who may be Directors;

X. *And be it further enacted by the authority aforesaid*, That the Directors to be chosen shall be Stockholders in the said Company, and shall hold to their own use ten shares at least; and that all and every co-partnership and co-partnerships, body and bodies politic or corporate, holding any share or shares in the said Desjardins' Canal Company, shall each of them vote only as an individual Stockholder, nor shall two or more persons belonging to any such co-partnership or co-partnerships, body or bodies politic or corporate, be capable of being nominated or chosen, or of sitting as Directors, although such persons may hold stock in their private right or to their private use in the said Desjardins' Canal Company.

Co-partnerships to vote only as individuals;

No more than one member of a co-partnership shall be a Director.

Form of proceeding in choosing Directors.

XI. *And be it further enacted by the authority aforesaid*, That of the persons so as aforesaid, nominated and balloted for in manner aforesaid, those five shall be deemed elected who shall have the greater number of votes according to the shares held by the voters, respectively, as hereinbefore prescribed at each and every such election of Directors; and that at every such election, on the first Monday of April in each and every year, as aforesaid, after the ballot shall have been kept open from eleven of the clock in the forenoon till two of the clock in the afternoon, the five

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persons having the majority of votes in the manner aforesaid shall, so soon thereafter as convenient, on the same day, be declared the Directors chosen for the ensuing year by any two or more Scrutineers, who shall have been previously nominated by the Stockholders for the purpose of examination and report of such ballot: *Provided nevertheless*, that the Stockholders present at the place of ballot shall, in nomination of Scrutineers, vote per Capita, and not by shares.

XII. *And be it further enacted by the authority aforesaid*, That the said Directors, on the same day and place wherein they shall have been so chosen and declared Directors, shall, after all other persons retire, choose by plurality of voices one of their number President, and another of their number Vice-President, in which voice the Directors shall vote per Capita, and not by shares.

President and Vice President.

XIII. *And be it further enacted by the authority aforesaid*, That the Board of Directors, so to be formed as aforesaid, shall at the annual election undergo a change of three of its members at least, so that the Directors for the last year shall be ineligible as Directors for the next ensuing year; and in order to determine the persons so to be changed, it is hereby provided and declared, that whenever at any such election it shall happen that more than two members of the late Board shall, upon scrutiny, be found among those having the greater number of votes, in manner as aforesaid, then it shall and may be lawful for the Scrutineers to strike out one, or two, or three, as the case may require, from among the re-elected, such one, or two, or three, having the least number of votes, and shall in lieu take one, or two, or three other, as the case may require, from among the others balloted for, as having the next greatest number of votes, and the five persons so found to be chosen shall be the Directors for the ensuing year, and as such shall be declared by the Scrutineers.

Three of the Directors to go out of office every year.

XIV. *And be it further enacted by the authority aforesaid*, That in case of vacancy by death, or absence for more than two months from the sittings of the said Board, such vacancy shall, as often as necessary, be supplied by ballot, in the manner as aforesaid, the Directors for the time being present declaring such vacancy, and giving public notice in one or more newspapers to the Stockholders to meet at a day and place certain in the village of Dundas, aforesaid, for the purpose of supplying the said vacancy by ballot, in the manner aforesaid.

Vacancy in Board of Directors how supplied.

XV. *And be it further enacted by the authority aforesaid*, That the Vice-President shall act as such only in the absence of the President; and that three members, including the President or Vice-President, shall be a quorum of the said Board of Directors, and shall have all the power of the full Board, the absence of the other members notwithstanding.

Vice President when to act.

Three Directors to be a quorum.

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**Proceedings at the Board;** XVI. *And be it further enacted by the authority aforesaid,* That all questions submitted to or coming before the Board of Directors, concerning the affairs of the said Company, shall be decided by the majority of voices, and that the President and Vice President, when presiding, shall not vote unless an inequality of voices amongst the other members of the Board require his casting vote.

**Casting vote of President or Vice President.**

**Power of Directors to make rules, &c.**

XVII. *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, and the same to alter and amend as to them shall appear needful, and just and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the clerks and servants employed by the said Company, and shall have power to make and subscribe, in the name of the said Company, all contracts for labour, work, materials, and all other matters concerning the construction of the said Canal, and after the construction be completed, concerning the navigation, tolls, wharfage, burdens, loading and unloading of vessels and boats within the waters of the said Canal, and all other matters and things concerning as well the construction of the said Canal and all its basins, ways, bridges, paths and passages, as also concerning its charges, tolls, entries, clearances, profits, losses, dividends and revenue, whatsoever, such rules and regulations not being contrary to this Act nor the laws of this Province.

**Rates of toll;**

XVIII. *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 order, regulate 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 or every branch of the Legislature of this Province, of the tolls so regulated and the amount thereof received, and other sums expended in keeping the same in repair, and also of the goods, wares and merchandize, transported in and along the same, such accounts to be authenticated in such manner and form as the authority so requiring the same may deem satisfactory.

**Accounts of receipts and expenditures.**

**Terms upon which the Canal shall become public property.**

XIX. *And be it further enacted by the authority aforesaid,* That whenever the said tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Canal, and to afford an annual income to the said Company of twenty per cent. profit upon the capital actually expended in the construction of the said Canal, from the time of the commencement of its navigation for such vessels as aforesaid, then and in such case the increasing surplus revenue of the said tolls shall be charged against the said Company, as so much by them received in the nature of a sinking fund, by means whereof to purchase from the said Company the entire estate, use and

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property of the said Canal, to and for the use of the public, in such manner and form as the Legislature of this Province may, by Legislative enactment, hereafter provide.

XX. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty at any time whatever to purchase the said entire estate, property and use of the said Canal from the said Company, by paying to the said Company the capital, so as aforesaid actually expended, together with twenty-five per cent. advance thereupon, to the credit of which payment, all revenue exceeding twenty-five per cent. upon the said bonâ fide expenditure, and over and above the expense of maintaining and repairing the said Canal, shall be charged and taken; and it is also hereby provided and declared, that if any deficiencies of the said twenty-five per cent. annual profit, should occur in navigation of the said Canal, such deficiencies shall be also chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive twenty per cent. profit on their said bonâ fide expenditures for the whole time for which they shall or may enjoy the estates, rights and privileges, of the said Company.

May be sooner purchased if the Legislature think fit;

Proviso.

XXI. *And be it further enacted by the authority aforesaid,* That the said Company shall have full power and authority for the purposes of forming and completing the said Canal, to purchase and hold in their corporate capacity such real estate as may be necessary for all the purposes of the said Canal and of this Act; *Provided always,* that the lines of demarkation on the right and left side of the said Canal, in its whole course, shall not be less than two chains apart in any portion of the route, and that the space between these lines shall be wholly occupied by the Canal, its banks, basins, roads, towing paths and bridges.

What real estate the Company may hold.

Width of space reserved for Canal path, basins, &c.

XXII. *And be it further enacted by the authority aforesaid,* That the said Directors of the said Company, for the time being, shall have full power to contract, compound, compromise and agree, with the owners and occupiers of any land throughout or upon which the said Canal may most advantageously pass, so that such purchase shall embrace and extend to the aforesaid proposed lines of demarkation of two chains distance from each other throughout the course of the said Canal.

Company empowered to acquire the land necessary for the Canal, paths, &c.

XXIII. *And be it further enacted by the authority aforesaid,* That if, in the making of such contract, composition, compromise or agreement, any obstacle should arise between the parties thereto, touching the value of the portion of land to be bought for the purposes aforesaid, then and in such case it shall and may be lawful for the Directors, for the time being, from time to time, as they or the majority of them may think fit, to appoint one or more person or persons as arbitrator or arbitrators on the part of the said Company, and also for the party or parties disagreeing

In case of disagreement as to value, arbitrators to be appointed, &c.

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as to the value, as aforesaid, to appoint one or more person or persons, being an equal number with those chosen by the said Directors, as arbitrator or arbitrators on his or their part, and that the persons so chosen on both sides shall, having met for that purpose, choose by ballot one other indifferent person, and the whole number of persons so chosen shall be the arbitrators between the parties disagreeing; and that the said arbitrators shall be sworn by a Justice of the Peace, justly, impartially and equally, as far as in them lie, to the best of their judgment, to determine the matter to be to them referred.

How Directors to proceed if party differing shall fail to appoint an arbitrator.

XXIV. *And be it further enacted by the authority aforesaid,* That if, after eight days notice in writing given to the party so differing as to the value, as aforesaid, such party will not nominate or appoint an arbitrator or arbitrators, as aforesaid, on his part, it shall and may be lawful for the said Directors to add to their first nomination as many others, not being Stockholders of the said Company, as and for the arbitrators of the party so refusing to nominate for himself, and such added arbitrators shall have like power as if named by the party himself, and shall ballot for the additional arbitrator.

How arbitrators shall proceed.

XXV. *And be it further enacted by the authority aforesaid,* That the board of arbitrators so constituted, shall fix a convenient day for hearing the respective parties, and shall give eight days notice at least of the day and place; and having heard the parties, or otherwise examined into the merits of the matters so brought before them, the said arbitrators, or a majority of them, shall make their award and arbitrament thereupon in writing, which award or arbitrament shall be final, as to the value so in dispute, as aforesaid.

In case the party shall refuse to accept the sum awarded.

XXVI. *And be it further enacted by the authority aforesaid,* That if the party refuse to accept the value of the land so ascertained by the arbitrators, as aforesaid, till the end of the second term in His Majesty's Court of King's Bench next after the making of the award and tender of the value thereby ascertained, then and in such case the said Directors, for the time being, shall be at liberty and shall have full power to occupy the piece of land so valued by the arbitrators, and to cut, excavate, embank, and otherwise use the same, for the purposes of the said Canal, in the same manner as other portions of the route thereof.

In case of ejections being brought, award may be pleaded in bar;

XXVII. *And be it further enacted by the authority aforesaid,* That if any action of ejection, or other action, real, personal or mixed, for or on account of the said occupation, cutting, excavation, embankment, or other use of the same, by the said Company, their servants or agents, or other person or persons using the said Canal, or roads, bridges, pathways, passes, or other commodities thereof, the said award shall and may be pleaded in bar to such action, any time after the said two terms in the said Court

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of King's Bench, notwithstanding any defect in form or substance in the said award : *Provided always, and it is hereby enacted and declared*, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the award, or the agents by counsel, at any time within the two next terms, as aforesaid, after the same hath been made, and the amount of the value awarded tendered, to move the Court of King's Bench to set aside such award for corruption, or any other matter or thing for which awards are now subject to be impugned at law: *Provided also*, that if the first award be so set aside by the Court of King's Bench, the matter in difference may again be submitted to other arbitrators, and so *toties quoties* till satisfaction be rendered between the parties.

XXVIII. *And be it further enacted by the authority aforesaid*, That whenever it shall be necessary to cut into or upon any highway, in order to conduct the said Canal by or through the same, the said Company shall, within one month after cutting through or into such highway, cause to be constructed a secure, sufficient, and commodious bridge, for the passing of carriages, or otherwise sufficiently repair the damage, so as to re-establish the communication between the several parts of such highway, under a 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 bridge or repair such damage, as aforesaid : *And whereas* the navigation of the water between the work or Canal contemplated by this Act, and the outlet from Burlington Bay into Lake Ontario, may be obstructed by ordinary bridges erected thereon, and connecting public highways legally established, for remedy whereof, *be it therefore enacted by the authority aforesaid*, that it shall and may be lawful for the said Company to convert such ordinary bridges into draw-bridges, keeping the said draw-bridges in that situation that His Majesty's subjects and others, with their horses, cattle and carriages, may pass thereon at all times, except when actually required to be open for the purpose of passing with boats, vessels or other craft, navigating the said Canal.

XXIX. *And whereas* the said Peter Desjardins has already expended a large sum of money towards constructing a part of the work contemplated in this Act, and it is just that he should be paid, or otherwise reimbursed or indemnified for the same, and the said Peter Desjardins is willing to accept stock to the amount of one-half part of his expenditure, as aforesaid, and security for the payment of the other half, *it is therefore further enacted by the authority aforesaid*, that it shall and may be lawful for the said Peter Desjardins, at his option, to subscribe for as many shares of stock as may be equal in value, at the rate afore-mentioned of each share, to the moiety or half part of his said expenditure, upon estimation thereof made by competent persons, and approved by the said Directors as just, the before mentioned limitation of twenty shares as the maximum

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of stock for which any one individual is permitted to subscribe within the ninety days of the first opening of the books of subscription, as aforesaid, to the contrary notwithstanding.

How such indemnity shall be secured and paid.

XXX. *And be it further enacted by the authority aforesaid,* That the Directors shall have power and authority, by deed or bond, to secure to the said Peter Desjardins the payment of the other moiety of the said expenditure, so to be ascertained and approved, as aforesaid; such payment to be made in four annual instalments, equal in period and amount, bearing lawful interest from the time of the passing of this Act.

In case of failure to elect Directors on the regular day charter not dissolved;

XXXI. *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 the 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 other day to hold and make an election, in such manner as shall have been regulated by the rules of the said Corporation, to be made for that purpose, not contrary to the provisions of this Act.

Proceeding in that case.

Dividends:

XXXII. *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 appear advisable; and that once in every three years, and oftener if thereto required by a majority of the votes of the Stockholders, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the state of their affairs, of debts, credits, profits and losses, such triennial statements to appear on their books, and to be open to the perusal of any Stockholder, upon his reasonable request.

General account to be furnished of the affairs of the Company.

Public Act.

XXXIII. *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.

Act to continue fifty years;

XXXIV. *And be it further enacted by the authority aforesaid,* That this Act, from the time of passing thereof, shall continue in force for fifty years, and from thence to the end of the then next ensuing Session of Parliament, at which time the estate, rights, titles, tolls and rates, of the said Canal, with the waters and navigation thereof, shall vest in His Majesty, His Heirs and Successors, to and for the use of this Province, in manner aforesaid, unless otherwise provided for by any Act of the Legislature, to be for that purpose at any time hereafter enacted.

At the expiration of that time, Canal &c. to vest in His Majesty.

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## 2nd Wm. 4, Chap. 24.

*AN ACT authorising a loan to the President and Directors of the Desjardins' Canal Company.*

[Passed 28th January, 1832.]

**WHEREAS** the President and Directors of the Desjardins' Canal Company, as well as a number of the inhabitants of the District of Gore, have by their petition represented that they are desirous that a sum of money should be advanced by way of loan to the said Company by the Government of this Province, to enable them to complete the said Canal: *And whereas* it is expedient to afford public aid in furtherance of the said undertaking, upon security of the said Company, as hereinafter mentioned: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That whenever the said Desjardins' Canal Company shall have executed a bond in due form of law, conditioned for the punctual payment of the interest and principal of such Debentures, as shall by the authority of this Act be issued for their benefit, and shall also have executed a mortgage upon the Canal and the tolls thereon, as collateral security for the payment of the said condition, and shall have procured such real and personal security as the Lieutenant-Governor, for the time being, by and with the advice of His Majesty's Executive Council, for the time being, shall deem sufficient, to ensure the punctual payment of the interest annually, and the ultimate payment of the principal secured by such debentures, at such time as the loan thereof shall be contracted by the Government to be redeemed, then it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver-General of this Province to issue and deliver to the President and Directors of the said Company the debentures of this Province to the amount of five thousand pounds, in sums of not less than two hundred pounds each, as may be required by the said Directors, payable to the order of the said Company at the expiration of ten years from the passing of this Act, with interest at the rate of six per cent per annum, payable half yearly at such place as shall from time to time be named by the President of the said Company, for the time being.

Preamble;

Upon security being given, Debentures to the amount of £5000 to be issued to the Desjardins' Canal Company.



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Debentures to be chargeable upon the general revenues of the Province.

II. *And be it further enacted by the authority aforesaid,* That all such debentures as are hereby authorised to be issued, and the interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the moneys 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.

Provision for the payment of the interest to be made out of the tolls.

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

If provision be not made for payment of the interest on the said Debentures, the Receiver-General to take possession of the Canal on behalf of His Majesty;

[See 7 Wm 4, Chap. 65, Secs. 6 & 7.]

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

## 5th Wm. IV. Chap. 34.

*AN ACT authorising a loan to the President and Directors of the Desjardins' Canal Company.*

[Passed 16th April, 1835.]

Preamble.

[See 7 Geo 4, Ch. 18;  
7 Wm 4, Chap. 65.]

**WHEREAS** the President and Directors of the Desjardins' Canal Company, as well as a number of the inhabitants of the District of Gore, have by their petition represented that they are desirous that a sum of money should be advanced by way of loan to the said Company by the Government of this Province, to enable them to complete the said Canal; *And whereas* it is expedient to afford public aid in furtherance of the said undertaking, upon security of the said Company as hereinafter mentioned:

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*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 whenever the said Desjardins' Canal Company shall have executed a bond in due form of law, conditioned for the punctual payment of the interest and principal of such debentures as shall by the authority of this Act be issued for their benefit; and shall also have executed a mortgage upon the Canal and the tolls thereon, as collateral security for the payment of the said condition, and shall have procured such real and personal security as the Lieutenant-Governor for the time being, by and with the advice of His Majesty's Executive Council for the time being, shall deem sufficient, to ensure the punctual payment of the interest annually, and the ultimate payment of the principal secured by such debentures, at such time as the loan thereof shall be contracted by the Government to be redeemed, then it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver-General of this Province to issue and deliver to the President and Directors of the said Company the debentures of this Province to the amount of seven thousand pounds, in sums of not less than two hundred pounds each, as may be required by the said Directors, payable to the order of the said Company at the expiration of ten years from the passing of this Act, with interest at the rate of six per cent per annum, payable half yearly at such place as shall from time to time be named by the President of the said Company, for the time being.

Upon certain securities being given Lieutenant-Governor authorised to direct Receiver-General to issue debentures;

To the amount of £7000;

To be repaid in ten years; With interest at six per cent half yearly.

II. *And be it further enacted by the authority aforesaid*, That all such debentures as are hereby authorised to be issued, and the interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the moneys 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 to be chargeable on the public revenue.

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

One years interest in advance to be appropriated out of the tolls, before dividend made.

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Debentures, interest and expenses, to be charged on the securities given;

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

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

### 7th Wm. IV. Chap. 65.

*AN ACT granting a further loan to complete the Desjardins' Canal, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** the President, Directors and Company, of the Desjardins' Canal have petitioned the Legislature that a further loan may be made to them, to enable the said Company to complete the said Canal; *And whereas* it is desirable that the said Canal should be completed and brought into full operation without further delay, for which it is expedient to afford the said Company further public aid, upon such security as is 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, 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 soon as the said Company shall have executed a bond in due form of law, conditioned for the payment of the interest and principal of the debentures which shall, by the authority of this Act, be issued for their benefit, and shall have executed a mortgage upon the Canal, and tolls to be collected thereon, as collateral security for the performance of the conditions specified in such bond, and shall have procured such real and personal security as the Lieutenant-Gover-

When Company shall have executed a bond and mortgage on the Canal, and shall have given real and personal security for the re-payment of principal and interest;

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nor for the time being shall deem sufficient to ensure the payment of the interest accruing on such debentures annually, and the ultimate liquidation of the principal, at such time as the loan thereof shall be contracted by the Government to be redeemed, then it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, to authorise and direct His Majesty's Receiver-General of this Province to issue and deliver to the President and Directors of the said Company the debentures of this Province to the amount of five thousand pounds, in sums of not less than two hundred pounds each, as may be required by the said President and Directors, payable to the order of the said Company, at the expiration of ten years from the passing of this Act, with interest at the rate of six per cent per annum, payable half yearly, at such place as shall from time to time be named by the President of the said Company, for the time being.

A loan of £5000 to be raised by debenture.

II. *And be it further enacted by the authority aforesaid,* That all such debentures as are hereby authorised to be issued, and the interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the moneys 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.

Charged on revenues of this Province.

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

Directors of Canal to make provision for payment of interest one year in advance.

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

If default made in payment of interest on loan and principal when due, Receiver General, on behalf of His Majesty, may take possession of the Canal, &c.

V. *And whereas* by an Act passed in the second year of His present Majesty's reign, intituled, 'An Act authorising a loan to the President and Directors of the Desjardins' Canal Company,' and also by an Act

No part of loan authorised by this Act to be paid, until arrear of interest on former loans has been paid;

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[Sec 2 Wm. 4, chap. 24.]

passed during the first Session of the last Parliament, intituled, "An Act authorising a loan to the President and Directors of the Desjardins' Canal Company," the sum of twelve thousand pounds has been raised by debenture, upon the credit of the Province, and loaned to the said Company: *And whereas* the interest upon the said loans has not been paid by the said Company, according to the provisions of the said Acts: *Be it therefore further enacted by the authority aforesaid*, That no part of the money loaned under the authority of this Act shall be advanced, nor any debentures issued for raising the same, until the full amount of interest due on the said loans shall be paid and satisfied by the said Company.

District of Gore liable to be assessed, in default of payment of interest or of money loaned.

VI. *And be it further enacted by the authority aforesaid*, That in order to raise the sum necessary to meet any deficiency not provided by the securities required to be taken under the said recited Acts, and also in the provisions in this Act herein-before contained, such deficiencies shall be raised, levied and collected, from the inhabitants of the District of Gore, paying or liable to pay the ordinary taxes now by law imposed, which additional rate shall be imposed upon property liable by law to be rated and assessed, and shall be collected in the same manner as other taxes are by law collected by the Collectors of the several Townships in the said District, and paid by them into the hands of the Treasurer of the District of Gore, who shall forthwith transmit the same to the Receiver-General of the Province; which said additional rate shall be rated, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said District of Gore, in General Quarter Sessions assembled, made in pursuance of an application of the said Receiver-General for that purpose, upon its being made to appear that the interest upon the said loans has not been otherwise paid and discharged, under the provisions of the said recited Acts, and also of this Act.

Company to repay district any amount that may be levied by assessment;

VII. *And be it further enacted by the authority aforesaid*, That if any moneys shall be raised by assessment and applied for the purposes of this Act, the amount thereof, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Treasurer of the District of Gore, before any dividends shall be paid to the Stockholders in the said Company; and that the moneys so re-paid to the Treasurer, as aforesaid, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said District of Gore.

Money so repaid, to be subject to disposal of the Legislature for improvements of district of Gore.

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## 8th Geo. IV. Chap. I.

*AN ACT to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and 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.*

[Passed 17th February, 1827.]

**WHEREAS** His Majesty has been most graciously pleased to direct measures to be immediately taken, under the superintendence of the proper Military Department, for constructing a Canal uniting the waters of Lake Ontario with the River Ottawa, and affording a convenient navigation for the transport of Naval and Military Stores: *And whereas* such a Canal, when completed, will tend most essentially to the security of this Province, by facilitating measures for its defence, and will also greatly promote its agricultural and commercial interests; and it is therefore expedient to provide by law any necessary facility towards the prosecution of so desirable a work: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the officer employed by His Majesty to superintend the said work, shall have full power and authority to explore the country lying between Lake Ontario, or the waters leading therefrom, and the River Ottawa; and to enter into and upon the lands or 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 shall think necessary and proper for making the said Canal, locks, aqueducts, tunnels, and all such other improvements, matters and conveniences, as he shall think proper and necessary for making, effecting, preserving, improving, completing and using, in 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 Canal, locks, tunnels, aqueducts, or other improvements, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be neces-

Preamble;

(See 9 Geo 4, Chap. 16;  
6 Wm 4, Chap. 16;  
2 Vic. Chap. 19.)Authority given to explore  
the route for the propo-  
sed Rideau Canal;To ascertain what lands  
it may be necessary to  
occupy;To carry away earth,  
stone, &c;

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To erect bridges, &amp;c;

To alter the route of  
the Canal if necessary;General powers to do  
what may be necessary  
for making and preserv-  
ing the Canal.Officer superintending  
may contract for the sur-  
render to His Majesty  
of any lands required;How the lands of femmes  
covert, infants, &c. may  
be transferred;

sary for constructing or repairing the said Canal, or other the said works or improvements, or which may obstruct the making or maintaining the same; and also, to make, build, erect and set up, in and upon the said Canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing places, and other works, ways, roads and conveniences, as the officer aforesaid shall think requisite and convenient for the purposes of the said navigation; and also, from time to time, to alter the route of the said Canal, and to 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 Canal, 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, 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 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 the officer 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 Canal, and the towing-paths on the sides thereof; and also, to construct, make and do all other matters and things which he 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, doing as little damage as may be in the execution of the several powers to him hereby granted.

II. *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 herein-before mentioned, the officer 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 His Majesty, His

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Heirs and Successors, 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 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 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.

Composition may be made by contract for damages;

[Sec 2 Vic. Chap. 19.]

III. *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 officer employed by His Majesty as necessary to be occupied for the purposes of the said Canal, and also such parts and portions as may, upon any alteration or deviation from the line originally laid out for the said Canal, be ascertained and set out as necessary for the purposes thereof, shall be forever thereafter vested in His Majesty, His Heirs and Successors.

Lands ascertained and set out as required for the Canal to be vested in His Majesty.

IV. *And be it further enacted by the authority aforesaid,* That if before the completion of the Canal through the lands 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 officer superintending the said work shall, at any time after the completion of such portion of the Canal, upon the notice or request in writing of the proprietor of such lands, or his agent legally 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 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.

Arbitration;

If recompense not made by voluntary agreement for lands taken, or for damages done, an arbitration may be had;

(See 6 Wm 4, Chap. 16: 2 Victoria, Chap. 19.)

Three arbitrators;

Evidence;

Award.

V. *And be it further enacted by the authority aforesaid,* That if either the officer 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.

If either party dissatisfied with the award a Jury may be summoned;

Expense how to be defrayed.



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Notice of requiring an  
assessment by a Jury.

30 days;

Jury to be struck at  
Sheriff's office.

VI. *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 in which the lands lie, for the purpose of striking a jury to assess the damages so claimed as aforesaid.

Jury of whom composed,  
and how selected;

Seven Jurors to be  
summoned.

VII. *And be it further enacted by the authority aforesaid,* That on the day so appointed as last aforesaid, the parties, their attorneys 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 forty-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 forty-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 attend with  
Jury on the premises, and  
take verdict;

Five Jurors to be sworn  
to try;

Verdict to be by the  
majority.

VIII. *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: "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;" 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.

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IX. *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 jury assessing such damages shall take into their consideration the benefit likely to accrue to such individual from the construction of the said Canal, by its enhancing the value of his property, or producing other advantages: *Provided always, nevertheless,* that it shall not be competent to any arbitrators or jury to direct any individual claiming, as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such individual shall be estimated.

In estimating compensation, the advantages of the Canal are to be considered;

Restriction:

X. *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 verdict, the sum of five pounds, and to each jurymen attending in pursuance of such summons the sum of fifteen shillings.

Charges of Sheriff and Jury;  
By whom paid.

XI. *And be it further enacted by the authority aforesaid,* That when it shall appear necessary to cut into any highway, in order to conduct the said Canal through the same, the officer aforesaid 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.

Bridges to be built across highways intersected.

XII. *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 Canal, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Punishment of malicious mischief to the Canal or other works, &c.

XIII. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber upon 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 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 Canal or locks, every such person shall for every such offence forfeit a sum not exceeding five pounds.

Obstructions in the Canal how to be removed;

Punishment for obstructing the navigation of the Canal;

For throwing rubbish; &c. into the Canal.

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How boats or rafts, placed so as to obstruct the navigation of the Canal, are to be removed;

Boat and cargo may be detained until the expenses paid;

Boats or vessels sunk in the Canal, may be drawn up by the officer, &c. in charge, and detained until the charge paid.

Permission to use the Canal for certain purposes without paying toll;

Restriction as to the locks;

Exception.

Power given in case of accidents to the Canal to enter on adjacent lands, and take materials for repairs, &c.;

[See 6 Wm 4, chap. 16.]

XIV. *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 persons employed by the officer in charge, made for that purpose, 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 officer in charge, 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 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 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, toll-gatherers, or other persons employed by His Majesty, 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.

XV. *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 boats thereon 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 officer or person 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 navigation of the said Canal, or the towing-paths thereof.

XVI. *And whereas* it may hereafter happen from floods, or from unexpected accident, that wears, 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 rebuilt to prevent further damages: *Be it further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for any person or persons employed by His Majesty, 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 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

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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 owner or owners 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 the other damage done by the making and completing the said navigation.

Compensation to the owners of lands in such cases;

How to be adjusted.

XVII. *And be it further enacted by the authority aforesaid,* That the officer employed by His Majesty 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 boats, 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 shall be publicly notified by the officer in charge of such Canal.

Spaces may be made for boats to lie or turn in;

Regulations may be made for boats passing each other, &c.

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 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 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 on behalf of His Majesty shall have alone the power of ascertaining such tonnage.

Tonnage of boats how to be ascertained.

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 roads and ways to be made, as aforesaid, (except the tow-

Roads to be used for conveying goods to and from the Canal;

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All persons may use the Canal and towing paths;

ing paths,) for the purpose of conveying any goods, wares, merchandise, timber and commodities, whatsoever, to any 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, 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 His Majesty.

Paying toll and other dues.

How payment of tolls may be enforced.

XX. *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 His Majesty for passing along the said Canal, or of any part thereof, on demand, to the person or persons appointed to receive the same, such person may in his own name sue 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.

Offences against this Act, how to be punished;

XXI. *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 officer, 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 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 over-plus, 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 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 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.

Fines levied;

Imprisonment.

Penalties appropriated.

XXII. *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 officer, to be by him 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.

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XXIII. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities given by this Act to His Majesty, or to the officer to be employed by His Majesty in superintending the construction of the said Canal, or to the officer 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 extended to all persons employed by His Majesty.

XXIV. *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 Canal intended to be made, as aforesaid, shall extend and apply to that part of the navigation to be made or improved which shall lie along the lakes or rivers, as well as to such parts as shall require to be wholly made and excavated through lands affording now no natural channel.

To extend also to the improvements of the lakes and rivers along the course of the Canal.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any officers or persons employed by His Majesty, in case His Majesty shall 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 this Act authorised to do with respect to the lands bordering on the River Rideau.

Navigation of rivers Tay and Goodwood may be improved under the powers given by this Act if His Majesty shall see fit;

[See 1 Wm. 4, Chap. 10.  
4 Wm 4, chap. 31.]

XXVI. *And be it further enacted by the authority aforesaid,* That if any complaint 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 herein-before 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 done so, or if any action or suit shall be brought after the time herein-before limited for bringing the same, then a verdict shall be given for the defendant.

Protection in case of actions brought;

Limitation of suit to six months;

General issue.

XXVII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed a public Act, and shall be judicially noticed as such in the several Courts in this Province.

A Public Act.

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## 9th Geo. IV. Chap. 16.

*AN ACT* granting to His Majesty a sum of money, to be applied in defraying the expense of drafting and engraving a Map of the Rideau Canal.

[Passed 25th March, 1828.]

Preamble ; £180 granted for enabling the Commissioners for internal navigation to defray the charge of engraving and striking off 500 copies of a map of the Rideau Canal. 2. How the said sum shall be paid and accounted for; Balance unexpended to remain subject to the disposition of the Legislature.

## 6th Wm. IV. Chap. 16.

*AN ACT* to alter and amend an Act passed in the eighth year of His Majesty's reign, intituled, "An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and 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."

[Passed 20th April, 1836.]

Preamble.

Reciting 8 Geo 4, ch. 1;

(See 2 Vic. chap. 19.)

**WHEREAS** doubts have arisen whether under the provisions of an Act passed in the eighth year of the reign of His late Majesty, chapter one, intituled, "An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and 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," it was intended to afford remuneration for the damages sustained by any person or persons in consequence of stone, earth, timber, wood or other materials, having been taken under the authority of the said Act for the construction of the said Canal, as well as the repairs thereof, and also whether damages sustained by reason of the constructing or keeping up the said Canal under the said Act, arising from injuries occasioned by the diversion of water from its natural course or channel, or from dams erected causing the water to rise and flow back on mill-sites, mills, and other machinery, or from any other causes not 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, 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

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America,' and to make further provision for the Government of the said Province," and by the authority of the same, That if in the constructing, keeping up, supporting or repairing the said Canal, any stone, earth, timber, wood or other materials, shall have been or may hereafter be taken under the authority of the said recited Act, the owner or owners thereof, or of the land from which the same shall have been or may be so taken, shall be entitled to receive recompense for all damages sustained or to be sustained by him or them by means thereof, the same as with respect to any other damage done by the making, completing or repairing, of the said navigation; and all such damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined, by the same ways and means and in the same manner as are described, required, and provided for by the said Act, with respect to other damage done by the making, completing or repairing, of the said navigation.

Owners of land entitled to damages for stone, earth, timber, &c. used on account of the Canal.

(See 2 Victoria, chap. 19, sec. 1 & 2.)

Damages to be adjudged in the same manner as provided for by 8 Geo 4, chap. 1.

II. *And be it further enacted by the authority aforesaid,* That if the owner or owners of any mill-sites, or of mills or other works driven by water, shall have sustained or shall hereafter sustain any injury or damage by the making, completing or repairing of the said navigation, by reason of any obstruction, or from the diversion from its natural course or channel of any water heretofore flowing to such mill-sites or mills, or used to propel or carry on such mills, machinery or other works, or by reason of the damming up of water, and causing it to rise and flow back upon such mill-sites or mills, or other works, then recompense shall be made to the owner or owners of such mill-sites or mills, machinery or other works, for all damages sustained or to be sustained by him or them by the means aforesaid, the same as in respect to any other damage done by the making, completing or repairing of the said navigation; and all such damage, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined, by the same ways and means, and in the same manner as are described, required and provided for, by the said Act, with respect to other damage done by the making, completing or repairing of the said navigation.

Owners of mill-sites, &c. entitled to damages;

[See 2 Victoria, ch. 19, sec. 1 & 2.]

Such damages also to be adjusted as provided by 8 Geo 4 chap. 1.

III. *And be it further enacted by the authority aforesaid,* That persons who have already claimed, or who may after the passing of this Act claim compensation for damages done to their lands on the Rideau Canal, shall not be debarred from receiving such compensation by reason of their having acquired the title after the commencement of the said works, under a purchase made before such commencement: *Provided,* that the persons so claiming compensation are the real owners of the property damaged, and have not acquired the same for the purpose of preferring such claim: *And provided also,* that when the former owner shall have either compromised or waived his claim, or have been satisfied therefor, the assignee shall not be entitled to compensation under this Act; and that in all cases

Subsequent purchasers not debarred the right of claiming compensation;

Provided such purchases not made for the purpose of preferring claims to compensation;

When claim waived subsequent assignee not entitled to compensation;



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Former owners, or their assignees, to receive compensation at discretion of arbitrators.

of a sale of property made after the commencement of the works, the compensation shall be made either to the former owner or to the assignee, as it may appear just to the arbitrators, under the facts proved to them.

## 2nd Vic. Chap. 19.

*AN ACT to limit the period for owners of lands making claims for damages already occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned.*

[Passed 11th May, 1839.]

Preamble;

**W**HEREAS by an Act passed in the eighth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and 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," certain provisions are therein made and contained, providing for compensation being made to the owners of lands for damages sustained by them in consequence of the said then intended Canal, locks, towing paths, railways and other constructions and erections, being cut and constructed in and upon his, her or their, respective lands: *And whereas* it is expedient to limit the time within which claims for damages sustained by the owners of lands in the manner aforesaid shall be made: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 April, which will be in the year of our Lord one thousand eight hundred and forty-one, all and every the powers and provisions in the said recited Act contained, in relation to claims for damages already sustained, as aforesaid, and the remedies therein contained, shall, in so far as respects any such claims for damages as shall be advanced or brought forward after that period, cease and determine.

Claims for compensation under the Rideau Canal Act, 8 Geo 4, ch 1, to be made before 1st April, 1841.

Claims made before 1st April, 1841, but then undetermined through default of claimant, barred.

II. *And be it further enacted by the authority aforesaid,* That all such claims as shall have been made before the said first day of April, but which the claimant or claimants shall have neglected or refused to bring

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to determination in the ordinary way by the said Act required, shall be considered from thenceforward as barred as fully and effectually as if such claims had not been made.

III. *And be it further enacted by the authority aforesaid*, That to the end and intent that all persons having or intending to prefer any such claims as are contemplated and provided for in and by the said recited Act, may be fully apprised of the provisions of this present Act, it shall and may be lawful for the Lieutenant-Governor to issue Her Majesty's Royal Proclamation, requiring all persons having made any such claims, or intending to prefer any such claim, to prefer and prosecute the same in due course, on or before the time above limited and expressed, and that otherwise the party or parties having or intending to advance or make any such claim, will from and after the expiration of the time so limited and expressed, be forever afterwards barred and precluded from making or advancing such claim, or having any right or title to compensation in respect thereof, under or by virtue of the provisions of the said recited Act.

Notice of provisions and effect of this Act to be given by Royal Proclamation.

IV. *And whereas* it is expedient to provide and enact, that persons appointed to collect and receive the rates and dues payable in respect of the said Canal, shall account for the same upon oath in the manner hereinafter provided: *Be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall be the duty of the person or persons now employed, or hereafter to be employed, to collect and receive the rates and dues payable in respect of the said Canal once in three months, or oftener if required, to render a true and faithful account in writing of all such moneys as he or they shall from time to time receive for or on account of Her Majesty in respect of such rates and dues; which account shall be rendered, as aforesaid, to the principal officer employed by Her Majesty, from time to time, to superintend the said Canal, and shall be subscribed and sworn to by the person or persons rendering the same, which oaths may be administered by any Judge of the Court of King's Bench, or by the Judge of any District Court, or by any one Justice of the Peace in any District in this Province.

Collectors of rates, &c. upon the Rideau, to make quarterly returns on oath.

To the officer superintending the Canal.

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

False swearing under this Act, perjury.

## 1st Wm. IV. Chap. 10.

*AN ACT to incorporate certain persons therein mentioned under the style and title of the Tay Navigation Company.*

[Passed 16th March, 1831.]

**W**HEREAS Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass and others, of the Town and neighbourhood of Perth, in the District of Bathurst, have by petition prayed to be incorporated a Joint Stock Company for the purpose of improving and rendering navigable the River Tay, 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, intituled, "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and 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 in 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 Tay 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the said in part recited Act as relates to the improvement of the navigation of the River Tay, be and the same is hereby repealed.

(See 5 Geo. 4, chap. 1, sec. 25; 4 Wm 4, Chap. 42; 7 Wm 4, Chap. 75.)

Part of 8 Geo 4, chap. 1. repealed.

Tay Navigation Company incorporated.

II. *And be it further enacted by the authority aforesaid*, That the said Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass, together with all such other persons as shall become Stockholders in such joint stock or capital

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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 Tay Navigation Company, and that 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 Tay Navigation 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 the account of the said Company from time to time, as they shall deem necessary and expedient.

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 four thousand pounds of lawful currency of this Province, which capital shall be composed of six hundred and forty shares, of the value of six pounds five shillings 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.

Capital Stock not to exceed £4000;

Shares to be transferable upon the books of the Corporation.

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 Directors 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 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,

Shares to be subscribed and to be payable by instalments;

Calls to be advertised;

Shares to be forfeited if calls not paid.

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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.

First meeting of Stockholders to choose Directors to be held in Perth;

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 Perth,) 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 said 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 the newspapers of the District of Bathurst, at the distance of not less than thirty days from the time of such notification.

When 10 per cent paid in. Company may commence business.

Affairs to be managed by seven Directors;

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 seven 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 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 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

Mode of electing Directors;

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persons or by proxy; and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than seven shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before 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 seven; 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 five 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.

Vacancies in the direction during any current year to be filled up by the other Directors.

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 voting according to number of shares.

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Corporation not dissolved by non-election of Directors at the time appointed, but election shall take place at another day.

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.

Directors to declare dividends;

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 herein-before 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.

And to render to the Stockholders a statement of their affairs.

Directors may make by-laws, regulate toll, and appoint officers.

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.

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.

Company authorised to explore the country, take levels, and set out such portion of lands as may be required for the use of the Company;

XII. *And be it further enacted by the authority aforesaid,* That the said Company, or any person or persons authorised by them, shall have full power and authority to explore the country through which the River Tay runs, and to enter into and upon the lands or 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, aqueducts, tunnels, culverts, bridges, and all such other improvements, matters and conveniencies, as he shall think proper and

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necessary for making, effecting, preserving, improving, completing and using, in 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, 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 bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing-places, and other works, ways, roads and conveniencies, 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 conveniencies 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 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, 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 communicate 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.

General powers of the Company in improving the navigation;

Bridges, &c. to be erected.

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 conveniencies herein-before mentioned, the said Company, or person or

Company may contract for the purchase of the lands set out as necessary for their use.



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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 intended 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.

Lands set out to be vested in the Company.

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.

Disputes between the Company and individuals may 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.

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XVI. *And be it further enacted by the authority aforesaid,* That if either the person or persons superintending the said works, 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.

Party declining to abide by award to give notice thereof to the other party, and to pay the costs of assessing damages by a jury.

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.

Notice of assessment of damages to be served by party dissenting from any award, not less than thirty days from the time of dissent being notified.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed, as last aforesaid, the parties, their attorneys 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.

Jury to be struck at the Sheriff's office, from the 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

Sheriff to summon the persons who shall have been struck as jurors.

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Juror's oath.

oath following, that is to say: "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;" 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.

Mode of estimating damages.

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 such individual from the improvement of the said navigation, by its enhancing the value of his property or producing other advantages: *Provided always, nevertheless,* that it shall not be competent to any arbitrators or jury to direct any individual, claiming as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such individual shall be estimated.

Party requiring jury, to pay all the 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.

Persons guilty of wilfully injuring the works to be punished as for a misdemeanor.

XXII. *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.

XXIII. *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 over-loading of any boat, or vessel, or raft, navigating in or upon the navigation of the said River, so as by such over-loading 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

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navigation, every such person shall for every such offence forfeit a sum not exceeding five pounds.

XXIV. *And be it further enacted by the authority aforesaid,* That if any boat, vessel or raft, shall be placed in any part of the navigation of said River so as to obstruct the same, and the person having the care of such boat, vessel or raft, 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 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 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 or vessel, 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 placing or leaving boats, &c. in the said navigation;

Boats may be seized, unloaded and detained, until costs paid;

Sunken boats to be immediately weighed by the owners.

XXV. *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 the 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 merchandise, 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.

Persons inhabiting the banks of the river may ply thereon with their boats for the purposes of husbandry, but not to pass locks without consent.

XXVI. *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 rebuilt, to prevent further damages: *Be it further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall 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 per-

Powers given to the Company to enter upon adjacent lands and take materials for the repair of sudden injuries by floods or otherwise;

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sons 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 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 owner or owners 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 rising, 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 herein-before described with respect to the other damages done by the making and completing the said navigation.

Recompense to be made for damages done.

Spaces may be cut in the bank at convenient distances, for boats to pass each other or turn in.

XXVII. *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, to 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.

All boats to be gauged or measured to ascertain their tonnage;

XXVIII. 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 or 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

Disputes to be settled by arbitration.

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behalf of the Company shall have alone the power of ascertaining such tonnage.

XXIX. *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, merchandise, 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, merchandise, 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 may use the said improvements upon payment of the established dues.

XXX. *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 said navigation: *And provided also,* that the value of the lands so taken shall be ascertained and compensated for in the manner hereinbefore prescribed for the payment of lands taken for the other purposes of this Act.

Company may take sufficient land for towing-paths, &c.

Towing-paths not to exceed forty feet in width;

Lands to be paid for.

XXXI. *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 of any part thereof, on demand, to the person or persons appointed to receive the same, such person may in his own name sue 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.

Company may either sue or distrain for dues.

XXXII. *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

How penalties to be levied.

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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.

Appropriation of penalties.

XXXIII. *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 the Company to extend to their servants.

XXXIV. *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 and privileges hereby granted to extend to the bed of the River Tay where it shall be improved as well as to the excavation on land.

XXXV. *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 part 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 now no natural channel.

All actions to be brought within six months;

XXXVI. *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 herein-before 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,

General issue may be pleaded.

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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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XXXVII. *And be it further enacted by the authority aforesaid,* That Public Act. this Act shall be deemed a Public Act, and shall be judicially noticed as such in the several Courts in this Province.

XXXVIII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear that the tolls received by the said Tay Navigation 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 exceed twenty per cent. Legislature may regulate the same.

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 the same 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 highways and bridges shall be so constructed and made as to occasion no unnecessary inconvenience to the said navigation. Ferries may be established across the river if found necessary; Bridges may be erected; But not to occasion inconvenience to the navigation.

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 moneys 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 of or respecting the same: *Provided always,* that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the His Majesty may assume the said navigation upon paying therefor.



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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.

After His Majesty shall have assumed the possession of the said navigation;  
Tolls to be paid to the Receiver General;

How to be accounted for.

*XLII. 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's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: Provided always, that the said navigation shall be commenced within one year 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.*

If within two months from the passing of this Act the Governor shall ascertain that the officer superintending the Rideau Canal shall deem it expedient to improve the navigation of the Tay on behalf of His Majesty's Government, the same shall be declared by Proclamation, whereupon this Act shall cease to have any effect.

*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 Tay, or deems it expedient that the same should 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 therein contained to the contrary notwithstanding.*

#### 4th Wm. IV. Chap. 42.

*AN ACT to authorise a loan to the Tay Navigation Company.*

[Passed 6th March, 1834.]

Preamble; £1000 to be paid to the Company by the Receiver General, upon warrant of Governor, &c. 2. Security for re-payment in ten years with interest. 3. Such sum to be raised on Debentures, bearing 6 per cent interest; Redeemable within ten years.

[See 1 Wm. IV. Chap. 10; 7 Wm. IV. Chap. 75, Sec. 2.]

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## 7th Wm. IV. Chap. 75.

*AN ACT granting a sum of money, by way of loan, to the President, Directors and Company, of the Tay Navigation Company.*

[Passed 4th March, 1837.]

**WHEREAS** certain Stockholders of the Tay Navigation Company have, by their petition, prayed for a loan to the said Company, to enable them to carry into effect further improvements in said navigation: *And whereas* the completion of the proposed improvements in the navigation of the said waters, will prove highly beneficial to the agricultural, commercial and manufacturing, interests of that part of the country, it is expedient to afford further public aid to the said Company, by advancing the sum of seven hundred and fifty pounds, by way of loan: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver General, for the time being, to cause any number of debentures to be made out for any such sums of money, not exceeding in the whole the said sum of seven hundred and fifty pounds, as may be required by the Directors of the said Company, redeemable in twenty years from the date of such debentures, bearing an interest not exceeding six per cent per annum, payable half yearly.

Preamble;

£750 granted, to be raised by Debenture.

II. *And whereas* by an Act passed in the fourth year of His Majesty's reign, intituled, "An Act to authorise a loan to the Tay Navigation Company," the sum of one thousand pounds has been raised by debentures upon the credit of the Province, and loaned to the said Company: *And whereas* the interest upon the said loan has not been paid by the said Company according to the provisions of the said Act: *Be it further enacted by the authority aforesaid,* That no part of the money loaned under this Act shall be advanced, nor any debentures issued for raising the same, until the full amount of interest due on the said loan shall be fully paid and satisfied by the said Company, and a bond executed in due form of law, conditioned for the payment of the interest and principal of the debentures which shall, by the authority of this Act, be issued for their benefit, and a mortgage be executed upon the property held by the said Company in the said navigation, and the tolls to be collected thereon, as

No advance under this Act to be made, until interest on former loan is paid;

And security given for advance to be made under this Act.

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collateral security for the performance of the conditions specified in such bond, and such real and personal security be procured as the Lieutenant-Governor for the time being shall deem sufficient to ensure the payment of the interest accruing on such debentures annually, and the ultimate liquidation of the principal at such time as the loan thereof shall be contracted by the Government to be redeemed.

## 2nd Wm. IV. Chap. 12.

*AN ACT to repeal part of and amend the charter of the Niagara Canal Company.*

[Passed 28th January, 1832.]

Preamble;

[See *Welland Canal Acts*,  
10 Geo 4, Chap 9, Sec. 8;  
and 4 Wm 4, Chap. 22.]

WHEREAS the provisions of an Act passed in the first Session of the tenth Parliament of this Province, (among other things for incorporating the Niagara Canal Company,) have been found to impose such restrictions upon the persons who might become Stockholders in the said Company, that persons have been deterred from investing their capital in this undertaking, which is of such great importance to the commercial prosperity of Niagara: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the eleventh, twelfth, thirteenth and fourteenth clauses of the said Act, be and the same are hereby repealed.

10 Geo 4, Ch. 9, Secs. 11,  
12, 13 & 14, repealed.

Niagara Canal Company  
and Welland Canal Com-  
pany may appoint  
arbitrators to determine  
the sum to be paid for the  
necessary supply of water;

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the Niagara Canal Company, so soon as the Canal shall be completed, to appoint an arbitrator, and for the Welland Canal Company to appoint one other arbitrator, which two arbitrators shall appoint a third, neither of whom shall be Stockholders or otherwise interested in either of the said Companies, and who shall have full power to order, adjudge and determine, what sum shall be paid by the Niagara Canal Company for the supply of water which may be required for the supply of the Niagara Branch Canal: *Provided always*, that nothing herein contained shall render such arbitration necessary in case the said Welland Canal Company and Niagara Canal Company

If both Companies agree  
respecting the water,  
arbitration shall not be  
necessary;

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shall mutually agree upon the subject of the water to be used by the latter Company, which agreement may at all times be enforced by mandamus: *Provided also*, that nothing in this or in any other Act of the Parliament of this Province contained, shall extend to require the Welland Canal Company to supply water to the Niagara Branch Canal to the injury of the navigation or the machinery upon the Welland Canal.

Water not to be supplied to the detriment of the navigation or machinery on the Welland Canal.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President of the said Company, by order of the Board of Directors, to contract with any body politic or corporate, or with any private person or persons, for the loan of any sum or sums of money, to be laid out in the completion of the said Canal, and for the securing the re-payment thereof, to execute one or more instrument or instruments in writing, on behalf of the said Company, as may be desired by the party or parties loaning the same, and which instrument or instruments shall be countersigned by the Secretary of the said Company.

Niagara Canal Company may contract loans for completing the work.

IV. *And be it further enacted by the authority aforesaid*, That the amount of the said award shall be credited to the Welland Canal Company on the sum first loaned to the said Company by this Province, and shall be and the same is hereby declared to be an extinguishment of so much of the said debt as shall thenceforth constitute a part of the capital stock of the Niagara Canal Company, and shall be held by the Receiver General of this Province for the use of His Majesty, in like manner as the stock held by him in the Bank of Upper Canada is held and accounted for on behalf of the Government of this Province: *Provided always*, that such stock shall not be considered as part of the twenty-five thousand pounds authorised to be held by the said Company, but shall be subscribed and held on behalf of this Government in addition thereto: *Provided also*, that nothing herein 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 ship navigation at any future period, should it be thought expedient so to do.

Amount of the award for the water required to be credited the Welland Canal Company upon the amount of the first loan by the Province;

Receiver General to hold stock to the amount of money paid for the water;

Such stock to form no part of the original capital;

Branch Canal may hereafter be enlarged for ship navigation;

[See 4 Wm 4, chap. 22.]

V. *And be it further enacted by the authority aforesaid*, That in the event of any stock being subscribed in the books of the Niagara Canal Company on behalf of the Government of this Province, as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint annually one Director in the said Company, so long as any stock shall be held on behalf of the public, unless in any Act of the Parliament of this Province to be hereafter passed it shall be otherwise provided.

Government to appoint one Director so long as stock held on behalf of the public.

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## 4th Wm. IV. Chap. 22.

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

[Passed 6th March, 1834.]

Preamble.

**WHEREAS** by an Act passed in the second Session of this present Parliament, intituled, "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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the 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.

Power to Canal Company to enlarge dimensions of branch Canal;

Dimensions of locks.

So much of 10 Geo 4, ch. 9, as limits Canal to boat navigation;

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

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, intituled, "An Act to render effectual certain securities to be given by the Welland Canal Company for a 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.

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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.

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

Five Directors, three to form a quorum.

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.

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

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.

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

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, intituled, "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.

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

(Repealed by 7 Wm 4, Chap. 92.)

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

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

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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.

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

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 re-pass upon and through the said Canal and locks without the payment of any duty or toll.

Books of subscriptions to be opened within two months.

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.

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

Shares transferable after first instalment paid.

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.

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

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 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.

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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.

Company not to act as bankers.

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.*

Provision for future alteration of this Act.

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.*

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

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

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

## 2nd Wm. IV. Chap. 13.

*AN ACT to incorporate a Joint Stock Company, to improve the navigation of the Grand River.*

[Passed 28th January, 1832.]

**WHEREAS** increasing the facilities and lessening the expenses of transportation through a country, enhance the value of that country, by increasing the profit on articles of exportation, and lessening the expenses of living, upon articles of importation: *And whereas* the feeder of the Welland Canal has and does afford increased facilities for the transportation of heavy articles from that part of the country, and for such articles as are and may be at some seasons of the year transported down the Grand River to that point: *And whereas* the improvement of the navigation of the Grand River, from the feeder of the Welland Canal to

Preamble.

(See 3 Wm 4, Chap. 21; 7 Wm 4, chap. 73; Statutes of Canada, 4 & 5 Vic. Chap. 74.)



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Brantford, by means of dams, locks, and other improvements, that would render the passage of rafts, boats, and other craft, more safe and certain at all seasons of the year, and admit of boats and other craft to return loaded with imports to Brantford, would add very materially to the prosperity and improvement of the country: *And whereas* William Holme, George Washington Whitehead, James Ingersoll, Absalom Shade, Jedediah Jackson, and others, have petitioned the Legislature to be incorporated for the purpose of effecting, by means of a joint capital or stock, such water communication from the said feeder of the Welland Canal at Brantford: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Holme, George Washington Whitehead, James Ingersoll, Absalom Shade, and Jedediah Jackson, together with all such other persons as shall become Stockholders in such joint capital or stock as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by the name of "the Grand River Navigation Company;" 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 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 Grand River Navigation 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, for the support and maintenance of the works necessary for the protection of the said navigation, and for any hydraulic privileges created by their improving the said navigation, 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.

The Grand River Navigation Company incorporated;

General powers of the Company.

Company empowered to improve the navigation of the Grand River, and to take such lands as may be necessary for the purposes of the navigation;

II. *And be it further enacted by the authority aforesaid,* That the Directors of the Grand River Navigation Company shall have full power and authority to explore and survey the country above the dam erected by the Welland Canal Company upon the Grand River, or so much thereof as is not included within the charter granted to the Welland

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Canal Company, and improved and occupied by them under their charter, following the course of the said Grand River as nearly as may be to the village of Brantford aforesaid, 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, such land, and land covered with water, as may be necessary for the said Company to occupy for the purposes of the said navigation, within the limits aforesaid, with all necessary dams, locks, towing-paths, courses, basins and rail-ways; and also, to select such convenient site for such and so many mills, manufactories, ware-houses and other erections, as may be required by the said Company for the purposes thereof, and as may be made by the erection of any dams by the said Company for the purposes of the said navigation: *Provided always*, that the owner or owners of any mill-seat on the Grand River shall not be divested of his or their mill or improvement, rightfully erected upon the said Grand River, or in the vicinity thereof, unless it shall be necessary for the purpose of the said navigation, nor without compensation for such mill-seat, and for the buildings and improvements so taken, according to the value thereof, to be determined as hereinafter provided for determining any damage done to property by 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 means of the said Company, shall pay a reasonable compensation therefore to the said Company, to be determined as hereinafter provided for determining any damages done to property by the said Company.

May select mill sites, &c;

Not to interfere with mills already erected, unless necessary for the purposes of the navigation, nor without compensation;

Owners of mills deriving an additional supply of water by means of the operations of the Company, to pay for the same.

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 enter into and upon the lands and grounds, within the limits aforesaid, of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or to the Six Nations of Indians residing thereon, or to any other persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said River navigable; and the said Company are hereby also authorised and empowered, by themselves and their agents, servants and workmen, to make one or more dams, locks, reservoirs and feeders, as to them shall seem necessary or proper, excepting as hereinafter or above mentioned; and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorised and empowered to set up and make in and upon the said Grand River, or upon the lands adjoining or near the same, such and so many dams, sluices, wears, or 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 of the conveniences

Company may set out lands which shall be necessary for making River navigable;

May make dams and locks and other works;

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General powers for carrying on their works.

above mentioned, as well for carrying or conveying goods, commodities, timber or other things, to and from the said River, 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 or 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 dams, locks, works and erections, belonging thereto; and also, to make, maintain, repair and alter, any towing-paths, fences or passages, over, through or alongside the said River; and also, to make, set up and appoint, drawing-boats, barges, vessels or rafts, passing in, through, along or upon the said River, as they the said Company shall think convenient; and also, construct, erect, 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 navigation, 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 owners or occupiers of such lands, tenements and hereditaments.

Company may cut off points, and straighten the navigation, and make such erections as may be necessary for that purpose.

IV. *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 deviate and depart from the said River at any such points or places as the said Company shall deem necessary, expedient or proper so to do, for rendering the navigable channel straight, by cutting through points occasioned by windings of the said River, and at all such necessary places of departure, the said Company shall have full power and authority to build, erect, set up and repair, any and all dams, locks, towing paths, and all and every other erection, (as herein-before and hereinafter mentioned,) as they the said Company shall or may deem necessary, expedient or convenient to do, for the better effecting the purposes of the said navigation, and also from time to time to alter, repair, amend, widen or enlarge the same.

May appropriate the water of the Grand River;

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 Grand River navigable, as aforesaid, to take and appropriate for the use of the said navigation as much of the water of the said River as they may find necessary; and it shall be lawful for the said Company to erect such and so many dams, locks, wharves, quays, piers, fore-bays and other erections, as may be necessary for the use of the said Company, and the purposes of transport on the said River: *Provided also,* that it shall and may be lawful for the said Company, and they are hereby required, to suffer and permit any and all of the said Six Nation Indians to

Indians to have the free and uninterrupted navigation of the Grand River with their canoes.

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have the free and uninterrupted navigation of the said Grand River with their canoes, for them and their posterity, at any time and at all times, without the denial, let, trouble, hindrance or molestation, of the said Company, any thing in this Act contained to the contrary notwithstanding.

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 navigation, and other purposes and conveniences herein-before 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 in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, 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.

Company may contract for the purchase of the lands set out for the use of the Company.

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 cut or construct the said intended navigation, with all necessary and convenient dams, 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 be entitled to recover from the said Company in consequence of the said intended dams, locks, towing paths, and other constructions and erections on 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, the following persons, viz: Manuel Overfield, John Warren and William Johnston Kerr, Esquires, shall be Commissioners to decide from time to time either upon the value of the said lands and tenements proposed to be purchased, or upon the amount of damages to be paid to the owners, as aforesaid, and who, or a majority of them, 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, and

Directors may compound with the owners of lands, either for the value thereof or the damages done thereon;

Arbitrators appointed to determine all disputes;

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In case of any vacancy Lieutenant Governor to fill the same;

In case of the disqualification of the arbitrators named, the parties may appoint others.

Compensation to be made to Indians as to other individuals;

Mode of settling disputes between Indians and the Company;

Arbitrators to be sworn;

Lands not to be taken possession of by the Company until paid for.

Award may be set aside by motion in King's Bench.

whose decision shall be final; and in case of vacancy in the Board of Commissioners, by death, resignation or refusal to serve, His Excellency the Lieutenant-Governor of the Province may fill such vacancy: *Provided always, nevertheless*, that no person being a Stockholder in the said Company, or standing in such relation to any claimant as would disqualify him from sitting as a juror, shall be capable of acting as an arbitrator, unless by consent of both parties; and that when any such ground of disqualification exists, the reference shall be made to three arbitrators, one of whom shall be chosen by each party, and the third shall be appointed by the two arbitrators so chosen.

VIII. *Provided always, and be it further enacted by the authority aforesaid*, That if any part of the navigable channel to be so made shall pass through any tract of land belonging to or in possession of any tribes of Indians in this Province, or if any act occasioning damage to their property or their possession shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights, of other individuals; and that whenever it shall be necessary that arbitrators shall be chosen by the parties for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorised and required to name an arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any case shall be paid to the said chief officer to the use of the said Indians: *Provided also*, that the said arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said Grand River, to be appointed by the 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 each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the District of 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 no part of the lands, tenements, hereditaments and real estate, required by the said Company, shall be taken possession of by or on behalf of the said Company, until the price or purchase money thereof, at which the same shall have been valued by the parties, or by arbitration, as herein provided, shall have been fully paid and satisfied to the owner or owners thereof.

IX. *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 second reference may be made to three arbitrators, one of whom shall be chosen by each of the parties, and the third appointed by such two arbitrators.

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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 dam, lock, gate, or any works 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 forfeit and pay to the said Company the value of the damage, proved by the oath of one or more credible witness or witnesses to have been done, such damages, together with costs of suit in that behalf incurred, to be recovered by action in any Court of law 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 have been tried.

Persons committing malicious injuries how punished.

XI. *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 Grand River, to use any pleasure-boats, or any boats, upon the said Grand River, for the purpose of husbandry, or for conveying cattle from one farm, or part of a farm or lands, or 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 toll or duty for the same, so as the same be not made use of for the carriage of any goods, wares or merchandise, to market or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said Grand River, or the towing-paths thereof.

Inhabitants residing upon the Grand River may use boats thereon for pleasure or purposes of husbandry;

Paying tolls on goods or merchandize.

XII. *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 navigation; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the tolls collected upon the said navigation, 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 Grand River, the Legislature shall deem the tolls levied therein 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 River navigable.

Directors may establish rates of tolls;

Amount of tolls to be annually laid before either branch of the Legislature, if required;

Tolls may be reduced by the Legislature, if found excessive;

Not to be reduced below 20 per cent, on the capital expended.

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Directors may fix tolls after any part of Canal finished, and may alter the same.

XIII. *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 said navigation 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 River.

All boats or vessels to be gauged or measured;

XIV. *And for preventing disputes touching the tonnage of any boat, barge or other vessel, navigating upon the said Grand River, Be it further enacted by the authority aforesaid,* That the owner or master shall cause 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, currency; 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.

Penalty for refusal, forty shillings;

In case of dispute, how measurement to be ascertained.

All roads to the works to be erected or made on the Grand River to be open to the public, except towing-paths:

XV. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have full liberty to use with horses, cattle and carriages, the private roads and ways to be made as aforesaid, (excepting the towing-paths,) for the purpose of carrying any goods, wares, merchandizes, timber and commodities whatsoever, to and from the said Grand River; and also to navigate on the said Grand River with any boats, barges, vessels or rafts, and to use the 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.

Towing-paths to be open on payment of dues.

Directors to make regulations respecting the payment of dues;

XVI. *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 the said Grand River, in such manner and under such regulations as the 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, the person or persons to whom the said rates or dues 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.

Vessels, &c. seizable for non-payment of dues.

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XVII. *And be it further enacted by the authority aforesaid,* That the capital stock of the said Company shall be fifty thousand pounds, to be divided into shares of six pounds five shillings, provincial currency, each; and that books of subscription shall be opened in the several assize towns in this Province, within four 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 any one of them in the village of Brantford for that purpose, shall direct.

Capital stock not to exceed £50,000, shares £6 5s. each;

Books of subscription when and where to be opened.

XVIII. *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 two hundred, 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 period as the President 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 thirty days after public notice shall have been given in the Gazette, and in not less than three newspapers in this Province: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company the instalment or 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 thirty 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.

Any person may take stock not exceeding 200 shares, in the first instance;

Instalments when and how payable;

Stock forfeited on non-payment of instalments;

Forfeited shares to be sold at auction.

XIX. *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 instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company.

After two months former subscribers may increase their subscriptions.



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When £5000 has been subscribed, Directors may be elected;

Election when, where, and how to be made.

XX. *And be it further enacted by the authority aforesaid,* That as soon as five thousand pounds 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 village of Brantford, 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 to the annual election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in May 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 operations of the said Company: *Provided always,* that no such meeting of the said subscribers shall take place until a notice is published in at least four of the newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

Five Directors to be elected annually on 1st Monday in May;

Notice of time of election to be published;

How election to be made;

Directors to elect a President:

XXI. *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 office for one year, which Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected the first Monday in May in every year, at such time of day and at such place near the said Grand River as a majority of the said Directors for the time being shall appoint; and public notice shall be given by the said Directors in the Gazette, and not less than three of the different newspapers published 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 the 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 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 a plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before authorised to hold such election shall proceed by ballot a second time, and by a 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 term for which they shall be chosen Directors; and in case a greater number than three

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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 same number, and who shall have the fewest votes, shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greater 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 concerning the Directors, or if the office of President should become vacant 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 twenty shares.

How vacancies in the Direction to be filled up.

XXII. *And be it further enacted by the authority aforesaid*, That each Stockholder shall have 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 ratio,) 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 share above ten: *Provided, however*, that no person shall have more than fifteen votes.

Ratio of votes of each Stockholder.

XXIII. *And be it further enacted by the authority aforesaid*, That in case it shall 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 deemed 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 to be dissolved for non-election of Directors.

XXIV. *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 agreeable to the ratios 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 un-

Half-yearly dividends of the profits to be declared;

Stockholders may require a statement of the affairs of the Company once every three years.

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paid after the expiration of the original credit for a period of treble the time of that credit, and of the surplus profits, if any, after deducting losses, dividends and expenditures.

Directors may make by-laws;

XXV. *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 seem needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching 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.

Appoint and dismiss servants.

Treasurer to give security.

XXVI. *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 how to be recovered.

XXVII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, knowingly committed, or against any such order or by-law of the said Company, to be made in pursuance thereof, for the levying and recovering whereof no particular method is herein-before directed, shall, upon proof of the offences, respectively, before any two Justices of the Peace for the District in which such offence shall have been committed, who are not at the time Stockholders, either by the 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 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 Gaol of the District in which such offence shall have been committed, there to remain without bail or mainprise for such time as such Justices may direct, and not exceeding twenty days, unless such penalties and forfeitures 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.

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XXVIII. *And be it further enacted by the authority aforesaid,* That if any plaintiff shall be brought or commenced against any person or persons for any act done or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions herein-before given or granted, every such suit shall be brought and 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

All actions for any thing done under this Act to be commenced within six months;

General issue may be pleaded.

XXIX. *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, or His Heirs and Successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided.

Rights of the Crown or subject not to be affected except as herein is provided.

XXX. *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.

This declared a public Act.

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, so soon as may be, to improve the navigation of the Grand River, from the Village of Brantford to Galt, in the following manner, that is to say: to erect a towing-path along the bank of the said Grand River, to remove such stones and other obstructions from the bed of the said River, and to deepen the channel of the said Grand River by erecting such wing-dams and dams as shall be necessary to improve the navigation of the said Grand River, for the passage of craft drawing two and a half feet or three feet water, from Galt to Brantford aforesaid.

Company may improve Grand River from Brantford to Galt.

XXXII. *And be it further enacted by the authority aforesaid,* That the preceding provision of this Act, regulating the privileges, powers, responsibilities and duties of the said Company, for the improvement of the navigation of the Grand River from the feeder of the Welland Canal to Brantford, shall be and the same are declared and taken to be applicable to the Company, so far as the same may apply to and shall be necessary for improving the navigation of the Grand River between Brantford and Galt, in the manner described in the preceding clause of this Act.

General powers of this Act applicable to the improvements above Brantford.

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Water may be taken from the Grand River or its tributaries for feeding other Canals.

XXXIII. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to prevent water being taken from the said Grand River, or any or all of its tributary streams, for the purpose of feeding any other Canal or Canals to or from the said Grand River, not however depriving the said Grand River Company of a sufficient quantity of the water of the Grand River for the use of the navigation intended to be made and improved under the provisions of this Act.

Persons deprived of any convenience of the water of the Grand River by the operations of the Company to have free access to the River for themselves or cattle.

XXXIV. *And be it further enacted by the authority aforesaid,* That whenever the navigation to be made by the said Company in any part of its course shall have the effect of depriving any person possessing lands adjacent thereto of any privilege or convenience of water for ordinary purposes which he had before enjoyed, it shall be incumbent on the said Company to allow to the person or persons, then and at all times thereafter possessing the said lands, free and convenient access for persons and cattle to the said River or Canal.

All benefit of this charter to be forfeited unless navigation to Brantford finished in five years.

XXXV. [Repealed by 3 Wm. IV. Chap. 21.]

Terms upon which His Majesty may assume the property of the works and navigation constructed under this Act.

XXXVI. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing of said navigation, 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 any wise 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 or advanced by such subscriber towards making and completing the said navigation, and works connected therewith, together with such further sum as will amount to twenty per centum upon the moneys so advanced and paid, as a full indemnification to such Company of proprietors, by annual payment of at least twenty per cent, allowing moreover to the said Company six per cent interest upon the unredeemed part of the capital, but not allowing them any interest upon the advance of twenty per cent which is allowed them, as aforesaid; and the said navigation or undertaking, and all and every 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 thence forward 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 navigation or undertaking.

The Legislature may make such alterations in this Act for the protection of the public as they may think proper.

XXXVII. *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,

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or such alteration of any of its provisions, as they may think proper for affording just protection to the public, or to the Indians of the Six Nations, or to any person or persons, in respect to their estate or property, or any interest therein, or advantage, privilege or convenience connected therewith, or in respect to any way or right of way upon or along the said River, or elsewhere, or any right or privilege of fishing that may be affected by any of the powers given by this Act.

### 3rd Wm. IV. Chap. 21.

*AN ACT to repeal part of and amend an Act passed in the second year of His present Majesty's reign, intituled, "An Act to incorporate a Joint Stock Company to improve the navigation of the Grand River."*

[Passed 13th February, 1833.]

**WHEREAS** it is necessary to repeal part of and to amend an Act Preamble; passed in the second year of His present Majesty's reign, intituled, "An Act to incorporate a Joint Stock Company to improve the navigation of the Grand River": *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," and to make further provision for the Government of the said Province," and by the authority of the same, That the thirty-fifth clause of the said Act, intituled, "An Act to incorporate a 2nd Wm 4, chap. 13, sec. 35, repealed. Joint Stock Company to improve the navigation of the Grand River," be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the said Period for completing Canal extended. Company shall forfeit and lose all the benefits of their charter, and the privileges and powers thereby conferred, unless the said improvement contemplated, up to the Indian Village, or Mohawk Castle, shall be completed within five years from the passing of this Act, so as to afford a navigable channel for boats and vessels drawing not less than three feet water:

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## 7th Wm. IV. Chap. 73.

*AN ACT to loan a certain sum of money to the Grand River Navigation Company.*

[Passed 4th March, 1837.]

Preamble;

**W**HEREAS an Act was passed in the second year of His Majesty's reign, intituled, "An Act to incorporate a Joint Stock Company to improve the navigation of the Grand River," and the President of the said Company has, by his petition to the Legislature, prayed for a loan of twelve thousand five hundred pounds, to enable them to complete the said navigation: *And whereas* the said Company have already expended, from their own means, the sum of twenty-five thousand pounds, have constructed the most durable works, and extended the navigation to near the Mohawk Castle: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, to authorise and direct His Majesty's Receiver-General of this Province to raise by loan, from any person or persons, body or 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 the authority of this Act, a sum of money not exceeding twelve thousand five hundred pounds, at a rate of interest not exceeding six per centum per annum; which said sum of twelve thousand five hundred pounds, shall be advanced by way of loan to the President, Directors and Company, at the same rate of interest at which it is obtained, to be by them applied in the completion of the said navigation.

£12,500 loaned, to be raised by Debenture.

Manner and terms upon which Debentures are to be issued.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Receiver-General, for the time being, to cause any number of debentures to be made out for any sum or sums, not exceeding in the whole the said sum of twelve thousand five hundred pounds, as any person or persons, body or 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 that for each loan or advance a debenture shall issue, bearing date on the day

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on which the same shall be actually issued, conditioned for the payment of twelve thousand five hundred pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding twenty years, and shall be signed by the said Receiver-General.

III. *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, intituled, "An Act to authorise the Government to borrow a certain sum of money upon debentures to be loaned to the Welland Canal Company," respecting the debentures authorised to be issued by the said Act passing current with public accountants; the suspension of interest in certain cases; the submitting to the Legislature accounts of such debentures; the paying off and cancelling the said debentures, and the punishment awarded for forging any of the said debentures, or for any thing relating thereto, shall apply to and be in force in respect to the debentures which shall be issued under the authority of this Act.

Act granting loan to Welland Canal Company, made applicable to Debentures issued under this Act;

(See Welland Canal Act, 7 Geo 4, Ch. 19.)

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of twelve thousand five hundred pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver-General, the said Company shall give such security to the Receiver-General as the Governor, Lieutenant-Governor, or Person Administering the Government, shall, by and with the advice of His Majesty's Executive Council of this Province, deem satisfactory for the regular payment of the interest, and the final re-payment of the principal sum so loaned, within the aforesaid term of twenty years.

Security to be given for repayment of loan, before Debentures are issued.

V. *And be it further enacted by the authority aforesaid,* That the said sum of twelve thousand five hundred pounds, or so much thereof as shall be advanced by His Majesty's Receiver-General to the said Company, under the provisions of this Act, shall be by them applied and expended in the completion of the said navigation, and for no other purpose whatsoever.

Loan to be advanced by warrant and expended in completion of navigation.

[SEE STATUTES OF CANADA, 4 & 5 VICTORIA, CHAP. 74.]



3rd Wm. IV. Chap. 17.

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 13th February, 1833.]

WHEREAS it is highly important to the agricultural and commercial interests of this Province that the navigation of the River Saint Lawrence should be improved: And whereas it is expedient to raise a sum of money by way of loan for that purpose: Be it therefore enacted, &c. [Repealed by 4 Wm. IV. Ch. 40.]

Preamble; [See 4 Wm. 4, chap. 40; 7 Wm 4, chap. 35.]

£70,000 to be raised by Debenture.

- Receiver General to issue Debentures.
Punishment for forging Debentures.
Receiver General to transmit to the Governor, before each Session of the Legislature, an account of the Debentures issued.
Interest on Debentures when and how to be paid.
Debentures how to be paid off and cancelled.
Interest on Debentures outstanding when to cease.

- II.
III.
IV.
V.
VI.
VII.

[Repealed by 4 Wm. IV. Ch. 40.]

- Commissioners appointed; [See Statutes of Canada, 4 & 5 Vic. Chap. 23, Sec. 2;]
President to be named;
Duty of Commissioners, to survey St. Lawrence between Prescott and eastern boundary of the Province;
To prepare estimates of the expense of improvements;
To make contracts;
To fix tolls on any finished part of improvements;
To make report of their proceedings.

VIII: And be it further enacted by the authority aforesaid, That the Honourable Thomas Clark, the Honourable John Hamilton, Philip Van Koughnett, Jonas Jones, Hiram Norton, George Langley, and Peter Shaver, Esquires, shall be Commissioners, (who may appoint a President and one or more acting Commissioner or Commissioners from among themselves,) whose duty it shall be to cause a survey or surveys, and a plan or plans of improvements to be made in the navigation of the Saint Lawrence, between Prescott and the eastern extremity of this Province, by canals, locks, or otherwise, with estimates of the expense of such improvements; and who shall or may contract with such person or persons as shall undertake the said improvements, and all works 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 intention of this Act into full effect; and shall and may from time to time, after the completion of any part of the said improvements, 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 done or performed by virtue of this Act, with an account in detail of all moneys by them received and paid under the provisions thereof.

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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 and 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.

Governor to appoint Commissioners in case of vacancies; [See Statutes of Canada, 4 & 5 Vic. chap. 25, sec. 2.]

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 imposed.

Commissioners to appoint engineers and other officers and servants necessary for carrying on the work; To fix salaries and take security for the discharge of duty.

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.

Commissioners to have no interest in contracts.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have full power and authority to explore the country lying between Prescott and the eastern extremity of this Province, and to designate and establish, take, appropriate, have and hold, to and for the use of this Province, the line and boundary of a Canal, with its necessary locks, towing-paths, basins, and all other necessary erections; and it shall and may be lawful for the said Commissioners to contract with such person or persons as they may think necessary, to do, perform and undertake, all and whatsoever act or thing, work or works, which may be thought necessary to carry the intention of this Act into full effect.

Commissioners to explore the country along the line of intended improvements, and to take and hold the line and boundary of Canal, with the necessary ground for basins, &c.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered, by themselves, their agents or workmen, contractors or servants, to enter into or upon the lands or grounds of or belonging to any person or persons, bodies politic or corporate, and to survey and to take levels of the same; or any part thereof, and set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canals, locks, reservoirs, aqueducts and tunnels, and all such other improvements, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing and using in 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 thing which may be dug or got in the making the said

Commissioners or workmen may enter upon ground of individuals, and make surveys; [See 4 Wm 4, Chap. 40, Secs 5 & 6.]

And set out what land shall be required for the use of the works;

General powers in taking and laying materials on private property;

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Canals, locks, tunnels, aqueducts 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 Canals, or other the said works or improvements, or which may obstruct the constructing or maintaining the same; and also to make, build, and erect and set up, in and upon the said Canal, or upon the land adjoining or near to the same, such and so many *bridges*, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing places and other works, ways, roads and conveniencies, as the said Commissioners shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter the route of the said Canal, and to amend, repair, widen or enlarge the same, or any other of the conveniencies above mentioned, as well for carrying or removing goods, commodities, timber and other things, to and from the said Canals, as for the carrying or conveying 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 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 locks, *bridges*, works and erections belonging thereto; and also to make, maintain, repair and alter, any fences or passages over, under or through the said Canals, or the reservoirs and tunnels, aqueducts, passages and gutters, water courses and sluices, respectively, which shall communicate therewith; and also to make, set up and appoint towing paths, for drawing boats, barges, vessels or rafts passing in, through, along or upon the said Canals, as the said Commissioners 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 Canals, and the towing paths on the sides thereof, or along or under the bank river; 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 Canals, in pursuance and within the meaning of this Act, they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted: *Provided always*, that the improvements by this Act authorised to be made shall be commenced and finished between the head of the Long Sault and Cornwall, in the Eastern District, before any money be laid out in the purchase of any lands or making improvements on any other part of the River St. Lawrence, hereby intended to be explored.

See 7 Wm. 4. chap. 45.]

Altering route and repairing works;

Navigation between the head of the Long Sault and Cornwall to be first completed.

Commissioners to agree with the owners of land for the purchase of what may be required, and for damages done in the progress of the works.

XIV. *And be it further enacted by the authority aforesaid*, That after any land or ground shall be set out and ascertained to be necessary for making and completing the said Canals, and other purposes and conveniencies hereinbefore mentioned, the said Commissioners be hereby em-

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powered 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 in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, 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 of so much of the said land as shall be required, or for the damages which he, she or they, may be entitled to receive from the said Commissioners, in consequence of the said intended Canals, locks, towing paths, rail ways or other constructions and erections, being cut or constructed in or 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.

XV. *And be it further enacted by the authority aforesaid,* That if before the completion of the Canals through the lands 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 Commissioners superintending the said work, shall at any time after the completion of such portion of the Canal, upon the notice or request in writing of the proprietor of such lands, or his agent legally authorised, appoint one of their number as an arbitrator, who at the 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 shall first make an oath or affirmation before some one of His Majesty's Justices of the Peace then there present, (which oath or affirmation the said Justices of the Peace are hereby authorised to administer) to give a just and true award upon the claim submitted to them; and shall upon the statements of the parties and owner 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.

When no agreements have been made, arbitrators to be appointed to settle claims.

XVI. *And be it further enacted by the authority aforesaid,* That if either of the Commissioners superintending the said works, 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.

Parties declining to abide by award, may have damages assessed by a jury at their own expense.

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Mode of proceeding when  
award dissented from.

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 six 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 in which the lands lie, for the purpose of striking a jury to assess the damages so claimed, as aforesaid.

Mode of striking jury.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed, as last aforesaid, the parties, their attorneys or agents, shall attend at the Sheriff's office, and that the Sheriff shall, at the hour of one of the clock in the afternoon, proceed in the presence of the parties, or such of them, their attorneys or agents, as may be present, to select the names of forty-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 forty-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 is reduced to seven; and that such seven persons shall be a jury for assessing 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 Deputy shall strike in behalf of such party not attending.

Jury to attend upon the  
premises in question, and  
assess damages;

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 six 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: "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;" 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.

Juryman's oath,

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XX. *And be it further enacted by the authority aforesaid,* That the party desiring such jury to be summoned, shall pay to the Sheriff for summoning the same six pence per mile for the whole distance he shall be compelled to travel in order to summon such jury, and the like sum of six pence per mile for the distance he shall travel to attend and take the verdict, and for taking the verdict the sum of twenty-five shillings; and to each juryman, attending in pursuance of such summons, the sum of ten shillings for every day he shall be necessarily absent from his place of residence.

Expenses of jury, what and how paid.

XXI. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any person or persons to compensation for property taken, or for damages done under the authority of this Act, the arbitrators or jury assessing such damages shall take into their consideration the benefit which will probably accrue to such person or persons from the construction of the said Canal, by its enhancing the value of his property or producing other advantages: *Provided always, nevertheless,* that it shall not be competent to any arbitrators or jury to direct any person or persons claiming, as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such persons shall be estimated.

Advantages of any improvements to be considered in estimating damages.

XXII. *And be it further enacted by the authority aforesaid,* That any award or awards to be made under the provisions of this Act shall and may be made a rule or order of His Majesty's Court of King's Bench in this Province, which Court shall have full power and authority to make such order, touching the performance of such award, as shall to such Court seem just.

Award may be made a rule of Court.

XXIII. *And whereas,* it may hereafter happen from floods, or from some unexpected accident, that wears, 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 rebuilt to prevent further damages: *Be it therefore enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Commissioners from time to time, or for their 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 Canal or Canals, 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 and proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons

Materials may be taken from any adjacent lands for the reparation of any unexpected damages to the works;

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Recompense to occupiers, when and how determined and liquidated.

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 by 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 herein-before described with respect to other damage done by the making and completing the said navigation.

Spaces to be left in banks of Canal for boats to pass each other.

XXIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners 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, to open or cut proper spaces or places in the lands adjoining to the said Canals, at convenient distances from each other, for the turning, lying and passing, of any such boats, vessels or rafts; and that the said boats, vessels or 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 spaces or places, in such manner as the said Commissioners under their hands shall direct and appoint.

Improvement to admit of vessels drawing nine feet water.

XXV. [Repealed by 4 Wm. IV. Chap. 40.]

Commissioners may let water privileges.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to grant or to lease, for any time not exceeding twenty-one years, by an instrument under their hands and seals, the use of any water which they may permit to be taken and drawn from the said Canal or Canals for hydraulic purposes, giving to the owners of the lands through which such Canal or Canals shall pass the option of using such water at the price fixed by the said Commissioners, paying the proceeds of such sale or lease into the hands of the said Receiver General, in the same manner as is provided respecting the tolls or dues arising from the use of such Canals; which said sums shall be applied in the same manner as the said tolls and dues are hereinafter directed to be applied.

Commissioners to fix the rates and dues to be taken and to alter the same as they shall see occasion;

Schedule of rates and dues to be affixed on public places on the route of the Canal.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first general meeting, held after any of the said Canals 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 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

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that a schedule of rates and dues shall be affixed on the different public places on the route of the said navigation.

XXVIII. *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 Canals, 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 rates 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, 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 and dues ought to be paid, and detain the same until payment thereof.

Rates to whom to be paid and manner of enforcing payment.

XXIX. *And be it further enacted by the authority aforesaid,* That an account of all dues and tolls received by the Commissioners, under the authority of this Act, shall be rendered to the Inspector General of the Province on the thirtieth day of June and the thirty-first day of December in each year; and the amount thereof, deducting any necessary expenditure on account of the said Canal, shall, within ten days thereafter, be transmitted to His Majesty's Receiver General of this Province, to be applied towards the payment of the principal and interest of any loan contracted in pursuance of this Act; and after the interest and the whole of the principal sum loaned under the provisions of this Act shall be paid and discharged, the proceeds of the said dues and tolls, after deducting the expenses of the collection thereof, and defraying the necessary expenses of repairs, shall be subject to the disposal of the Legislature of this Province.

Account of tolls to be rendered half yearly to Inspector General, on 30th June and 31st December;

Tolls to be paid into the hands of the Receiver General, to be applied to the liquidation of the principal and interest of the debt contracted under the authority of this Act.

XXX. And to prevent disputes touching the tonnage of any boat, barge, or other vessel navigating upon the said Canals, *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 Commissioners, or their agent or agents, or such other person or persons as shall be appointed by them for that purpose, to proceed with such owner or master, or such other person or persons as shall be chosen or appointed by such owner or master, 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 master or owner shall refuse or decline to choose a person on his behalf, as aforesaid, then the person appointed by the Commissioners, or their agent or agents, shall alone have the power of ascertaining such tonnage.

Manner of ascertaining tonnage of vessels.



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Commissioners to construct bridges where highways are intersected by Canal.

XXXI. [Repealed by 7 Wm. IV. Chap. 45.]

Penalty for wilfully damaging the works.

XXXII. *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 Canal or Canals, improvement or improvements, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Penalty for throwing rubbish into the Canal or locks.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person shall throw any ballast, gravel, stones or rubbish, into any part of such Canals or locks, every such person shall, for every such offence, forfeit a sum not exceeding five pounds currency.

Penalty for obstructing navigation with vessels and not removing the same when required.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any boat, vessel, timber or raft, shall be placed in any part of the said Canal or Canals, so as to obstruct the navigation thereof, and the person having the care of such boat, vessel, timber or raft, shall not immediately, upon the request of any of the persons employed by the said Commissioners made for that purpose, 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 Commissioners, to cause any such boat, vessel, timber 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, timber or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading or removal shall be paid; and if any boat or vessel shall be sunk in the said Canal or Canals, and the owner or owners, or 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 and may be lawful for the agents, toll-gatherers, or persons employed by the said Commissioners, 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.

Owners of land adjoining Canal may pass along the same for purposes of husbandry;

XXXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners or occupiers of any land adjoining to the said Canals to use any boats thereon for the purposes of husbandry, or for conveying cattle from one farm, or part of a farm or lands, to another farm or lands of the same owner or occupier, not passing through any lock without the consent of the said Commissioners, or their principal agent, for the time being, without interruption from the said Commissioners, and without paying any rate or duty for the same,

Excepting through the locks, free of toll.

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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 navigation of the said Canal or Canals, or the towing-paths thereof.

**XXXVI.** *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have 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 conveying any goods, wares, merchandize, timber and commodities whatsoever to and from the said Canals; and also to navigate on the said Canals with any boats, barges, vessels or rafts; and to use the wharves and quays appertaining to the same, 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 and dues as shall be established by the said Commissioners.

All persons may use the towing paths for the purpose of coming to the Canal or works, and navigate the same, on payment of the tolls fixed by the Commissioners.

**XXXVII.** *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 hereof, shall, upon proof of the offences respectfully before any two Justices of the Peace for the Johnstown or Eastern Districts, either by 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, 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 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 either of the said Districts, 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.

Penalties how recovered.

**XXXVIII.** *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 moneys 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.

Penalties when recovered how appropriated.

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All suits for any thing done under this Act to be commenced within six months;

XXXIX. *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 herein-before 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 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

General issue may be pleaded.

Construction of term "Commissioners;"

XL. *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 moneys coming into their hands, and touching the duty 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.

Commissioners may make rules and by-laws.

Acting Commissioner to be appointed;

XLI. *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 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, as aforesaid, for his services, out of the moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper, not exceeding three hundred pounds per annum; and to each of the said Commissioners the sum of twenty shillings for each days actual attendance in and about the affairs of the said improvements to be carried on under this Act.

Commissioners to meet once a month; (Repealed by 4 Wm 4, Chap. 40, sec. 1.) (See Statutes of Canada, 4 & 5 Vic. cap. 23, sec. 2;)

Acting Commissioner to receive compensation not exceeding £300 per annum;

Each Commissioner entitled to 20s per diem when actually employed.

XLII. First meeting, when to be held.

XLIII. Moneys raised under this Act, how to be paid and accounted for.

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## 4th Wm. IV. Chap. 40.

*AN ACT to repeal part of, amend and extend, the provisions of an Act passed in the last Session of the present Parliament, intituled, "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.]

**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, intituled, "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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the 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 moneys 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:

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*,

Preamble;

[See 5 Wm 4, Chap. 31;  
7 Wm 4, Chap. 45;  
Statutes of Canada, 4 & 5  
Vic, chap. 28, secs. 1 & 2]3rd Wm. 4, chap. 17,  
secs. 1, 2, and 25, and  
so much of sec. 41 as  
relates to monthly meet-  
ings of the Commission-  
ers, repealed.Governor may direct  
Receiver General to  
raise £350,000 upon  
debentures;Interest 6 per cent in  
this Province, or 5 per-  
cent in London.

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that nothing in this Act contained shall extend, or be construed to extend, to affect any debentures heretofore issued under the provisions of the said Act.

Debentures to be made in such form as Receiver General shall think fit; Payable in three instalments; To be signed by the Receiver General.

III. [Repealed by 5 Wm. IV. Chap. 31, Public Acts.]

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,

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 any 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.

Another road to be made, and compensation to parties affected.

Value of houses to be removed shall be ascertained according to 3 Wm. 4, cap. 17.

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.

VII. Application and account of moneys.

VIII. Provisions of 7 Geo. IV. Chap. 20, Welland Canal Act, relative to debentures under that Act, extended to debentures under this Act; Forging debentures.

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## 7th Wm. IV. Chap. 45.

*AN ACT to amend the law for the improvement of the navigation of the Saint Lawrence.*

[Passed 4th March, 1837.]

**WHEREAS** it is expedient to repeal and amend certain parts of Preamble. an Act passed in the third year of His present Majesty's reign, intituled, "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, 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, 31st clause of 3rd Wm 4, chap. 17, repealed. That the thirty-first clause of the said Act be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed under the provisions of the said Act, shall not construct any bridge or bridges over the said Canal, in case the same is likely to obstruct or impede the navigation thereof; that instead of bridges the Commissioners shall provide scows to keep up the communication, or erect a floating-bridge or bridges where they may deem it absolutely necessary for the public convenience. Bridges not to be erected over St. Lawrence Canal, in certain cases; But scows to be provided in lieu.

III. *And whereas* the construction of a towing-path between the head of the Long Sault and Prescott, will greatly facilitate the navigation of that part of the River Saint Lawrence: *Be it further enacted by the authority aforesaid,* that nothing in the thirteenth clause of the said recited Act shall extend, or be construed to extend, to prevent or restrain the said Commissioners from constructing such towing path or paths as they may think necessary, from the head of the Long Sault to Prescott, aforesaid. Towing-path between the head of the Long Sault and Prescott, may be constructed.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAPS. 28 & 38.]

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## 3rd Wm. IV. Chap. 32.

*AN ACT to provide for the improvement of certain Inland Waters in the District of Newcastle.*

[Passed 13th February, 1833.]

Preamble.

[See 6 Wm 4, Chap. 35;  
6 Wm 4, Chap. 46;  
7 Wm 4, Chap. 53;  
2 Vic. Chap. 55;  
Statutes of Canada,  
4 & 5 Vic. Ch. 23, Sec. 1.]

WHEREAS it is expedient to improve the navigation of the River Otonabee, in the District of Newcastle, and also the adjacent waters leading from Mud Lake to Scugog Lake, in the Township of Ops, in the said District: *And whereas* such navigation is manifestly advantageous to the surrounding settlement, and would if improved greatly extend the benefits of commerce in the said District: *And whereas* petitions have been presented to the Legislature this Session requesting aid to the above object, and the Committee to whom such petitions were referred have recommended that a sum of two thousand pounds should be appropriated to that purpose: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, &c.

£2,000 may be raised by way of loan.

II. Debentures to be issued for the sums borrowed.

III. Debentures to be chargeable upon the tolls authorised by this Act.

Tolls to be applied towards the liquidation of the loan hereby authorised.

IV. *And be it further enacted by the authority aforesaid*, That the whole of the net proceeds arising out of the rates, tolls and dues, hereafter to be raised, levied and collected, on the said navigation, shall be applied to the purpose of redeeming the loan authorised to be made by this Act until it shall be liquidated, with the interest thereon: *Provided always*, that it shall be lawful for the Collector of the said tolls to receive out of such rates, tolls and dues, to be collected on the said navigable waters, such sum or sums as the Commissioners hereinafter mentioned, or the majority of them, shall appoint.

Certain provisions contained in 7 Geo 4, chap. 19, extended to the debentures to be issued under this Act.

V. *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, intituled, "An Act to authorise the Government to borrow a certain sum of money

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upon debenture, to be loaned to the Welland Canal Company," respecting the submitting to the Legislature accounts of such debentures, and the interest paid thereon; the payment of interest to holders of such debentures; paying off and cancelling the said debentures; and also the provision 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.

VI. *And be it further enacted by the authority aforesaid,* That the sum of money herein authorised to be raised by loan, shall not be subject to any deduction of poundage to the Receiver-General of this Province.

Receiver General not to be entitled to poundage.

VII. *And be it further enacted by the authority aforesaid,* That James G. Bethune, Thomas Need, John Hall, John Huston, William Whitla, Robert Brown, and Alexander McDonell, Esquires, be Commissioners for the purpose of receiving plans, tenders and estimates, and of contracting for and superintending the work and labour necessary to be done and performed in order to complete, secure and make permanent, the said navigation, with the banks, piers, excavations, and other works thereto appertaining; and to them, or any of them, shall be paid, 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, the sum or sums required by this Act to be expended for the purpose of completing the said navigation: *Provided always,* that the sums so applied shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be pleased to direct; and that if any of the persons hereby nominated and appointed Commissioner shall die, or refuse to act as such Commissioner under the authority of this Act, it shall be in the power of the Governor, Lieutenant-Governor, or Person Administering the Government, to appoint another Commissioner in the place of him who may die or refuse to act, as aforesaid.

Commissioners appointed to carry the objects of this Act into effect;

(See Statutes of Canada, 4 & 5 Vic. Ch. 22, Sec. 2.)

Governor may appoint new Commissioners in cases of vacancies.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed by virtue of this Act shall appoint a Collector of Tolls, whose duty it shall be to collect all such rates, tolls and dues, as are imposed by this Act on all boats, steamboats, vessels or barges, using the said navigation, and on all goods, wares and merchandise, transported in the same; which Collector shall account to the said Commissioners at such time and in such manner as they shall see fit to appoint.

Commissioners to appoint toll collector.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector, aforesaid, to appoint one or more

Toll collector may appoint one or more deputy or deputies.



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Deputy or Deputies to collect the tolls or dues authorised to be levied and collected by virtue of this Act.

*X. And be it further enacted by the authority aforesaid, That the following tolls and dues shall be levied and collected on the said navigation, and continued until such time as the said loan, and the interest thereon, shall have been repaid, that is to say :*

Rate of tolls to be levied.

On each trip of every boat, steamboat or vessel, carrying goods or passengers up or down the River Otonabee, five shillings.

On all goods, wares or merchandise, transported up or down the said River, per hundred weight, two pence.

On pork or pot ash, per barrel, three pence.

On each trip of every boat, steamboat or vessel, carrying goods or passengers from Mud Lake to Sturgeon Lake, five shillings.

On all goods, wares or merchandise, transported from Mud Lake to Sturgeon Lake, per hundred weight, two pence.

Toll collectors to receive tolls, and in case of non-payment may seize boats, &c. until paid;

*XI. And be it further enacted by the authority aforesaid, That the Collector or Collectors of tolls, to be appointed by the said Commissioners, shall have full power and authority to ask, demand and receive, the said tolls, and in default of payment to seize and detain the boat or vessel, goods, wares or merchandise, on which the tolls are unpaid; and in case the same are not paid within eight days, it shall and may be lawful for such Collector or Collectors, after giving twenty days notice, to sell and dispose of the boat or vessel, or goods, wares or merchandise, so seized, and out of the proceeds of such sale pay the said tolls, and to render the overplus, if any, to the owner or owners thereof.*

And sell after 20 days notice.

Penalty for malicious injuries to the works.

*XII. 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 navigation, every such person or persons so offending shall be deemed guilty of a misdemeanor.*

Actions to be brought within six calendar months for any thing done under the authority of this Act;

*XIII. And be it further enacted by the authority aforesaid, That if any complaint shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, or in execution of the powers or authorities, or the orders and directions, herein-before 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 after the doing or committing such damages, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give*

General issue may be pleaded.

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this Act and the special matters 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XIV. *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 moneys which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

Acting Commissioner to be selected to superintend the works.

XV. *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 when and where to be held.

XVI. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered, by themselves, their agents or workmen, contractors or servants, to enter into or upon the lands or grounds of or belonging to any person or persons, bodies politic or corporate, and take, carry away, and lay all such timbers, stone, and other materials, out of or upon any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing and keeping in repair the said navigation, and the roads or approaches thereto; and also, to 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 or erected, repaired or done; and also, to make, maintain, repair and alter, any fences or passages which shall communicate therewith; and also, to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, preserving, completing and repairing, the said navigation and approaches, in pursuance and within the true meaning of this Act, they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted.

General powers of Commissioners in the progress and performance of the works placed under their management; (See Statutes of Canada, 4 & 5 Vic. ch. 28, Sec. 2.)

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## 6th Wm. IV. Chap. 35.

*AN ACT to improve the navigation of the Inland Waters of the District of Newcastle.*

[The Royal Assent given by Message to the Legislature, 28th November, 1836.]

Preamble.

[Sec 7 Wm 4. Chap. 53;  
2 Victoria chap. 55;  
Statutes of Canada,  
1 & 5 Vic. Chap. 22.]

**WHEREAS** it appears that an important accession to the agricultural and mineral products, as well as products of the forest, would accrue to the Province, and the inhabitants of a large and fertile section of the country would be most materially benefited by removing the obstructions to the free navigation of certain parts of the inland waters in the District of Newcastle: *And whereas* it appears by the report of N. H. Baird, Esquire, Civil Engineer, that the sum of sixteen thousand pounds will be required to complete the navigation at the following places, namely: at the head of Heeley's Falls, on the River Trent, in Seymour, the sum of seven hundred and fifty pounds; at Crooks' Rapids, on the same River, the sum of seven thousand five hundred pounds; on the Otonabee River, below Peterborough, the sum of four thousand pounds; at the outlet of Buckhorn Lake, the sum of seven hundred and fifty pounds; at Bobcaygeon Falls, the sum of five hundred pounds; at Purdy's Mills, in Ops, the sum of two thousand five hundred pounds: *And whereas* it is expedient to appropriate the above sum of sixteen thousand pounds: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to issue his warrant or warrants upon the Receiver-General, in favour of the Commissioners appointed by this Act, for such sum or sums as they may require from time to time in the construction of said works, not exceeding in all the sum of sixteen thousand pounds, and that the Receiver-General shall pay the same out of any moneys which may be or shall come into his hands under and by virtue of any Act of the Parliament of this Province.

£16,000 granted, to be advanced to the Commissioners.

Commissioners named, and powers and duties defined.

Lieutenant Governor to fill vacancies.

II. [Repealed by 7 Wm. IV. Chap. 53.]

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person

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Administering the Government of this Province, to nominate and appoint, for the time being, 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 shall or may happen in the said Board of Commissioners, by death, resignation or otherwise. (See Statutes of Canada, 4 & 5 Vic. Chap. 28, Sec. 2.)

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, may from time to time appoint such superintendents, engineers, agents, officers, workmen and servants, as they may deem necessary, and pay them such salaries and wages as they may consider just and reasonable. Power to appoint superintendent and engineers, &c.

V. *And be it further enacted by the authority aforesaid,* That no Commissioner or officer appointed under the provisions of this Act, shall have any pecuniary interest in any job or contract taken for the completion of any part or the whole of the said works. Commissioners not to be concerned in contracts.

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, are authorised and empowered to enter upon and take such quantity of land immediately adjoining the erection of any dam or dams, lock or locks, as may be considered absolutely necessary for the convenience of constructing, attending upon, and at any future time repairing the same; which lands shall be vested in His Majesty, His Heirs and Successors, for the benefit of said works and navigation. Power given to Commissioners to enter on lands, &c.;  
Lands taken to be vested in His Majesty.

VII. *And be it further enacted by the authority aforesaid,* That after any land or ground shall be entered upon or taken, as aforesaid, being necessary for the construction of such works as may be required to complete and keep up said navigation, the Commissioners, or a majority of them, are hereby empowered to contract, compound, compromise and agree, with all bodies politic, communities, corporations, aggregate and sole guardians, and all other person or persons, for themselves, or as trustees, not only for themselves, their heirs and successors, but also for and in behalf of those whom they represent, for the absolute surrender of so much of the said lands as shall be required, as aforesaid, or for the damages which he, she or they, may be entitled to receive from the said Commissioners in consequence of any lands being flooded by the erection of the dams necessary to complete said navigation. Agreements with and compensation to be made parties whose lands are taken;  
And for damage.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the Superintendent, shall have power to enter upon any uninclosed lands, and take therefrom any trees, timber or stone, or other materials necessary for the erection and construction of any dam, lock or other works, necessary to complete said navigation. Commissioners to enter on uninclosed lands, and take trees, &c.

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Damages, &c. to be  
settled by arbitration.

IX. *And be it further enacted by the authority aforesaid,* That if before the commencement of any works on or adjoining the lands of any person or persons, as aforesaid, no agreement shall have been made as to the value of such lands required, or for compensation for any contemplated damages caused in any other way, by the erection or maintaining of any dams or other works necessary for completing and keeping up said navigation, the Commissioners, or a majority of them, before mentioned, shall at any time after the commencement of said works, upon the notice or request in writing of the owner or agent of any such lands, appoint one of their number as an arbitrator, who, at the 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, before proceeding to consider such claim, shall appoint a third arbitrator; and such three arbitrators being duly sworn to make a just and true award upon the claim submitted to them, and after carefully investigating the merits of such claim, either by their own actual observation, or by witnesses duly sworn, if required, which oath any one of the 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 any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again had to arbitrators as herein-before provided.

Manner of estimating  
claim for compensation.

X. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any person or persons to compensation for lands taken or for damages done under the authority of this Act, the arbitrators assessing such value or damage shall take into their consideration the benefit which will probably accrue to such person or persons from the construction of such works, by its enhancing the value of his property, or producing other equivalent or greater advantage: *Provided always, nevertheless,* that it shall not be competent to any arbitrator to direct any person or persons claiming, as aforesaid, to pay a sum in consideration of such advantages, over and above the amount at which the damages of such persons shall be estimated.

Dimensions of locks.

XI. *And be it further enacted by the authority aforesaid,* That all locks which shall be constructed on said navigation, shall be of the following dimensions, namely: one hundred and thirty-four feet in length, thirty-three feet in breadth, and five feet water above the mitre sill.

Water privileges may be  
leased.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners, or a majority of them, to grant or lease, for a term not exceeding twenty-one years, by an instrument under their hands and seals, the use of any water which they may permit

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to be taken from any of the erections or dams for hydraulic purposes ; and all sums arising therefrom shall be paid into the hands of the Receiver-General, in the same manner as is provided respecting the tolls and dues arising from the use of such navigation.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall at their first general meeting held after the whole or any part of the said navigation is completed, ascertain and fix the rates and dues to be taken by virtue of this Act, and to alter such rates and dues at any subsequent period, first giving two months notice of such their intention ; and a schedule of rates and dues shall be affixed on the different locks and public stopping places along said navigation.

Rates and dues to be settled.

XIV. *And be it further enacted by the authority aforesaid,* That the said rates and dues shall be paid to such person or persons, at such place or places near to the said locks or stopping places, in such manner and under such regulations as the said Commissioners shall direct or appoint ; and in case of neglect or refusal 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 Commissioners may sue 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 seize and detain such boat, vessel, barge or raft, in respect of which such rates and dues ought to be paid, and retain the same until payment be made, together with the expense of such detention.

To whom rates are to be paid, and the manner of exacting the same, &c.

XV. [Repealed by 7 Wm. IV. Chap. 53 ]

Account of rates and dues collected to be rendered, &c.

XVI. *And be it further enacted by the authority aforesaid,* That any boat, barge or vessel, used on the said navigation, without being regularly gauged or measured, and the tonnage marked conspicuously upon the same, shall be liable to be seized and detained until the same is done ; which mark shall be evidence of the tonnage of such boat, barge or vessel, in regard to the payment of the rates and dues ; and if the Commissioners shall have reason to think that any boat is under-rated as to its measurement, they shall have power to appoint a proper person to re-measure and mark the same, at the expense of the owner.

Boats, &c. used in navigating, &c. liable to be seized, &c.

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 said Commissioners, to be made in pursuance hereof, shall, upon sufficient proof of the offence before any two Justices of the Peace, 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,

Manner of levying fines, &c.

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and the overplus, if any, after deducting the charges of prosecution, shall be returned to the owner or owners thereof; and in case sufficient distress cannot be found, it shall be lawful for such Justices to commit such offender or offenders to the common Gaol of the District, for a term not exceeding thirty days, unless satisfaction be sooner made, by paying such penalties, forfeitures, and all reasonable charges attending the same.

Fines, &c. when collected, to be paid Commissioners, and be accounted for, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or the provisions thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, and accounted for in the same manner as other rates and tolls, and shall be applicable to the same purposes.

Limitation of suits, &c. against parties acting under this Act.

XIX. *And be it further enacted by the authority aforesaid,* That if any action 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, herein-before 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 after the actual doing or committing such damage shall cease, and not afterwards; and the 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 limited by this Act, a verdict shall be given for the defendants.

Majority of Commissioners to determine all questions and orders;

[See Statutes of Canada, 4 & 5 Vic. Chap. 28, Sec. 2.]

XX. *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 all such rules and regulations as to them shall appear needful and proper touching the management and disposition of the moneys coming into their hands, and touching the duty and conduct of all 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.

Power given to Commissioners to appoint one of their number superintendent, &c.

[See Statutes of Canada, 4 & 5 Vic. Chap. 28, Sec. 2.]

XXI. *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 to be Superintendent, to act in all matters relating to the management and control of the works to be carried on under the provisions of this Act, subject to such restrictions as the said Commissioners shall think proper to impose; and the Commissioners shall meet during the progress of said works at least every two months, for the

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purpose of inspecting and investigating the progress of the works, and all matters relating to the same, at such time and place as they may think proper; and shall allow to the person appointed by them as Superintendent such compensation for his services as may seem to them just, to be paid out of the moneys which shall come into their hands under the provisions of this Act.

XXII. Time of holding first meeting of Commissioners.

XXIII. *And be it further enacted by the authority aforesaid,* That all moneys which 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, in favour of such Commissioners, 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 pleased to direct. Accounting clause.

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### 6th Wm. IV. Chap. 46.

*AN ACT for the relief of John Pearse, William Dumble and William Hoar.*

(The Royal Assent given by Message to the Legislature, 28th November, 1836.)

Preamble; £766 granted. 2. To be paid on warrant, and accounted for, &c.

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### 7th Wm. IV. Chap. 53.

*AN ACT to amend an Act passed during the last Session, intituled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle."*

[Passed 4th March, 1837.]

**WHEREAS** it is expedient to alter and amend an Act passed in the last Session of the Parliament of this Province, intituled, "An Act to improve the navigation of the inland waters of the District of Newcastle:" Preamble: [See 3 Wm 4, Ch. 32.]  
*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



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under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, 'That the second and fifteenth clauses of the said Act, intituled, "An Act to improve the navigation of the inland waters of the District of Newcastle," be and the same are hereby repealed.

2nd and 15th clauses of Act of last Session, repealed.

Commissioners to be appointed by Governor; [See Statutes of Canada, 4 & 5 Vic. Chap. 25, sec. 2.]

May cause further surveys to be made;

Not to diminish size of work as recommended;

General powers of Commissioners;

To report proceedings and render account of expenditure.

Account of rates received to be rendered Inspector General, and paid into hands of Receiver General.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to nominate and appoint, under his hand and seal at arms, *five* Commissioners, who, when so appointed, shall be deemed and taken to be the Commissioners named and appointed by the said recited Act of last Session; whose duty it shall be, if they or a majority of them may think it expedient, to cause further surveys, plans and estimates, to be made out, of all or either of the places of contemplated improvement mentioned in the said recited Act, by a competent Engineer, and which Commissioners, or a majority of them, may alter the plans or description of works as recommended in Nichol H. Baird's survey, if they think proper; but they shall in no case diminish the size and depth of the locks, as now recommended; and the said Commissioners, or a majority of them, may contract with such person or persons as may undertake the construction of any one or all of the said improvements; and the said Commissioners shall do and perform all and whatsoever act or acts, thing or things, necessary and proper to carry the said recited Act into full effect; 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 January in each and every year, all matters by them done or performed by virtue of the said recited Act, with an account in detail of all moneys by them received and paid out under the provisions thereof.

III. *And be it further enacted by the authority aforesaid,* That an account of all rates and dues received by the Commissioners to be appointed, as aforesaid, shall be rendered to the Inspector-General of the Province, on or before the thirty-first day of December in each and every year; and the amount thereof, deducting any necessary expenditure in the collection thereof on account of the said navigation, shall, within ten days thereafter, be transmitted to His Majesty's Receiver-General of the Province, to and for the general uses of the Province subject to the disposal of the Legislature.

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PORT HOPE AND RICE LAKE.—RICHMOND.

## 2nd Vic. Chap. 55.

*AN ACT to make further provision for the completion of the improvement of the navigation of the inland waters of the District of Newcastle.*

[Passed 11th May, 1839.]

Preamble; Further sum of £3000 to Commissioners of Trent Navigation.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAPS. 28 & 38.]

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## 4th Wm. IV. Chap. 30.

*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.]

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. Canal to be completed within seven years.

[EXPIRED BY NON USER.]

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## 4th Wm. IV. Chap. 31.

*AN ACT to incorporate certain persons therein mentioned under the style and title of the Richmond Canal Company.*

[Passed 6th March, 1834.]

XLI. *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.

[EXPIRED BY NON USER.]

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## 6th Wm. IV. Chap. 8.

*AN ACT to incorporate sundry persons under the style and title of the Gananogue and Wiltsie Navigation Company.*

[Passed 20th April, 1836.]

Preamble:  
(See 7 Wm 4. Chap. 69.)

Incorporation:

Common seal:

Power to hold real estate.

**WHEREAS** William Richards DeRinzie, Joseph Wiltsie, John McDonald, Patrick Anderson, Richard Johnson, William Green, Joshua Bates, William Webster, and James B. Howard, have by petition prayed to be incorporated as a joint stock Company, for the purpose of improving and rendering navigable the Wiltsie and Gananogue Rivers, in the County of Leeds, with such other persons as may feel disposed to undertake the said improvement: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, 'That the said William Richards DeRinzie, Joseph Wiltsie, John McDonald, Patrick Anderson, Richard Johnson, William Green, Joshua Bates, William Webster, and James B. Howard, together with all such other persons as shall become Stockholders in such joint stock 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 "Gananogue and Wiltsie Navigation 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 Gananogue and Wiltsie Navigation 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 not to exceed  
£50000;  
Number of shares:  
Transfers to be registered.

II. [Repealed by 7 Wm. IV. Chap. 69. Sec. 2.]

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III. *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 Directors shall from time to time direct and appoint for the payment thereof: *Provided,* that no such 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 Johnstown: *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.

Subscribers may hold fifty shares;

(Sec 7 Wm. 4, chap. 69, Sec. 2.)

£10 per cent. payable on each share subscribed;

Forfeiture of shares.

IV. *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 Charleston,) 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 Tuesday in February 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 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 Johnstown, at the distance of not less than thirty days from the time of such notification.

First meeting of Stockholders.

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Affairs of the Company  
to be managed by five  
Directors;

Time and mode of  
election;  
[See 7 Wm 4, chap. 69.]

Election of President;

[See 7 Wm 4, chap. 69,  
Sec. 2.]

Vacancies in the  
directions.

V. *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 Tuesday in February 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 thereof shall be given by the said Directors in hand-bills, or in the newspapers printed within the District of Johnstown, 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 a plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before 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 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.

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

Scale of votes in proportion to number of shares.

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

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

VIII. *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 herein-before 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.

Half-yearly dividends.

IX. *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 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.

X. *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.

Treasurer to give security.

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Authority to explore and  
take lands;

General powers;

[See 7 Wm. 4. chap. 69.]

To erect works;

Repair fences, &c;

Appoint drawing  
boats, &c;

To construct piers,  
arches, &c.

XI. *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 Wiltsie and Gananoque Rivers now run, 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 the 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, wears, 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 or belonging to the said navigation; 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 construct the several locks, dams, bridges, works and erections, belonging thereto; and also, to make, maintain, repair and alter, any fences or passages over, under, or through the said Rivers, 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 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

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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.

XII. *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 conveniencies herein-before 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 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 surrendering lands set out;

[See 7 Wm 4, Chap. 69, Sec. 3.]

XIII. *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 said 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 appropriated vested in the Company.

XIV. *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 by 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

Claims for compensation to be settled by arbitration;



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Arbitrators to be sworn.

some one of His Majesty's Justices of the Peace, then and 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 claimants.

Party declining to abide by the award to give notice within ten days.

XV. *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.

Mode of proceeding when award not submitted to.

XVI. *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 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 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 Johnstown, for the purpose of striking a jury to assess the damages so claimed, as aforesaid.

Jury to be struck for assessing damages.

XVII. *And be it further enacted by the authority aforesaid,* That on the day so appointed, as last aforesaid; the parties, their attorneys or agents, shall attend at the Sheriff's office, and that the Sheriff shall, at the hour of one of the 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 the Sheriff, each party, or his attorney or agent attending for that purpose, shall alternately strike off one, that party beginning at whose instance the 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.

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XVIII. *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:—

Summoning of Jury;

Attendance of Sheriff.

“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.”

Oath of Jurymen.

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 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 claimants.

Verdict.

XIX. *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 as the same has stood for the last twenty-three years: *Provided always, nevertheless,* 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.

Principle of estimating-claim.

XX. *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 giving the verdicts, and to each jurymen attending in pursuance of such summons, the sum of ten shillings.

Jury to be paid by party requiring them.

XXI. *And be it further enacted by the authority aforesaid,* That whatever sum 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 six 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 com-

Amount awarded to be paid within six months.

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mit 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.

Malicious injury to works punishable as a misdemeanor.

XXII. *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 navigation.

XXIII. *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 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.

Penalty for not removing obstructions;

XXIV. *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 boats, 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 said 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, toll-gatherers, or other persons employed

Boats and rafts may be seized and detained until expenses of removing obstruction are paid;

Boats sunk to be drawn up.

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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.

XXV. *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 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 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 merchandise; 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.

Boats used for purposes of husbandry not liable to tolls.

XXVI. *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 rebuilt to prevent further damages: *Be it therefore 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, 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 herein-before described with respect to the other damages done by the making and completing the said navigation.

Accidental damages to the works to be forthwith repaired;

Power to enter on lands.

and use materials;

Compensation to be made within six months.

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Navigation may be widened to admit boats to pass each other.

XXVII. *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 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.

Tonnage of boats to be ascertained;

XXVIII. 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.

Boats to be marked accordingly.

Public to have free use of the roads on payment of tolls.

XXIX. *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, merchandise, timber and commodities whatsoever, to and from the said navigation; and also to navigate on the improvements of the said River with any boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandise, 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.

Company authorised to hold lands for towing path, not exceeding forty feet in width;

XXX. *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

Lands at the locks and dams not to exceed an acre on each side;

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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 Wiltsie and Gananoque Rivers, 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.

Power for removal of fallen timber, &c.

XXXI. *And be it further enacted by the authority aforesaid*, That in case of refusal or neglect of payment of any such rates and 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 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 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.

Tolls, how to be recovered;

Seizure of boats for payment.

XXXII. *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 one Justice of the Peace for the District in which such offence was 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 Justice, and the overplus, if any, after such penalties and forfeitures and the charges of such distress and sale are deducted, shall be returned to the owner or owners of such goods and chattels; and in case sufficient distress and sale cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by warrant under his hand and seal, 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 Justice may direct, not exceeding twelve days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

Penalties and forfeitures to be recovered,

before one Justice,

by distress and sale;

In default of distress, imprisonment, not exceeding twelve days.

XXXIII. *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 Justice, to be by him transmitted to His Majesty's Receiver-General of this Province, to be accounted for to

Penalties to be transmitted by Justice to Receiver General.

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His Majesty, through the Lords Commissioners of His Majesty's Treasury, for the time being.

Powers of the Company to extend to persons in their employment.

XXXIV. *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 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.

Extension of the Act to the navigation generally.

XXXV. *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 Rivers 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 Rivers, as well as to such parts as shall require to be wholly made and excavated through the lands affording no natural channel.

Limitation of actions.

XXXVI. *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 herein-before given or granted, every such suit shall be brought or commenced within six calendar months next after the doing or committing of such damage 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

Legislature to regulate tolls when exceeding 20 per cent on capital.

XXXVII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear that the tolls received by the said Gananoque and Wiltsie Navigation Company in any 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.

Ferries and bridges may be constructed.

XXXVIII. *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 Rivers if it shall appear expedient, and to erect, maintain and use, such bridge or bridges over the said Rivers, and to make and use such highways.

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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 steamboats or other vessels.

XXXIX. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after 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 so 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 moneys 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.

After fifty years the Crown may assume the property;

Conditions.

XL. *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 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's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said 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.

Subsequent tolls payable to Receiver General.



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Alteration of this Act.

XLI. *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, public or private, that may be affected by any of the powers given by this Act.*

## 7th Wm. IV. Chap. 69.

*AN ACT to afford aid, by way of loan, to the Gananoque and Wiltsie Navigation Company, and to amend the Act of Incorporation of the said Company.*

[Passed 4th March, 1837.]

Preamble;  
[See 6 Wm 4, Chap. 8.]

£6060 to be raised by  
debenture, and loaned  
to the Company, redeem-  
able in twenty years.

WHEREAS certain Stockholders of the Gananoque and Wiltsie Navigation Company, have by their petition prayed for a loan to the said Company, to enable them to carry into effect the objects of their Incorporation: *And whereas*, the completion of the proposed improvements in the Navigation of the said waters, will prove highly beneficial to the agricultural, commercial and manufacturing interests of that part of the Country, it is therefore expedient to afford public aid to the said Company, by advancing the sum of six thousand pounds, by way of loan: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver General, for the time being, to cause any number of debentures to be made out, for any such sums of money, not exceeding in the whole the said sum of six thousand pounds, as may be required by the Directors of the said Company, redeemable in twenty years from the date of such debentures, bearing an interest not exceeding six per cent. per annum, payable half yearly.

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II. *And whereas*, it is expedient to repeal part of and amend the provisions of an Act passed during the second Session of the twelfth Parliament, intituled, "An Act to Incorporate sundry persons under the style and title of 'the Gananoque and Wiltsie Navigation Company'": *Be it therefore enacted by the authority aforesaid*, That the second clause of the said recited Act, and so much of the third clause as limits the number of shares to be subscribed in the first instance to fifty, and so much of the fifth clause as renders two of the Directors ineligible for two consecutive years, be and the same is hereby repealed.

Act, intituled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company," in part repealed and amended.

III. *And be it further enacted by the authority aforesaid*, That nothing in the said recited Act contained shall extend, or be construed to extend, to authorise or empower the said Company to enter upon or occupy any lands or premises lying contiguous to the said navigation, other than shall be necessary for the purposes thereof; and that it shall not be lawful for the said Company to make use of the waters of the said Wiltsie Lake or Gananoque River for any purpose of milling or driving machinery, or for any purpose whatsoever other than that of navigation, without the consent of the person or persons owning the same.

Company not authorised to enter upon or occupy lands contiguous to the navigation, other than such as are necessary for the purposes thereof, and not to make use of water for any other purpose than navigation.

IV. *And be it further enacted by the authority aforesaid*, That the whole capital stock, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value twelve thousand pounds, of lawful money of this Province, which capital shall be composed of twelve thousand shares, of the value of one pound 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.

Stock, inclusive of real estate, not to exceed £12,000;

Shares £1 each, and to be transferable.

V. *And be it further enacted by the authority aforesaid*, That all the debentures issued under the authority of this Act, and the interest thereon, shall be charged upon, and shall be repaid out of the moneys which shall come into the hands of the said Directors for tolls; and in case default shall be made in the payment thereof by the said Directors, the same shall be paid by the Receiver-General, out of any moneys in his hands at the disposal of the Legislature and unappropriated.

Tolls, &c to be applied to payment of loan, and if insufficient, deficiency to be paid from public revenues.

VI. *And be it further enacted by the authority aforesaid*, That before the said debentures shall be issued, the said Company shall give such personal security as shall be satisfactory to the said Receiver-General, for the regular payment of the principal and interest on the said debentures as they become due, according to the terms thereof.

Personal security to be given for repayment of loan and interest, before debentures issued.

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## 7th Wm. IV. Chap. 46.

*AN ACT to incorporate certain persons under the style and title of the President, Directors and Company, of the Fort Erie Canal Company.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** Alexander Douglass, Charles Jones, Benjamin P. Hall, John March, James Stanton, Timothy S. Hoyt, John Hardison, George Rainsford, Cyrenus Hall, William Forsyth, John Anderson, John J. Harris, Henry Teal, Isaac Thompson, William Smith, William Sutherland, John W. Lewis, and others, of the Townships of Bertie and Willoughby, in the District of Niagara, have by their petition represented, that great inconvenience has been experienced by the inhabitants of that section of the Province from its earliest settlement up to the present time, and more especially by those engaged in agricultural and commercial pursuits, by the natural impediments opposed to a free water communication between Lake Erie and the Niagara River, caused by the Rapids called or known as the "Fort Erie Rapids," which render transport by that route by the Lake not only dangerous but laborious and expensive: *And whereas* the said petitioners have prayed that they, together with such other persons as shall become Stockholders, as hereinafter mentioned, may be incorporated for the purpose of forming a Canal for ship navigation, in order to remedy the said inconvenience: *And whereas* the promotion of such a work will greatly tend as well to the prosperity of the Province as to develop the resources of that part of the country: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Alexander Douglass, Charles Jones, Benjamin P. Hall, John March, James Stanton, Timothy S. Hoyt, John Hardison, George Rainsford, Cyrenus Hall, William Forsyth, John Anderson, John J. Harris, Henry Teal, William Smith, William Sutherland, John W. Lewis, Isaac Thompson, or such of them, together with such other persons as shall become Stockholders of the Company, as 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 Fort Erie Canal Company;" and by that name they and their successors shall have continued succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading

Alexander Douglass, and others, incorporated;

By the name of the "Fort Erie Canal Company." Powers;

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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 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 Fort Erie Canal Company, shall be capable in law of purchasing, having and holding, any estate, real, personal or mixed, to and for the use of the said Company, conveying or otherwise departing with the same for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to allow the said Company to carry on the trade or business of bankers.

Common seal;

Estate;

Not to carry on the business of bankers.

II. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company, to be elected as hereinafter is mentioned, shall have full power and authority to explore the country lying between Fort Erie, in the Township of Bertie, and the River Niagara below the said Rapids called Fort Erie Rapids; and to purchase, take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal; with the locks, towing paths, basins and rail-ways, necessary to connect the waters of the Niagara River, at the head of the said Rapids, with the waters at the foot thereof; and also to select such convenient sites for such mills, manufactories, warehouses and other erections, as may be required by the said Company for the purposes thereof: *Provided always*, that nothing hereinafter contained shall extend; 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 now situate upon or near to the intended banks of the said Canal, 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 by arbitration, as hereinafter provided, for determining damage done to property by the said Company.

Company may explore the country between Fort Erie and the River Niagara;

May purchase and hold the line of the intended Canal;

And select sites for mills, &c.;

Not to compel the owner of any mill to sell to them;

Owners of mill seats deriving advantage from Canal, to make compensation.

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, and other repositories of water, as shall be found in making the said Canal, or within the distance of one thousand yards therefrom, or from any part thereof, or from any reservoir or reservoirs to be made for supplying the said Canal with water, save and except as herein mentioned; and the said Company are hereby also authorised and empowered, by themselves, or their deputies, agents, servants or workmen, to make one or more reservoir or reservoirs, and such feeders, tunnels and aqueducts, for supplying the said reservoirs and Canal with

Company may supply Canal with water from all streams, &c.;

May make reservoirs, &c.;

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water, and conveying water from any such reservoir or reservoirs to the said Canal, as to them shall seem necessary and expedient, save and except as herein is mentioned; and for the purposes aforesaid, it shall and may be lawful for the said Company, and their agents, servants and workmen, and they are hereby authorised and empowered, to enter into and upon the lands and grounds of and belonging to the King's most Excellent Majesty, His Heirs or Successors, or to any other person or persons, body or bodies politic, corporate or collegiate, except as is herein mentioned; 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, or any such reservoirs, feeders, tunnels or aqueducts, and all or any such other works as they shall think proper and necessary for making, effecting, preserving, improving, completing or using, the said intended navigation; and also, to bore, dig, cut, trench, remove, take and carry away, earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other materials whatsoever, which may be dug or got in the making of the said Canal, or in making of any reservoirs, feeders 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 maintaining the same, and the same to let lie in or upon the boundaries of the said Canal, or in or upon the lands or grounds of any person or persons adjoining thereto; and also, to make, build, erect and set up, in and upon the said Canal, and at the points of entrance to the same, or upon the lands adjoining or near the same, such and so many wharves, quays, piers, landing-places, bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water, tanks, reservoirs, drains, and other ways, roads and works, 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 of them, for conveying all manner of materials necessary for making, erecting, altering, repairing, widening, enlarging and carrying on the said works; and also, to place, lay, work and manufacture the said materials, on the grounds near to the said works; and 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, for 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 works, matters and things whatsoever, which they shall think necessary and

May enter upon Crown and other lands;

Make surveys;

Dig and carry away earth, &c.;

And may erect wharves, piers, &c.;

And repair the same;

Boats, barges, &c.;

Piers and arches across rivers, &c.;

General authority;

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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 occupiers 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.

Not to take water so as to injure any mills.

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 the erection of other similar establishments, or from any other cause growing out of the cutting, making or using 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 arbitration, as hereinafter is mentioned: *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.

Provision in case owners of mills think their property injured;

Owners not compellable to sell to the Company.

V. *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 for other the purposes herein-before mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, and for all guardians and other trustees whomsoever, not only for and on behalf of themselves, their heirs, successors and assigns, but also for and on behalf of those whom they shall represent, whether infants, lunatics, idiots, femmes covert, or other persons, who are or shall be possessed of or interested in the same, 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 so set out and ascertained, as aforesaid, and that all such contracts, agreements, sales and conveyances, 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 of the purchase moneys to be paid for such lands or grounds, respectively, shall be ascertained by arbitration, in manner hereinafter mentioned.

All proprietors, trustees, &c. may sell lands to the Company;

Amount of purchase money to be ascertained by arbitration.

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Company may contract,  
&c. with owners for land  
through which Canal is  
cut;

In case of difference,  
reference to arbitration.

In every case of dispute  
between Company, and  
others, touching any sale  
or damages;

The same to be referred  
to arbitrators;

One to be named by  
person disagreeing with  
the Company;

One by the Directors;

The third by the other  
two arbitrators;

Award of these three, or  
any two of them, to be  
final;

Arbitrators to be sworn;

VI. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise, settle and agree, with the owners or occupiers, respectively, of any land through or upon which they may determine to cut and construct the said intended Canal, or any locks, towing-paths, rail-ways, or other erections and constructions contemplated by this Act, to be cut, erected, constructed or 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 damages which he, she or they, shall or may be entitled to recover from the said Company, in consequence of the said intended Canal, locks, towing-paths, rail-ways, or other constructions and erections, being cut or 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, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them, as aforesaid, shall be ascertained by arbitration, in manner hereinafter mentioned.

VII. *And be it further enacted by the authority aforesaid,* That in each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damages, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase; sale or damages, or the money to be paid in respect thereof, are directed to be ascertained and determined by arbitration, the same shall be referred to and ascertained and determined by three indifferent persons, to be chosen as hereinafter is mentioned, that is to say: one of such persons by the owner or owners, occupier or occupiers of the lands, or other the person or persons interested, who shall disagree with the said Directors in respect of the purchase money or compensation to be paid to him, her or them, respectively, pursuant to the provisions of this Act; one other of such persons by the said Directors; and the other of such persons shall be chosen by the said two persons to be so named, as aforesaid; and such three persons shall be the arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same; and the award of such three persons, or any two of them, 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 in writing shall be 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 each of the said arbitrators 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

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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.

Arbitrators not compellable to travel more than fifty miles.

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 had to arbitrators, as herein-before provided.

Award may be set aside by Court of King's Bench.

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 shall, within one month after such cut, cause to be constructed a secure, sufficient and commodious bridge, for the passing of carriages, in order to establish the communication between the several parts of such highways, 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 bridge, as aforesaid.

If any highway cut into or through, a bridge to be constructed within a month.

X. *And be it further enacted by the authority aforesaid*, That if any persons shall wilfully or maliciously 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, to the prejudice of the said Company, 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, or any bridge, tunnel, aqueduct, sluice, lock, wear, pen for water, tank, reservoir, drain, wharf, quay or any other work, belonging to the said Company, 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 costs of suits 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 shall and 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.

Penalties for malicious mischief to the Canal, &c.

How recovered.

XI. *And be it further enacted by the authority aforesaid*, That if any person shall float any timber upon the said Canal, or shall suffer the overloading of any boat, vessel or raft, navigating in or upon the said Canal, so as by such overloading to obstruct the passing 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 pas-

Penalty for obstructing the Canal by overloading any boat, &c.



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sage 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.

Penalty if any boat, &c. obstructs the Canal, and is not removed on request;

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 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 cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal, shall be paid or satisfied; 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 detain and keep the same until payment shall be made of all expenses necessarily occasioned thereby.

Company may unload and remove such boats, &c.

In case of boats, &c. sinking.

Owners of lands adjoining the Canal may use boats thereon, free of charge;

XIII. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the owners and occupiers of any lands adjoining to the said Canal, to use any boats upon the said Canal, for the purposes of pleasure or husbandry, and 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 merchandise, to market or for sale, or for any person or persons for hire, and so as the same shall not obstruct or prejudice the navigation of the said intended Canal, or the towing paths thereof.

Limitation.

XIV. *And whereas* it may hereafter happen from floods, or from some unexpected accident, that wears, flood-gates, dams, banks, reservoirs,

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trenches or other works, of the said navigation, may be damaged or destroyed, and the adjacent lands, or the property thereon, thereby damaged, and it may be necessary that the same shall 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 it shall so happen, it shall be lawful for the said Company, and for their or any of their servants, agents or workmen, 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 intended Canal, or the branches, reservoirs or trenches thereof, 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, and required for the purposes aforesaid, without any previous treaty whatsoever with the respective owners or occupiers thereof, or of any other person or persons interested in such lands, grounds or hereditaments, or any of them, doing as little damage thereto as the nature of the case will admit, and making recompense for such damages to the owners and occupiers of, or other the 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, or the digging for, getting, working, taking, carrying away and using, such stones, gravel and materials, or any of them, as aforesaid; which damages, and the satisfaction and recompense in respect thereof, shall, in case of dispute, be settled, adjusted, ascertained and determined, by arbitration, as herein-before is mentioned.

In case of accidents requiring immediate repairs,

Company may enter any lands adjoining,

for materials to repair,

without previous treaty,

making recompense within six months;

Arbitration.

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 cut and open 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 all boats, vessels and rafts, which shall be 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 by any by-law of the said Company shall be directed in respect thereof.

Company may open places for boats to lie or turn;

Provision in case of boats meeting.

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 in respect of all timber, boats, vessels and other craft, and of other cargoes and freightage thereof, and of all rafts 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

President and Directors to establish rates of toll;

Account to be exhibited;

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If tolls excessive, the Legislature may reduce them.

Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares and merchandise, 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 pounds per centum on the capital actually expended in making the said Canal.

Canal to be completed within eight years.

XVII. *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, rail-way, towing paths and other erections, required for the navigation thereof, in order to connect the waters of the Niagara River at the head of the said Rapids, called Fort Erie Rapids, with the waters at the foot thereof, within eight years from the passing of this Act, so as to be navigable for schooners, boats, barges and rafts, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void to all intents and purposes whatsoever.

How tonnage of boats, &c. to be ascertained;

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 in case of refusal so to do, the owner thereof shall forfeit and pay the sum of forty shillings, currency; 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 said 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.

Tonnage of boats to be marked thereon.

Private roads and ways (except towing-paths) may be used by any person for transporting goods, &c. to and from the Canal.

XIX. *And be it further enacted by the authority aforesaid*, That all persons whosoever shall have free liberty to use with horses, cattle and carriages, the private roads and ways to be made under the provisions of this Act, (except the towing-paths) for the purpose of conveying any goods, wares, merchandize, timber, or other commodities, to and from the said Canal; and also to navigate the said Canal with any schooners, boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber or commodities; and also to use the said towing-paths with horses for drawing and hauling

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such boats and vessels, upon payment of such rates or dues as shall be established by the said Company, as aforesaid.

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 by the by-laws of the said Company shall be directed; and in case of denial or neglect in payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, the said Company may sue for and recover the same, in any Court having jurisdiction therein, or the person or persons to whom the said rates or dues ought to be paid, may, and he and they is and are hereby empowered to seize 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.

Tolls to be collected in the manner the by-laws of the Company shall direct.

XXI. *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 seventy-five thousand pounds; to be held in six thousand shares, of twelve pounds ten shillings each; and that the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable 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.

Capital of the Company not to exceed £75,000.

6000 shares.

XXII. *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 the 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 subscription to be opened.

XXIII. *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) 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 Directors first hereinafter mentioned, and the remainder by instalments of not more than ten per centum, at such periods as the President 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 thirty days, after the same public notice shall have been given as hereinafter is mentioned, with respect to notice directed to be given of meetings to be holden under this Act:

Not more than eighty shares to be subscribed for by any one person.

How to be paid;

Proviso for calling in instalments;

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Forfeiture of shares.

*Provided always*, that if any Stockholder or Stockholders 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 the same share or shares, with the amount previously paid thereon, and such share or shares shall be sold by the Directors at public auction, after having given thirty days notice in writing of such intended sale to such Stockholder or respective Stockholders, 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 all instalments which shall be due and unpaid on such share or shares, over and above the purchase money of the same, 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.

If stock not subscribed within two months, former subscribers may increase their subscription.

XXIV. *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.

As soon as £5000 is subscribed, meeting to be held to elect Directors;

XXV. *And be it further enacted by the authority aforesaid*, That so soon as five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting pursuant to the directions hereinafter contained, 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 Shareholders present; 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 operations of the said Company.

Period of service;

As soon as £500 paid, business to commence.

Five Directors to be chosen; one to be President;

XXVI. *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 a meeting of Stockholders to be then holden; 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

Election first Monday in April;

Proxy;

Election by ballot.

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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 present at such meeting 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 reduce the whole number to 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 who shall have served as Directors for the preceding year, (excepting the President) shall be incapable of serving in the office of Director for one year after the expiration of the time for which they shall have so served as Directors; and in case a greater number than two of the Directors (exclusive of the President who served for the last year) shall appear to be elected, then the election of such Director or Directors above two, who shall have the fewest 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 Director or Directors, who are hereby declared incapable of serving as Directors, 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 shall at any time happen among the Directors, or if the office of President shall become vacant 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 shall happen by a person or persons to be nominated by a majority of the remaining 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.

In certain case to be a second ballot;

President to be elected by ballot;

Two Directors to go out every year;

President for time being always eligible;

Vacancies, how created.

Provision for filling.

XXVII. *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, and shall continue to hold, in his or her own name, at and 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 shares; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Number of votes.

XXVIII. *And be it further enacted by the authority aforesaid*, That the first and every other meeting, whether general or special, to be holden in pursuance of this Act, shall be holden at such place in the township of Bertie, and on such days, (except where particular days for the same

Meetings to be holden in the Township of Bertie;

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Notice.

are herein specially appointed,) and at such hour of the day as to the said first meeting, as the majority of the said petitioners, and as to all other meetings as the majority of Directors for the time being shall appoint; and a notice of every meeting shall be published at least thirty days, and not more than sixty days, prior to the time of such meeting, in the Upper Canada Gazette, and in such other newspapers circulated within the Province as the majority of the said petitioners as to such first meeting, and the majority of the said Directors as to all other meetings to be holden in pursuance of this Act, shall respectively think fit to order and direct.

Corporation not dissolved for want of an election.

**XXIX.** *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election of Directors 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 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.

Directors to make half-yearly dividends;

**XXX.** *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 ratios herein-before established, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts, credits and affairs, of the said Company, and of the surplus profits, (if any,) after deducting losses, dividends and expenditures.

Statement of debts and credits.

Directors may make rules and regulations,

**XXXI.** *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 and conduct of the officers, clerks and servants, employed by the said Company, and touching the securities to be given by them, or any of them, 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.

and may appoint officers.

Penalties for infraction of by-laws, how to be recovered.

**XXXII.** *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, to be made in pursuance thereof,

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for the levying and recovering whereof no particular mode is herein-before directed, shall, upon proof of the offences, respectively, before any two of the Justices of the Peace for the District of Niagara, 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 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 the District of Niagara, 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; 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 Company.

XXXIII. *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 herein-before 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 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

Actions for any thing done under this Act, to be brought within six months;

Defendants may plead general issue.

XXXIV. *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 or Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, except as is herein expressly provided.

This Act not to affect His Majesty, or any others, further than is expressly provided.

XXXV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be construed to affect any right or power heretofore granted and secured by law to the Welland Canal Company, any thing to the contrary notwithstanding.

Not to affect any right of the Welland Canal Company.



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## 7th Wm. IV. Chap. 51.

*AN ACT to incorporate sundry persons, under the style and title of the  
Beverly Navigation Company.*

[Passed: 4th. March, 1837.]

Preamble;

**WHEREAS** Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil, together with all such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body coporate and politic, in fact, and by the name of "the Beverly Navigation Company;" and that 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 Beverly Navigation 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.

Power given to explore  
the country;

*II. And be it further enacted by the authority aforesaid,* That the Directors of the Beverly Navigation Company shall have full power and authority to explore the country lying between the village of Beverly, in the township of Bastard, and the Rideau Canal, in South Crosby, both in the District of Johnstown, and to designate and establish, and for the

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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 waters of Beverly Lake with those of the Ridean Canal in South Crosby; and also, to select such convenient sites for such and so many mills, manufactories, warehouses, 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 herein-before contained shall extend 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.

To select sites for mills, &c ;

Owners of mill-seats not compelled to convey ;

Owners of mills using water supplied by Canal, to pay for same.

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 herein-before 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 and 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 herein-before 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

Company may supply Canal with water from brooks, springs and streams, &c. within distance of 1,000 yards, except, &c.;

May make feeders, tunnels and aqueducts, for supplying Canal, except, &c.;

May enter into lands and take levels, &c.

except &c.;

Also to bore, dig, trench, &c. and remove and carry away, and lay earth, soil, &c. in the making the Canal; .

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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 of the said works, or which may hinder, prevent or obstruct, the making, using, completing or maintaining 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, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing-places and other works, ways, roads and conveniencies, 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 of the conveniencies above mentioned, as well for carrying or conveying of 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 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.

May erect bridges, tunnels, aqueducts, sluices, &c;

May alter, repair, amend, widen, &c. the Canal;

May lay and manufacture materials, &c. on grounds adjacent;

May make drawing boats, barges, &c;

May erect and keep in repair piers, &c;

To make satisfaction to owners or occupiers of land, for damages;

Not authorised to take away water so as to injure any mill, without consent of owner.

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

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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, by 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 and 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,

Company required to purchase mills on the line of Canal, or within 500 yards, if owner consider the same injured;

Value to be ascertained, &c;

Owners of mills not compelled to sell.

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 Beverly to the Rideau Canal, aforesaid, to take and appropriate, for the use of the said Canal, as much water as they may find necessary, from and out of the said Beverly Lake, and those connected with or entering into the same; 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 Beverly 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 Beverly 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 Beverly Lake, the Rideau Canal, or their tributary streams, so as in any way to affect their navigation, or the machinery thereon erected, or that may be hereafter erected on the said Beverly Lake, the said Rideau Canal, or their tributary streams.

Company may take water from Beverly Lake;

May erect a pier at mouth of Canal, at point of departure from Beverly Lake;

Not to take more water than is necessary, and not to lower the depth of the water in Beverly Lake or Rideau Canal, &c. so as to affect the navigation, or the machinery erected thereon.

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 herein-before 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;

Parties interested may sell and convey lands set apart for purposes of Canal.

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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.

Company may contract for purchase of lands required for use of Canal, or for settlement of damages claimed;

In case of disagreement, arbitrators to be chosen;

Who are required to proceed with arbitration at some convenient place, within a certain time after notice given;

Arbitrators to be sworn;

No person compelled to attend as arbitrator who resides more than fifty miles from place of meeting;

Damages to be paid in three months, or owner of lands may re-enter, &c.

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 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 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 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.

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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 herein-before provided.

Award may be set aside by writ of King's Bench.

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 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.

Bridges to be erected by Company, and kept in repair;

In default, subject to a penalty.

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.

Persons wilfully and maliciously injuring or obstructing Canal, liable to punishment.

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 obstructing 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,

Persons floating timber, or overloading boat or vessel on Canal, so as to obstruct the navigation, to remove the same;

Subject to penalty for not doing so.

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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.

Boat, vessel or raft, so placed as to obstruct navigation, to be removed;

Penalty for not doing so.

May be unladen or removed by agents or servants of Company, and seized and detained until expense of unloading or removal be paid;

Boats or vessels sunk in Canal and not weighed or drawn up by owners, may be weighed or drawn up by Company, and detained until expense paid.

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 said 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 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.

Owners or occupiers of land adjoining Canal, may use pleasure boats, or for purpose of husbandry, &c. without any charge being made by Company.

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 for hire, and shall not obstruct or prejudice the navigation of the said intended Canal, or the towing-paths thereof.

Company may enter on adjacent lands to repair damages arising from accident;

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 property thereon thereby damaged, and that it may be necessary that the same shall be immediately repaired or rebuilt to prevent further damages: *Be it therefore further enacted by*

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*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, 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 by 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 herein-before described with respect to other damages done by the making and completing the said navigation.

Not being an orchard,  
and procure materials;

Making recompense in  
6 months after demand  
made;

Manner of ascertaining  
damages.

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.

Places to be constructed  
to admit boats to turn  
and pass each other;

Vessels, &c. meeting each  
other to go back to places  
so prepared.

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

Tolls to be regulated and  
established;

And to exhibit accounts  
to Legislature;

If tolls excessive Legis-  
lature may reduce the  
same.



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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.

Tolls when and how declared, and notice given of the amount.

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 public places on the route of the said Canal.

Mode of ascertaining tonnage of boats, &c. navigating Canal.

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.

All persons to have permission to use private roads and ways of Company except towing-paths;

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, merchandise, 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 or dues as shall be established by the said Company.

And to use wharves, &c. and towing-paths upon payment of tolls to be established.

To whom dues to be paid;

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 regula-

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tions 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.

In case of denial, party may be sued, or goods may be seized.

XXI. *And be it further enacted by the authority aforesaid,* That each share of the said Company shall be five pounds, and the number of shares shall not exceed one 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 Beverly for that purpose, shall direct.

Shares in Company to be one thousand, of £5 each.

Books to be opened for subscribing to 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 fifty 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 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, as aforesaid, by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of such share or shares so to be purchased, as aforesaid.

Number of shares that may be subscribed for in the first instance;

Manner of calling in instalments;

Forfeiture of stock in the event of non-payment of instalments.

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If whole number of shares be not subscribed within two months, then subscribers at liberty to increase their stock;

Until Canal completed from Beverly to Rideau Canal, funds not to be applied to any other purpose.

When £1000 subscribed, a meeting to be called for election of Directors;

Who are to continue in office until the first Monday in April following;

When a deposit of £250 is made, Company may commence operations;

Notice having been first given.

Number of Directors;

A President to be chosen;

Time of holding election of Directors;

Manner of conducting the election;

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 Beverly to the Rideau Canal, 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.

XXIV. *And be it further enacted by the authority aforesaid,* That so soon as one 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 Beverly, 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 two hundred and fifty pounds 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 three or more newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

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 July, in every year, at such place in the Town of Beverly as a majority of the Directors for the time being shall appoint; and public notice thereof 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

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number of persons than five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before 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 who 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 shall 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.

Succession in office of Directors;

Directors absenting themselves from the Province, to vacate their office, and others to be elected;

Directors to hold ten shares.

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.

Votes of Stockholders proportioned.

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.

Remedy in case election of Directors not made at time appointed.

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**Dividends to be declared;** **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.*

**Accounts to be rendered when desired by Stockholders.**

**Directors to make rules and regulations;**

**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 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.*

**Not repugnant to laws of Province.**

**Treasurer to give bond, with sureties.**

**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.*

**Manner of recovering penalties;**

**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 herein-before directed, shall, upon proof of the offences, respectively, before any one Justice of the Peace for the District of Johnstown, either by confession of the party or parties, or by the oath of one credible witness, (which oath such Justice is 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 Justice, (which warrant such Justice is 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 Justice, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common Gaol of the Johnstown District, there to remain*

**In case of non-payment of penalties, offender may be imprisoned;**

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without bail or mainprize, for such time as such Justice 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.

Penalties recovered, to be applied for the purposes of the navigation.

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.

Extent of land to be taken for Canal and towing-paths.

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 any wise 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 the said Canal, together with such further sum as will amount to twenty-five per centum upon the moneys 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.

His Majesty may assume Canal at the end of 50 years, upon 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 herein-before given or granted, every such suit shall be brought or commenced within

Actions brought against persons for any thing done under this Act to be brought in 6 months;

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Act and special matter  
to be given in evidence  
under general issue.

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 so to be done, or if any action or suit shall be brought after the time herein-before limited for bringing the same, then a verdict shall be given for the defendant.

King's rights not to be  
affected, or of any  
individual, or body  
corporate, except, &c.

. 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 completed in  
7 years.

XXXVI. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefit and advantage 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.

Persons possessing lands  
through which Canal  
may pass, 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 make  
alterations in charter.

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 in any of the provisions of this Act 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.

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## 7th Wm. IV. Chap. 66.

*AN ACT granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of the navigation of the River Trent.*

[Passed 4th March, 1837.]

**WHEREAS** it is highly important to the agricultural and commercial interests of this Province, that a line of communication should be formed between the waters of the Bay of Quinte and Rice Lake, by improving the navigation of the River Trent: *And whereas* it is expedient that the two lower sections of the said communication should be immediately improved: *And whereas* it is expedient to raise a sum of money, by way of loan, for that purpose: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, 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 way of 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 seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, at a rate of interest not exceeding six per centum per annum, payable half-yearly in this Province, or five per centum per annum payable half-yearly in London, or at as much lower rate of interest as the same can be obtained for, and which said sum shall be raised in such amounts and at such times as may be required, for the completion of the improvement of the said navigation.

Preamble;  
The improvement of the navigation of the Trent important;  
(See Statutes of Canada, 4 & 5 Vic. Chaps. 23 & 32.)

A loan of £77507 11s. 4½d. authorised to be raised by debenture, for that purpose.

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 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 seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, 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, bearing date on

Receiver General to issue debentures, and agree for loan.



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the day on which the same shall actually be issued, and being each for the payment of the sum so advanced, at the expiration of twenty 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.

Provisions of Act authorising the Government to borrow money upon debenture, to be loaned the Welland Canal Company, made applicable to debentures issued under this Act.

III. *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 the reign of His late Majesty, intituled, "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 issuing of debentures; as to their being chargeable upon the public revenues; as to their passing current with public accountants; as to the interest, and in what cases the same to cease; as to the method of ascertaining for what period interest shall be suspended; as to forging debentures; as to the Receiver-General submitting accounts of debentures outstanding; as to when the Receiver-General shall pay the interest accruing on debentures, and upon what authority; as to the remuneration to the Receiver-General, and persons employed under him; as to the payment of debentures when due, and how to be cancelled; as to calling in of debentures, and when interest to cease; shall apply to and be in force in respect to the debentures which shall be issued under the authority of this Act, to all intents and purposes, as effectually as if they were herein at length set forth and re-enacted.

Governor to appoint five Commissioners to carry Act into effect;

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to appoint five Commissioners to carry into effect the provisions of this Act, whose duty it shall be to contract with such person or persons as shall be willing to undertake the improvement and completion of the two lower sections of the said communication, and the works therewith connected, or any part thereof, and who shall do and perform all and every act and acts, thing and things, necessary and proper to carry the intention of this Act into full effect; and shall and may, from time to time, after the completion of any part of the said improvements, 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 the Province, for the information of the Legislature, on or before the first day of November in each and every year, all matters by them done or performed by virtue of this Act, with an account in detail of all moneys by them received and paid under the provisions thereof, with the proper vouchers for such payments.

And when work completed, impose rates and tolls;

And report on or before 1st November in each year, all matters by them done, with an account in detail of moneys received and paid.

Commissioners to have power to explore the country, &c.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have full power and authority to explore the country

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lying between the mouth of the River Trent and Percy Landing, and to designate and establish, take, appropriate, have and hold, to and for the use of this Province, the line and boundary of a Canal, with its necessary locks, towing-paths, basins and all other necessary erections; and it shall and may be lawful for the said Commissioners, to contract with such person or persons as they may think necessary, to do, perform and undertake, all and whatsoever act and thing, work or works, which may be thought necessary to carry the intentions of this Act into effect.

And to appropriate line and boundary of Canal, &c.

and to contract for completion of work.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, 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 may at any time happen in the said Board of Commissioners, by death, resignation, removal from the Province, or otherwise.

Governor may fill vacancies occurring among Commissioners.

VII. *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 Engineer, Agent, &c and pay them, taking security when necessary.

VIII. *And be it further enacted by the authority aforesaid,* That no Commissioner, Secretary or other officer, 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 other officer appointed under this Act, to be concerned in any contract, &c. connected with work.

IX. *And be it further enacted by the authority aforesaid,* That all and every enactment and provision contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third clauses of an Act passed in the third year of His present Majesty's reign, intituled, "An Act granting to His Majesty a sum of money, to be raised by debenture, for the improvement of the navigation of the River St. Lawrence," as to Commissioners or workmen entering upon the grounds of individuals, and making surveys; as to setting out such lands as may be required for the works; as to general powers in taking and laying materials on private property; as to altering route and repairing works; as to the Commissioners agreeing with owners of land for the purchase of what may be required, and for damages done in the progress of the work; as to appointing arbitrators to settle claims, when no agreement shall have been made; as to the assessment of damages by a jury, when either party decline abiding by award, and at the expense of such party declining;

13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, and 23rd sections of "Act granting to His Majesty a sum of money, to be raised by debenture, for the improvement of the Navigation of the River St. Lawrence," made applicable to this Act.

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as to the mode of striking a jury; as to the attendance of jury and Sheriff upon the premises to assess damages; as to the oath of jury; as to the expense of jury and Sheriff, and how paid; as to considering of advantages in estimating damages; as to award being made a rule of Court; as to the taking materials from adjacent land, for the reparation of unexpected damages; as to the recompense to be given to the owner or occupier, when and how determined and liquidated; shall and they are hereby declared to be, to all intents and purposes, as fully and effectually in force, in and for the purposes of this Act, as if they were herein expressly and at length set forth and re-enacted, save and except the proviso contained in the thirteenth clause.

Commissioners at first meeting to ascertain rates and dues to be taken, and may alter the same, giving two months notice.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at the first general meeting, ascertain and fix the rates and dues to be taken by virtue of this Act; and that the said Commissioners may 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 in one or more conspicuous places, between the mouth of the River Trent and the Percy Landing.

Payment of rates and dues to commence from and after passing of this Act, and to be applied towards payment of interest on money raised on credit of the Province.

XI. *And be it further enacted by the authority aforesaid,* That the payment of the said rates and dues shall commence from and after the passing of this Act, and be appropriated and applied to the payment of the interest of such a sum of money as shall, from time to time, be advanced on the credit of the Province, under and by virtue of this Act.

Rates to be paid to person and at places pointed out by Commissioners.

XII. *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 Commissioners 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 Commissioners may sue 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 and dues ought to be paid, and detain the same until payment thereof.

Commissioners may sue for rates due;

And may seize and detain boats, &c. until rates and dues are paid.

Commissioners may sell or loan use of water to be drawn from Canal for 21 years;

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to grant or to lease, for any time not exceeding twenty-one years, by an instrument under their hands and seals, the use of any water which they may permit to be taken and drawn from the said Canal or Canals for hydraulic purposes, giving the owners of the lands through which such Canal or Canals may pass, the option of using such water at the price fixed by the said Commissioners,

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paying the proceeds of such sale or lease into the hands of the said Receiver General, in the same manner as is provided respecting the tolls or dues arising from the use of such Canals; which said sums shall be applied in the same manner as the said tolls and dues are hereinafter directed to be applied.

Proceeds to be paid Receiver General.

XIV. *And be it further enacted by the authority aforesaid,* That an account of all dues and tolls received by the Commissioners under the authority of this Act, shall be rendered to the Inspector General of the Province, on or before the thirtieth day of June, and the thirty-first day of December in each year; and the amount thereof, deducting any necessary expenditure on account of the said improvement, and the expense of collecting the same, shall, within ten days thereafter, be transmitted to His Majesty's Receiver General of this Province, to be applied towards the payment of the principal and interest of any loan contracted in pursuance of this Act; and after the interest, and the whole of the principal sum loaned under the provisions of this Act, shall be paid and discharged, the proceeds of the said dues and tolls, after deducting the expenses of the collection thereof, and defraying the necessary expenses, shall be subject to the disposal of the Legislature of this Province.

Account of dues and tolls received to be sent Inspector General;

And money, deducting expense of collecting, to be transmitted Receiver General in ten days after account rendered.

Money to be applied to payment of loan and interest.

When money and interest loaned is discharged, money arising from rates and dues to be subject to the appropriation of the Legislature.

XV. *And to prevent disputes touching the tonnage of any boat, barge, brig, schooner, sloop or other vessel, passing into or using and partaking the benefits of the said navigation: Be it further enacted by the authority aforesaid,* That the owner or master of any such boat, barge or other vessel whatsoever, shall permit and suffer any such vessel to be gauged or measured, and refusing so to do, shall forfeit and pay the sum of forty shillings; and it shall be lawful for the Commissioners, or their agent or agents, or such other person or persons as shall be appointed by them for that purpose; to proceed with such owner or master, or such other person or persons as shall be chosen or appointed by such owner or master, to measure and ascertain such tonnage, and to mark the same on such boat, schooner 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 master or owner shall refuse or decline to choose a person on his behalf, as aforesaid, then the person appointed by the Commissioners, or their agent or agents, shall alone have the power of ascertaining such tonnage.

Tonnage of vessels, &c. passing navigation, to be ascertained,

Party refusing, subject to a fine of £2.

Manner of ascertaining tonnage.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall maliciously break down, damage or destroy, any bank, pier, lock or machine, or any improvement of what nature or kind soever, belonging to or connected with the said navigation, or do any other act, hurt or mischief, to disturb or prevent the carrying into effect the provisions of this Act, or the completing, supporting or maintaining the improvements aforesaid, every such person so offending shall be deemed guilty of a misdemeanor.

Persons maliciously injuring works, to be deemed guilty of a misdemeanor.

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Owners of boats, &c. obstructing navigation, liable to a fine, unless obstruction be removed on request;

Boats, &c. obstructing navigation, may be unladen, and detained until expense of unloading be paid;

When boat, &c. sunk in Canal, what proceedings to be had to remove same.

Forfeitures under this Act to be decided upon by any two Justices, &c.;

Proceedings, and manner of levying fines, &c.;

And punishment of offenders when no fine is levied.

Protection to parties against whom suits may be brought for any thing done under this Act.

XVII. *And be it further enacted by the authority aforesaid,* That if any boat, vessel, timber or raft, shall be placed in any part of the said Canal or Canals, so as to obstruct the navigation thereof, and the person having the care of such vessel, boat, timber or raft, shall not immediately, upon the request of any of the persons employed by the said Commissioners made for that purpose, 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 Commissioners, to cause any such boat, vessel, timber 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, timber or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading or removal shall be paid; and if any boat, vessel or timber, shall be sunk in the said Canal or Canals, and the owner or owners, or 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 and may be lawful for the agents, toll-gatherers, or persons employed by the said Commissioners, to cause such boat, vessel or timber, to be weighed or drawn up, and to detain and keep the same, until payment be made of all expenses necessarily occasioned thereby.

XVIII. *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 hereof, shall, upon proof of the offences, respectively, before any two Justices of the Peace for the Newcastle District, 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, 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 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 the said 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.

XIX. *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 herein-before given or granted, every such suit shall be brought or commenced within

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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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named, 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 moneys coming into their hands, and touching the duty 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.

Majority of Commissioners to decide questions;

Rules and regulations to be made by them.

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 them may name and appoint.

First meeting of Commissioners to be held when and where they may appoint.

XXII. *And be it further enacted by the authority aforesaid,* That all moneys 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 favour 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.

Accounting clause.

[SEE 7 WILLIAM IV. CHAP. 63. SEC. 7.]

*[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page.]*

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## 7th Wm. IV. Chap. 63.

*AN ACT to make further provision respecting the affording of public aid to the Great Western Rail-road, and the Toronto and Lake Huron Rail-road, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

£77,507 11s. 4<sup>1</sup>/<sub>2</sub>d. granted the present Session to improve the navigation of the River Trent, which improvements shall be made in such parts and in such manner as Executive Government may direct.

VII. *And whereas* an Act has passed during the present Session, granting the sum of seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, for the improvement of the navigation of the River Trent: *And whereas* the said improvement is to be undertaken at the public expense, and it is expedient that the expenditure should be made in such parts of the sections of the said River as is authorised by the aforesaid Act to be improved, and in such a manner as the Executive Government may from time to time direct: *Be it therefore further enacted by the authority aforesaid,* That the Commissioners to be appointed under the authority of the said Act, for the expenditure of the said sum of seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, shall commence their operations on such of the aforesaid sections of the said Canal, or improvement of the Trent, and shall proceed in the said work, from time to time, under the direction of the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, by and with the advice of the Executive Council.

## 1st Vic. Chap. 29.

*AN ACT to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein mentioned.*

[Passed 6th March, 1838.]

Preamble.

**WHEREAS** Horatio Nelson Perry, Eleazer W. Stephenson, John Gilleland, George Adams, Walter Ditterick, John McCarthy, John Stuart, James Taylor, James R. Benson, William C. Chace, John Gibson, James B. Glendenning, Charles Rolls, Alexander Boles, Frederick L. Converse, and others, have by petition prayed to be incorporated for the purposes of this Act, and it is expedient that the prayer of the said petition should be granted: *Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada,*

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constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Horatio Nelson Perry, Eleazer W. Stephenson, John Gilleland, George Adams, Walter Ditterick, John McCarthy, John Stuart, James Taylor, James R. Benson, William C. Chace, John Gibson, James B. Glendenning, Charles Rolls, Alexander Boles, Frederick L. Converse, together with all such persons as shall become Stockholders of the Company hereinafter mentioned, shall be and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact, and by the name of the Grantham Navigation 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.

Persons therein named incorporated by the name and style of the Grantham Navigation Company.

II. *And be it further enacted by the authority aforesaid,* That the Directors of the Grantham Navigation Company shall have full power and authority to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundary of a Canal or Slack Water Navigation, with such necessary erections as may be required by the said Company for the purposes thereof, from the Welland Canal up to the valley of the Twelve Mile Creek, to Perry's Mill-dam, now erected over the Twelve Mile Creek, in the Township of Grantham.

Authority given to Company to appropriate line and boundary of Canal &c.

III. *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 said Canal, and other purposes and conveniencies herein-before 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 in behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, or other 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 and 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 pur-

Authority given to all persons interested in lands &c. necessary for Canal, to convey same to Company.



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chased by the said Company, and of the amount of damages committed thereby.

Parties disagreeing as to value of lands, to refer same to arbitration.

IV. *And be it further enacted by the authority aforesaid,* That 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 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 Directors to nominate and appoint another indifferent person, who shall be arbitrators to award and determine the respective sums of money which the said Company shall pay to the person entitled to receive the same; and in case the two arbitrators so named shall disagree on the amount to be paid to the individuals so claiming, the said arbitrators shall name and appoint one other person as umpire, whose decision shall be final on the matter referred to him; and the parties are hereby required to attend at some convenient place in the vicinity of the route of the said navigation, to be chosen by the Directors, within eight days after notice given by the said Directors for that purpose, then and there to arbitrate, determine and adjudge, such matters and things as shall be submitted for their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her 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.

Company to fix rates and dues to be taken, &c. and to give notice of same.

V. *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 notice of the same; and that a schedule of rates shall be affixed on the different public places on the route of the said navigation.

Shares in Company, £12 10s. each;

Capital stock not to exceed £50,000.

VI. *And be it further enacted by the authority aforesaid,* That each share in the said Company shall be twelve pounds ten shillings currency; and the number of shares shall not exceed four thousand, constituting a capital not exceeding fifty thousand pounds; and that books of subscription shall be opened in the village of Saint Catharines, within one month after the passing of this Act, by such person or persons, and under such regulations as the majority of the said petitioners, at a meeting to be called by any one of them for that purpose in the township of Grantham, shall direct:

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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; according to the following ratios, 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.

Number of votes proportioned, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed by three Directors, one of whom shall be President, who shall hold their offices for one year, and shall be Stockholders to the amount of at least ten shares; and be elected on the first Monday in May in each year; public notice of which election shall be given in at least one newspaper published in the District of Niagara, not less than thirty days previous to the election; and all elections of Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any such election shall be Directors; 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 three shall by plurality of votes appear to be chosen as Directors, then the Stockholders herein-before authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of three; and in case any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the remaining Director or Directors may appoint.

Management of affairs of Company to be intrusted to Directors;

Qualification;

Mode of election, &c.

IX. *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 and conduct of the officers, clerks and servants employed, 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.

Rules, &c. to be established by Directors.

X. *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, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is herein-before

Mode of imposing and levying penalties, &c;

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mentioned, shall, upon proof of the offences, respectively, before any two of the Justices of the Peace for the District of Niagara, either by confession of the party or parties, or by the oath of one credible witness, (which oath such Justices are hereby 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 hands and seals of said Justices, (which warrant such Justices are hereby required 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 or 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 the District of Niagara, 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 charges attending the same, shall be sooner paid and satisfied; all which penalties and forfeitures, when levied and satisfied, as aforesaid, shall be paid to the said Company, to be by them applied to the purposes of the said navigation.

Appropriation of penalties.

Yearly dividends to be made.

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

Instalments to be called in, &c;

XII. *And be it further enacted by the authority aforesaid,* That the Directors to be hereafter appointed by virtue of this Act, so soon as they may deem expedient, may from time to time call in instalments upon the capital stock: *Provided,* no instalment shall be called for or become payable in less than thirty days after public notice shall have been given in some public newspaper published in the District of Niagara: *Provided always,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Directors the amount due upon any share or shares held by him, her or them, at any time when required by law so to do, such Stockholder or Stockholders shall forfeit such share or shares, with the amount previously paid thereon; and such share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other moneys of the Corporation.

Forfeiture of shares provided for.

Company not dissolved by reason of non-election of Directors, &c.

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 other day to hold and make

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an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

XIV. *And be it further enacted by the authority aforesaid,* That after a period of thirty years after the making and completing the said Canal, it shall and may be lawful for Her Majesty, Her 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 or assigns, the full amount of their respective shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Canal, together with such further sum as will amount to twenty-five per centum upon the moneys 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 Her Majesty, Her 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 given to Her Majesty to assume Canal after 30 years, under certain restrictions.

XV. *And be it further enacted by the authority aforesaid,* That every Treasurer, before he enters upon 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.

Surety to be given by Treasurer.

## 55th Geo. III. Chap. 18.

*AN ACT to incorporate the Midland District School Society.*

[Passed 14th March, 1815.]

**WHEREAS** funds have been collected and a Society lately formed in England, designated, "the Committee for promoting the education of the poor in Upper and Lower Canada," the object of which Society is to promote the education and moral improvement of the poor of every religious denomination in Canada: *And whereas* in furtherance of the wishes of that institution, a subscription has been entered into at Kingston, in the Midland District of this Province, to assist in carrying into effect their benevolent intentions with regard to this Province; and it is apprehended that if countenanced and supported by the laws of this Province, and established upon a permanent footing, and vested with powers for better enabling the subscribers thereto to carry into execution their charitable and useful designs, such an institution would be of extensive use,

Preamble;

(See 7 Wm. 4, chap. 113.)

Reciting that funds had been collected, and a society formed in England to promote the education of the poor;

That a subscription had been entered into in Kingston, in furtherance of the plan;

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and of great benefit and advantage to the public: *And whereas* the purposes aforesaid cannot be effected without the aid of the Legislature: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same; That on the first day of May now next ensuing, there shall be held a meeting of the subscribers, for the purposes aforesaid, in the Town of Kingston, in the Midland District, aforesaid; at which meeting a President, Secretary, Treasurer and six Trustees, any four of whom, with the President, shall be a quorum for transacting business, shall be chosen from among the subscribers, by a majority of the subscribers then there present; and regulation shall be also then and there made respecting the length of times the said officers and Trustees shall continue in office; and also respecting the election or nomination for the future of such President, Secretary, Treasurer and Trustees.

It is enacted that a meeting of subscribers should be held on the 1st of May;

President, secretary, treasurer and six trustees, any four of whom, with the president, shall be a quorum, to be chosen;

Regulations to be made.

Body corporate;

II. *And be it further enacted by the authority aforesaid*, That the President, Secretary, Treasurer and Trustees, for the time being, and their successors, so to be nominated and appointed, shall be and they are hereby declared to be one body, corporate and politic, in deed and in law, by the name of "the Midland District School Society," and shall have perpetual succession, and a common seal, with power to change, alter, break or make new the same; and they and their successors, by 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 have, hold, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the said Society of the Midland District, all such sum and sums of money as have been had 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 benevolent ends, and purposes in this Act mentioned; and that they and their successors, by the name aforesaid, shall and may at any time hereafter, without any license or mortmain, purchase, take, receive, have, hold, possess and enjoy, any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements or hereditaments, for the purposes of the said Society, and for no other purposes whatsoever, and may also in the same manner sell, grant, demise, alien or dispose of the same, and

To be capable of holding lands, money, &c. in trust and for the benefit of the society;

And to sell or demise the same, and do all other things that to them may appertain to do.

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do or execute all and singular other matters and things that to them shall or may appertain to do.

III. *And be it further enacted by the authority aforesaid,* That the said President and Trustees, so to be nominated and appointed, as aforesaid, and their successors, shall have full power and authority to lease such real estate and hereditaments on such terms as they shall judge most beneficial; and also to dispose of all such personal estate at their will and pleasure as shall appear to them most advantageous for promoting the benevolent purposes of the said institution.

President and trustees empowered to lease real estates and dispose of all personal estates as shall appear most advantageous.

IV. *And be it further enacted by the authority aforesaid,* That no person who is not a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or a subject of His Majesty, having become so by the conquest and cession of the Province of Canada, shall be capable of being a Trustee or Teacher of the said School.

No persons but subjects of His Majesty, can be trustees or teachers.

### 7th Wm. IV. Chap. 113.

*AN ACT to amend an Act passed in the fifty-fifth year of the reign of His late Majesty George the Third, intituled, "An Act to incorporate the Midland District School Society."*

[Passed 4th March, 1837.]

**WHEREAS** several Shareholders in the Midland District School Society, as well as other persons interested in the prosperity of that institution, have petitioned that amendments should be made in the Act of this Province incorporating the said Society: *And whereas,* it is expedient to comply with the prayer of the said 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, 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 Québec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That each and every share subscribed for and held in the said Midland District School Society shall be, and the same are hereby declared to be, personal property, and as such shall descend and be subject to devise, or may be transferred and

Preamble;  
(See 55 Geo 3, Ch. 18.)

Shares declared personal property, and as such transferable.

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assigned : *Provided always*, that such transfer or assignment shall be by an instrument in writing, executed by the party transferring the same, and entered into a book to be kept by the said Society for that purpose.

Provision made for filling vacancies among trustees.

II. *And be it further enacted by the authority aforesaid*, That whenever it shall happen that any vacancy shall occur by death or resignation of any trustee or other officer of the said Society, between the time of the election or appointment of such trustee or other officer and the period appointed for the general election of such trustees and officers, it shall and may be lawful for the remaining trustees, by public notice to be given in one or more of the newspapers published in the Midland District, to call a general meeting of the shareholders in the said Society, for the purpose of electing a fit and proper person or persons to supply such vacancy or vacancies, as aforesaid : *Provided always*, that not less than twenty-one days notice of such meeting shall, at all times, be given.

Treasurer of society to render account, &c.

III. *And be it further enacted by the authority aforesaid*, That the Treasurer for the time being of the said Society shall, whenever required so to do by the trustees of the said Society, or a majority of them, make out and deliver to them a true and faithful account of the moneys which may have come into his hands as such Treasurer, as also of the expenditure of the same, or any part thereof, as well as of all such other matters and things as may have been intrusted to him in his said office ; and that a full and particular account of the moneys so received, as aforesaid, and the expenditure thereof, shall be submitted to the Stockholders of the said Society annually, at the general election of trustees and officers of the institution.

Trustees authorised to make by-laws and rules, &c.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the trustees of the said Society, from time to time, to make and ordain by-laws and rules for the management of the affairs of the said Society ; such by-laws and rules not being in contravention of or inconsistent with the Act incorporating the said Society.

#### 4th Geo. IV. Chap. 27. (Sess. 1.)

*AN ACT granting to His Majesty a sum of money for the support of a Public School in the Bathurst District.*

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN:

Preamble;

**W**HEREAS it is expedient that the like provision be made by law for the establishment of a Public School in the District of Bathurst, as is

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extended to the other Districts of this Province; we beseech your Majesty that it may be enacted, *and be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred pounds; which sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public School which may be hereafter established in the said District of Bathurst; and 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; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

£100 granted annually as a salary for a Teacher of a public school in Bathurst, and shall be paid by Receiver General, and accounted for through the Lords Commissioners of His Majesty's Treasury.

#### 4th Geo. IV. Chap. 28. (Sess. 1.)

*AN ACT to provide for the establishment of a Public School in the District of Ottawa.*

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it is considered expedient, for the purpose of promoting the education of the youth in the District of Ottawa, that a Public School should be established in that District, in like manner as Public Schools have by law been established in the different Districts in this Province: Preamble. 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



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OTTAWA DISTRICT.

A public school to be established in Ottawa.

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, provision be made by law for the establishing a Public School in the said District of Ottawa.

£100 granted to pay a Teacher's salary.

II. *And be it further enacted by the authority aforesaid,* That 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 unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated and applied and disposed of in paying the salary of the Teacher of the said School; which said sum of one hundred pounds 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; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

School to be kept in Longuiel.

III. *And be it further enacted by the authority aforesaid,* That the said School shall be opened and kept in the Township of Longuiel, in the County of Prescott, at or near the place of holding the General Quarter Sessions of the Peace for the said District, at such place as the Trustees appointed, or hereafter to be appointed, or the majority of them, may think proper.

Under the same regulations as other public schools.

IV. *And be it further enacted by the authority aforesaid,* That the said School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as are mentioned in two several Acts of the Parliament of this Province, the one passed in the forty-seventh year of His late Majesty's reign, intituled, "An Act to establish Public Schools in each and every District in this Province," and the other passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act to repeal part of and to amend the laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same."

COLLEGES, SCHOOLS, &amp;c.

GRANTHAM ACADEMY.

## 11th Geo. IV. Chap. 13.

*AN ACT to incorporate the Trustees of the Grantham Academy.*

[Passed 6th March, 1830.]

**WHEREAS** subscriptions have been entered into by divers inhabitants of the Village of Saint Catharines, in the District of Niagara, and its vicinity, for the purpose of establishing an Academy in the said Village; and it is considered, that if the Stockholders should be incorporated and vested with powers for the regulation and good government of the said Academy, the same would become of great benefit and advantage to the public: *And whereas* Robert Campbell, Jacob Keefer, John Gibson, Chauncey Beedle and Lyman Parsons, have, by their petition presented to the Legislature, prayed for such incorporation: *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 on the first Monday in May in this present year, and in every year thereafter, there shall be held a meeting of the subscribers to the Grantham Academy, in the Village of Saint Catharines, of persons holding stock therein; at which meeting shall be chosen from amongst the subscribers or stockholders, by a majority of them then there present, five Trustees, three of whom shall be a quorum for transacting all business relating to the said Academy; and the appointment of a Treasurer, Secretary, Masters, Assistants and other necessary officers, and their salaries; and by-laws shall then and there be made for the government of the School, and such other matters as to the said Trustees shall appertain to do; and it shall be the duty of the said Trustees, for the time being, to give public notice at least two weeks previous to the meeting of the Stockholders, which is to be held on the first Monday in May annually.

Preamble.

[See 7 Wm 4, chap. 84.]

1st Monday in May a meeting of subscribers to be held in St. Catharines, who shall elect five Trustees;

Appointment of Secretary, Treasurer, Masters, Assistants and other Officers, and their salaries, to be made;

Public notice to be given of the day of meeting.

II. *And be it further enacted by the authority aforesaid*, That the said Trustees, together with the Treasurer and Secretary for the time being, and their successors, to be chosen as aforesaid, shall be, and they are hereby declared to be, a body corporate and politic, in deed and in law, by the name of the Trustees of the Grantham Academy, and shall have perpetual succession, and a common seal, with power to change, alter, break or make new the same; and they or their successors, by the name aforesaid, may sue and be sued, defend and be defended, in all or any

Trustees, Treasurer and Secretary, declared a Corporation;

## COLLEGES, SCHOOLS, &amp;c.

## GRANTHAM ACADEMY.

Court or Courts of record and places of jurisdiction within this Province; and shall lawfully hold, use, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the Stockholders in the said Academy, all such sum and sums of money as have been had, subscribed and given, or shall at any time or times hereafter be paid, subscribed or given, by any person or persons, to and for the advantage of the said Academy; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, take, receive, have, hold, possess and enjoy, for the use and benefit of said Academy, five acres of land, with the tenements or hereditaments thereto appertaining, and also all goods and chattels, for the purposes of the said Stockholders, and for no other purpose whatsoever; and the said Trustees and their successors, or the majority of them, shall have full power to pay and dispose of the revenues, and manage the said estate and affairs of the said Stockholders in the said Academy, in such manner as they may judge to be most advantageous to them.

May hold five acres of land.

Shares £2 10s. each;

Stockholders to vote in proportion to shares held.

III. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said Academy shall be two pounds ten shillings; and 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, according to the following ratios, that is to say: one vote for each share not exceeding three; four votes for six shares; five votes for eight shares; six votes for ten shares; and one vote for every five shares above ten.

None to be Trustees or Officers except Stockholders and British subjects.

IV. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to the office of Trustee, Treasurer or Secretary, or be appointed to the same, who shall not be a Stockholder to the amount of one share, or who is not a natural born subject of His Majesty, or a subject naturalized by an Act of the British Parliament, or by any Statute of this Province; and that in case any vacancy or vacancies shall at any time happen among the Trustees, Treasurer or Secretary, by death, resignation or removal from the Province, the same shall be filled for the remainder of the period of service, by such person or persons as the majority of the Trustees may appoint.

None but British subjects to be appointed teachers.

V. *And be it further enacted by the authority aforesaid,* That no person, 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, shall be capable of being chosen or appointed, (after the passing of this Act,) to be a Teacher in the said Academy.

Statement of the affairs of the Academy to be laid before the Stockholders at each annual election of Trustees.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Trustees, Treasurer and Secretary, at every meeting appointed for the election of Trustees, Treasurer and Secretary, and

COLLEGES, SCHOOLS, &amp;c.

GRANTHAM ACADEMY.

previous to the proceeding to the election, to give an exact and particular statement of the affairs of the institution, and to make at such meetings, as aforesaid, a dividend of the profits of the institution, if any, after deducting the proper and necessary expenses thereof.

VII. *And be it further enacted by the authority aforesaid,* That the shares of stock in the said Academy shall be transferable, and may from time to time be transferred by the respective persons so subscribing, or afterwards holding the same: *Provided,* that such transfer or transfers be entered in a book or books kept for that purpose by the said Secretary; which books, and all other records of the proceedings of the Trustees, every Stockholder shall at all times have free access.

Shares to be transferable on the books of the Academy.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful at any time, when at least one-half of the Stockholders shall wish to call an extra meeting of the Stockholders, to give notice, as above stated, to take into consideration any further measures connected with the interest of the School.

Extra meetings may be called.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall be taken to be a public Act, and be judicially noticed as such in the Courts of Justice in this Province without being specially pleaded.

A public Act.

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.

Stock or effects not to exceed £5,000.

## 7th Wm. IV. Chap. 84. (Sess. I.)

*AN ACT granting pecuniary aid to the Grantham Academy, by way of loan.*

[Passed 4th March, 1837.]

**WHEREAS** the Trustees of the Grantham Academy have by their petition set forth, that a judgment was obtained during the last Niagara Assizes against the said institution for the sum of one hundred and seventy-nine pounds, and that an execution is now pending for the same against the said institution: *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

Preamble.  
[Sec 11 Geo 4, Chap. 13.]

## COLLEGES, SCHOOLS, &amp;c.

## BATH SCHOOL.

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 dues already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of two hundred and fifty pounds; which said sum of two hundred and fifty pounds shall be appropriated and applied in liquidation of the debt, aforesaid, now pending against the said institution, and the balance, (if any should remain after the payment of the said debt,) to be applied to repair the building, and for no other use whatever.

£250 granted, to liquidate a debt due by the Academy;

And to repair the building.

Security to be given before money is paid, for its repayment, with interest, in five years.

II. *And be it further enacted by the authority aforesaid,* That before the money granted by this Act shall be paid, security shall be given by the Trustees, by mortgage, to the Receiver-General of this Province, upon the said Academy and lands attached thereto, for the re-payment of the said sum of money and interest, at the expiration of five years; and that such mortgage, if found to be valid and sufficient, shall be certified to be so by the Attorney-General of this Province, and shall be deposited in the office of the Receiver-General.

Accounting clause.

III. *And be it further enacted by the authority aforesaid,* That the said sum of two hundred and fifty pounds shall be paid to the Trustees of the Grantham Academy, for the time being, in discharge of any warrant or warrants issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

### 4th Wm. IV. Chap. 33.

*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

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BATH SCHOOL.

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all 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 herein-before 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;

## COLLEGES, SCHOOLS, &amp;c.

## BATH SCHOOL.

Authorised to take conveyance of school land in trust, for benefit of Society;

And receive all moneys 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.

Meeting for election of President, &c. on first Monday in May annually;

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 herein-before 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 herein-before 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 herein-before 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

## COLLEGES, SCHOOLS, &amp;c.

## BATH SCHOOL.

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.

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 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, &amp;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 superintendence 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, books used, subjects taught, and all other matters whatsoever, as to them shall seem expedient.

Authority of President, Secretary, &amp;c. or a quorum;

To appoint teachers, &amp;c.;

To make rules and regulations.

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.

Record to be kept.



COLLEGES, SCHOOLS, &amp;c.

REGIOPOLIS.

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 superintendence, 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.

## 7th Wm. IV. Chap. 56.

*AN ACT to incorporate certain persons therein-named as a Board of Trustees, for the erection, superintending and management, of a Roman Catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other purposes therein-mentioned.*

[Passed 4th March, 1837.]

Preamble:

Recites conveyance of  
land by the Hon and  
Right Rev. the Roman  
Catholic Bishop of  
Kingston, for the use and  
support of Roman  
Catholic Seminary at  
Kingston, to Trustees;

**W**HEREAS by the petition of the Reverend Angus McDonell, one of the Trustees hereinafter mentioned, it appears that the Honourable and Right Reverend Alexander McDonell, Roman Catholic Bishop of Kingston, hath, by deed bearing date the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-five, conveyed and transferred to, and vested in, the Right Reverend Remigius Gaulin, Bishop of Trabacca; the Very Reverend Angus McDonell, of Sandwich, in the Western District; the Reverend John Cullen, late of Bytown, in the Bathurst District; the Honourable John Elmsley of the City of Toronto, in the Home District; and Walter M'Cuniffe, of the Town of Kingston, Esquire, and their successors, a certain piece of ground, containing three acres and three fifths, known as part of Park lot number one, adjoining the Town of Kingston, (and now included therein, and now called the Park of Selma, and in the said deed more particularly described,) in trust for the erection, use and support of a Roman Catholic Seminary, in the said Town of Kingston: *And whereas,* by the said petition, Legislative authority is requested to enable the Trustees above-named, and their successors, to be elected and appointed in the manner described in the

## COLLEGES, SCHOOLS, &amp;c.

## REGIOPOLIS.

said deed, to take and hold the said land, as a corporate body, in perpetuity, for the purposes aforesaid: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America; and to make further provision for the Government of the said Province.'" and by the authority of the same, That it shall and may be lawful for the said Remigius Gaulin, Angus McDonell, John Cullen, John Elmsley, and Walter M'Cuniffe, to hold, receive and take the said piece or parcel, conveyed to and vested in them, or intended so to be by the said deed, as Trustees for the erection, support and maintenance of a Roman Catholic Seminary, under such prudential rules and regulations as may, from time to time, be made and ordained by them and their successors, as such Trustees, as aforesaid, for the good order, direction and government of the same.

Trustees incorporated.

II. And in order to prevent the failure of such estate in succession, *Be it further enacted by the authority aforesaid*, That whenever it shall happen that any one or more of the Trustees herein-named shall die, or become resident abroad, or shall resign his trust, or become incapable of acting therein, it shall and may be lawful for the remaining Trustees, and they are hereby authorised and required, within three calendar months after the happening of such vacancy or vacancies, to elect and appoint others, being Clergymen of the Roman Catholic Religion, resident in the Province of Upper Canada, to complete the number of five Trustees, for the purposes aforesaid, in accordance with the terms and provisions of the said deed of conveyance, and that all vacancies that shall from time to time happen in and among the said Trustees shall be filled up in like manner: *Provided always*, that the omission to elect and appoint new Trustees, upon vacancies happening as aforesaid, shall not operate as a forfeiture of the said land.

Manner of filling up vacancies among Trustees;

Omission to appoint Trustees not to operate as a forfeiture of land.

III. *And be it further enacted by the authority aforesaid*, That the present Roman Catholic Bishop of Kingston, during his natural life, and the Roman Catholic Bishop of Kingston, for the time being, shall be ex-officio Trustees under this Act, and invested with such power and authority in relation to the management of the said land, and of the Seminary to be erected thereon, as is in the said deed declared and set forth.

Roman Catholic Bishop of Kingston, ex-officio Trustee.

IV: *And be it further enacted by the authority aforesaid*, That they, the said Trustees in this Act mentioned, and their Successors to be

CORPORATIONS, (*Miscellaneous.*)

MARMORA FOUNDRY.

Trustees declared to be  
a body corporate.

appointed in manner aforesaid, shall be, and are hereby declared to be, one body corporate and politic, in deed and in law, by the name of "the College of Regiopolis;" and shall have perpetual succession, and a common seal, with power to change, alter, break or make new the same; and they and their successors, by the name aforesaid, may have and hold the said piece or parcel of land, in the said deed mentioned, in perpetuity, for ever; and that they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer or 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 have, hold, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the said Seminary, all such sum and sums of money as shall, at any time or times hereafter, be paid, given, devised or bequeathed, by any person or persons, to and for the ends and purposes in this Act mentioned.

Trustees to have power  
to make rules and  
regulations.

V. *And be it further enacted by the authority aforesaid*, That the Trustees for the time being, for the purposes of this Act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this Province, as may be necessary for the due management of the said land, and also of the Roman Catholic Seminary to be erected thereon.

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## 2nd Vic. Chap. 61.

*AN ACT for the relief of Teachers of Common Schools in the District of Niagara.*

[Passed 11th May, 1839.]

Preamble; Lieutenant-Governor empowered to issue warrants for payment of arrears, and for future support of Common Schools; without abatement from defalcation of District Treasurer.

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## 1st Wm. IV. Chap. 11.

*AN ACT to incorporate certain persons under the style and title of the Marmora Foundry Company.*

[Passed 16th March, 1831.]

Preamble;

**W**HEREAS Thomas Hetherington, Peter McGill and Anthony Manahan, have by their petition represented, that the said Thomas Hetherington

CORPORATIONS, (*Miscellaneous.*)

## MARMORA FOUNDRY.

is now the proprietor of the establishment and manufactory situate in the Township of Marmora, in the Midland District, commonly called and known by the name of "the Marmora Iron Works," and that the said Thomas Hetherington is willing and desirous to depart with his sole property therein, to a Company to be formed and incorporated for the purpose of carrying on the said manufactory: *And whereas* the said petitioners have prayed that they, together with such others as shall become Stockholders in the said Company, may be incorporated for the said purpose: *And whereas* it is highly important to the public that the said Iron Works and manufactory should be conducted on an extensive scale, so that His Majesty's subjects in this Province may have a cheap and accessible market for the supply of iron-wares independent of any foreign country: *And whereas* the said petitioners have also represented that the said Company will be capable of furnishing such ordnance, military and naval stores, in the line of their trade, as His Majesty's Government may require in this Province, in peace or war: *And whereas* it is expedient that the prosecution of the said manufactory and Iron Works should be encouraged, and the prayer of the petitioners granted: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Hetherington, Peter M'Gill and Anthony Manahan, and all such persons as hereafter shall become Stockholders in the said Company, shall be, and are hereby ordained, constituted, appointed and declared, to be a body corporate and politic, in fact, and by the name of "the Marmora Foundry 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 causes; 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 Marmora Foundry Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

The Marmora Foundry  
Company incorporated;

Powers of the Company.

CORPORATIONS, (*Miscellaneous.*)

MARMORA FOUNDRY.

Capital stock not to exceed £50,000, in shares of £12 10s. each.

II. *And be it further enacted, by the authority aforesaid,* That the whole amount of stock, estate and property, which the said Company shall be authorised to hold, including the stock or shares hereinafter mentioned, shall never exceed in value fifty thousand pounds; and that a share in the stock of the said Company shall be twelve pounds ten shillings, and the number of shares shall not exceed four thousand.

Books of subscription to be opened.

III. *And be it further enacted by the authority aforesaid,* That books of subscription shall be open within two months after the passing of this Act, when, where, and by such person or persons, and under such regulations, as the majority of the said petitioners shall direct and appoint.

Shares to be payable by instalments;

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons to subscribe for any number of 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 period as the President and Directors shall from time to time direct and appoint for the payment thereof; *Provided always,* that no instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more newspapers published in the said Midland District.

Calls to be advertised.

Stock to be forfeited upon neglect to pay instalments, when called for.

V. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company any 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 or shares, with the amount previously paid thereon; and the share or shares so forfeited shall be sold for the best price that can reasonably be had for the same, in such manner as the Directors of the said Company shall think fit; 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 said share or shares to be purchased by him, her or them, as aforesaid, immediately after the sale and before a certificate of transfer of such share or shares shall be given.

Stock to be transferable.

VI. *And be it further enacted by the authority aforesaid,* That after the first instalment shall be paid, as aforesaid, on the respective share or shares of the said stock, the said share or shares shall become transferable on the books of the said Company.

CORPORATIONS, (*Miscellaneous.*)

## MARMORA FOUNDRY.

VII. *And be it further enacted by the authority aforesaid,* That so soon as twenty thousand pounds 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 Belleville, 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 August succeeding their election; and the Directors so chosen shall, so soon as a deposit amounting to one thousand pounds upon the shares subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operations of the Company: *Provided always,* that no such meeting of the subscribers shall take place until a notice thereof shall have been published in the Upper Canada Gazette, and in some two of the newspapers printed in the said Midland District, at the distance of not less than thirty days previous to such meeting.

Upon £20,000 being subscribed, Directors may be elected.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said Corporation, shall be managed by five Directors, one of whom shall be chosen President by the Directors; which said Directors shall be Stockholders holding at least ten shares in the stock of the said Company, and shall hold their offices for one year, and be elected on the first Monday in August in each and every year, at such place in the said Midland District as the majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in the Upper Canada Gazette, and in some two of the newspapers printed in the said Midland District, of such place and the time of such election, not more than sixty nor less than thirty days previous to such 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 person or by proxy; and such election shall be made by ballot, and the five persons having the greatest majority of votes shall be Directors; and if it should happen at any election that two or more persons have an equal number of votes, so as that a greater number than five shall appear to be elected, then the said Stockholders so authorised to hold such election shall proceed to ballot a second time, and by a majority 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 number of five; and the said Directors, so soon as may be after such election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation, or departure with the said qualification of holding the number of shares required; as aforesaid, such vacancy or vacancies shall be filled for

Five Directors to be chosen annually, one of whom to be President;

Method of voting for Directors.

CORPORATIONS, (*Miscellaneous.*)

MARMORA FOUNDRY.

the remainder of the year in which they shall happen, by a person or persons holding the requisite number of shares, aforesaid, to be nominated by a majority of the said Directors.

Corporation not dissolved by neglect to choose Directors on the day appointed.

IX. *And be it further enacted by the authority aforesaid,* That in case it shall happen at any time or times hereafter 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 Company shall not for that cause be deemed to be dissolved, but 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 Corporation.

Directors may make by-laws.

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, orders 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 and conduct of officers, clerks and servants, employed by the said Company, and all such other matters as shall appertain to the business of the said Corporation; and shall also have the power of appointing as many officers, clerks and servants, factors and agents, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided always,* that such rules and regulations be not repugnant to the laws of this Province.

Directors to declare all dividends, and to make a statement of the affairs of the Company to the Stockholders.

XI. *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 the majority of them shall seem advisable; and that once in every three years, or oftener if thereto required by any number of Stockholders holding at least one third part of the shares or stock which shall then be subscribed for and taken up, an exact and particular statement of the debts and credits of the said Company, together with all other information concerning the affairs of the said Company within the knowledge or power of the said Directors, which shall be required by any number of Stockholders holding, as aforesaid, the third part of the stock then subscribed, shall be rendered and exhibited,

Stockholders to vote according to their shares.

XII. *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.

CORPORATIONS, (*Miscellaneous.*)

## SALT COMPANIES.

XIII. *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, bodies politic or corporate, except as is herein expressly provided. The King's rights, and all private rights, saved.

XIV. *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. This to be deemed a Public Act.

XV. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall interfere with, or in any manner affect the private vested right of any person or persons whatsoever.

### 3rd Wm. IV. Chap. 20.

*AN ACT to incorporate a Joint Stock Company, for the manufacture of Salt, at Saint Catharines, in the Niagara District.*

[Passed 13th February, 1833.]

**WHEREAS** the establishment of Salt Works in the Province of Upper Canada, would greatly conduce to the advantage of the inhabitants thereof: Preamble;  
*And whereas,* William Hamilton Merritt, George Adams, Horatio N. Monson, William C. Chace, John Donaldson, Alexander Boles, William B. DeForest, Thomas J. Cushman, Elisha Hayward, and Robert E. Burns, by their petition presented to the Legislature, have prayed for the privilege of being incorporated for the promotion of that object: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Hamilton Merritt, George Adams, Horatio N. Monson, William C. Chace, John Donaldson, Alexander Boles, William B. DeForest, Thomas J. Cushman, Elisha Hayward and Robert E. Burns, and all such other persons as hereafter shall become Stockholders of the said Salt Works, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by the name of "the Saint Catharines Salt Company;" and that by The St. Catharines Salt Works Company incorporated.



CORPORATIONS, (*Miscellaneous.*)

## SALT COMPANIES.

this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of "the Saint Catharines Salt Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company: *Provided always*, that the said Corporation shall not have power to hold any more or other real estate than may be required by them for the site of their works, or for any machinery connected therewith, or for such stores, warehouses, or other buildings, as may be requisite for carrying on the proper business of the said Corporation: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of banking.

Shares £25 each, not to exceed 1,000;

Capital £25,000.

II. *And be it further enacted by the authority aforesaid*, That a share in the said stock of the said Salt Company shall be twenty-five pounds, and the number of shares not exceed one thousand; and that the whole amount of the stock, estate and property, which the said Corporation shall be authorised to hold, including the capital stock or shares before mentioned, shall never exceed in value twenty-five thousand pounds.

Ratio of voting for Directors.

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

Three Directors to be chosen annually;

Manner of election.

IV. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns, of the said Company, shall be managed and conducted by three Directors, one of whom to be the President, who shall hold their offices for one year; which Directors shall be Stockholders to the amount of at least ten shares, and be elected on the first Monday in May in each and every year, public notice of which shall be given in one newspaper published in the District of Niagara, not less than thirty days previous to the election; and all elections of Directors shall be by ballot; and the three persons who shall have the greatest number of votes at any election of Directors, except as hereinafter directed, shall be Directors; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before authorised to hold such election

## CORPORATIONS, [Miscellaneous.]

## SALT COMPANIES.

shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of three; and in case any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the remaining Directors or Director may appoint.

V. *And be it further enacted by the authority aforesaid,* That the Directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching the duties and conduct of the officers, clerks and servants, employed therein; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided,* that such rules and regulations be not repugnant to the laws of this Province. Directors may make by-laws.

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

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

VIII. *And be it further enacted by the authority aforesaid,* That the Directors to be hereafter appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in instalments upon the capital stock, as they shall deem expedient: *Provided,* no instalment shall be called for or become payable in less than thirty days after public notice shall have been given in some paper published in the District of Niagara: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at any time when he shall be required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares, as aforesaid, with the amount previously paid thereon; and such share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other moneys of the Corporation. Instalments when and how to be called in; Shares forfeited for non-payment of instalments.

CORPORATIONS, (*Miscellaneous.*)

## SALT COMPANIES.

Corporation not dissolved  
by non-election of  
Directors.

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

First election.

X. *And be it further enacted by the authority aforesaid,* That the first election of Directors shall take place within one month after the passing of this Act.

Public Act.

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

## 5th Wm. IV. Chap. 15.

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

[Passed 16th April, 1835.]

Preamble;

Petitions;

Incorporation of the  
Company;

**WHEREAS** the establishment of Salt Works at Saltfleet, in the District of Gore, would greatly conduce to the advantage of the inhabitants of this Province: *And whereas* William Kent, Ebenezer E. Griffin, Reuben A. Parker, John G. Parker, Edward Jackson, George Bostwick, Silas Vandecar and Jeremiah Shoot, by their petition presented to the Legislature, have prayed for the privilege of being incorporated for the promotion of that object: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Kent, Ebenezer E. Griffin, Reuben A. Parker, John G. Parker, Edward Jackson, George Bostwick, Silas Vandecar and Jeremiah Shoot, and all such other persons as hereafter shall become Stockholders of the said Salt Works, shall be and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact, by

CORPORATIONS, (*Miscellaneous.*)

## SALT COMPANIES.

the name of the Saltfleet Salt Company; and that by this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Saltfleet Salt Company, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real personal or mixed, to and for the use of the said Company: *Provided always*, that the said Corporation shall not have power to hold any more or other real estate than may be required by them for the site of their works, or for the machinery connected therewith, or for such stores, warehouses or other buildings, as may be requisite for carrying on the proper business of the said Corporation: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of banking.

Common seal;

May hold lands;

Proviso against banking.

II. *And be it further enacted by the authority aforesaid*, That a share in the said stock of the said Salt Company shall be twenty-five pounds, and the number of shares not exceed one thousand; and that the whole amount of the stock, estate and property, which the said Corporation shall be authorised to hold, including the capital stock or shares before mentioned, shall never exceed in value twenty-five thousand pounds.

One thousand shares,  
at £25 each.

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

Number of votes.

IV. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns, of the said Company, shall be managed and conducted by three Directors, one of whom to be the President, who shall hold their offices for one year; which Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in May in each and every year, public notice of which shall be given in one newspaper published in the District of Gore, not less than thirty days previous to the election; and all elections of Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election of Directors, except as hereinafter directed, shall be Directors; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall, by a plurality of votes, appear to be

Affairs of Company to be  
managed by Directors;

When and how chosen;

CORPORATIONS, (*Miscellaneous.*)

## SALT COMPANIES.

Vacancies how filled.

chosen as Directors, then the said Stockholders herein-before authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of three; and in case any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, the same shall be filled for the remainder of the year by such person or persons qualified to be Director or Directors, as the remaining Directors or Director may appoint.

Directors may make by-laws.

V. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching the duties and conduct of the officers, clerks and servants, employed therein; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided,* that such rules and regulations be not repugnant to the laws of this Province.

Annual dividends.

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

Shares to be transferable.

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

Directors may call for £10 per cent;

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

Forfeiture of shares.

CORPORATIONS, (*Miscellaneous.*)

GLASS COMPANY, CAYUGA.

shall be accounted for and divided in like manner as other moneys of the Corporation.

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

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

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Legislature of this Province at any time hereafter to amend or alter the provisions of this Act; and that the charter hereby granted shall not be held to be forfeited by non-user before the first day of January, one thousand eight hundred and thirty-seven. Alteration of this Act.

### 5th Wm. IV. Chap. 18.

*AN ACT for incorporating certain persons therein named, and their associates, under the style and title of the Cayuga Glass Manufacturing Company.*

[Passed 16th April, 1835.]

**WHEREAS** the establishment of Glass Works in this Province would greatly conduce to the advantage of the inhabitants thereof: *And whereas* John DeCow, Samuel Wood, Jacob Upper, George Rowe, William Hepburne, and others, by their petition have prayed for the privilege of being incorporated for the promotion of that object: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly, of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same; **That** the said John DeCow, Samuel Wood, Jacob Upper, George

Preamble;

Petitioners;

Incorporation;

## CORPORATIONS, (Miscellaneous.)

## GLASS COMPANY, CAYUGA.

Rowe, William Hepburne, together with all such other persons as hereafter shall become Stockholders of the said Glass Works, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, and by the name of the Cayuga Glass Manufacturing Company, and by this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Cayuga Glass Manufacturing Company, shall be in law capable of purchasing, having and holding, any estate, real, personal or mixed; to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary.

Common Seal;

May hold lands.

Shares not to exceed 1000,  
at £6 5s. each.

II. *And be it further enacted by the authority aforesaid,* That a share in the said Glass Manufacturing Company shall be six pounds five shillings; and the number of shares shall not exceed one thousand six hundred; and that the whole amount of the stock, estate and property, which the said Company shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value ten thousand pounds.

Subscription.

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

First meeting for the  
election of Directors.

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

Affairs of the Company  
to be managed by three  
Directors, one of whom  
to be President;

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year; which Directors shall be Stockholders to the amount of at least two shares, and be elected on the first

CORPORATIONS, (*Miscellaneous.*)

GLASS COMPANY, CAYUGA.

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

Time and place of election;

President;

Vacancies in direction.

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

Number of votes.

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

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

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

Dividends.



CORPORATIONS, (*Miscellaneous.*)

GLASS COMPANY, CAYUGA.

No person to hold more than 20 shares in the first instance;

Subscription, how payable;

Forfeiture of shares.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's subjects or others, to subscribe for any number of shares, not exceeding in the first instance twenty shares; the amount whereof shall be due and payable as follows, that is to say: ten per cent on each share so-subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors herein-before-mentioned, and the remainder by instalments of not more than twenty per cent, at such period as the President and Directors shall from time to time appoint: *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in such papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the instalments due on any share or shares held by him, her or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares, as aforesaid, together with the amount previously paid thereon; and the share or shares so forfeited shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company: *And provided also,* that nothing herein contained shall extend to prevent the purchaser or purchasers from paying up the residue of the instalments on back shares so purchased, as aforesaid, before he, she or they, shall be entitled to a certificate for such shares.

Increase of subscribers shares.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his, her or their subscriptions; and that after the first instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company.

Directors may make by-laws.

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Company, and touching the security to be given by, and the duties 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 have power to appoint such officers, clerks and servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit: *Provided,* that such rules and regulations be not repugnant to the laws of this Province.

CORPORATIONS, (Miscellaneous.)

GLASS COMPANY, CAYUGA.

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

Public Act.

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

General issue may be pleaded.

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

Shares to be transferable.

XV. *And be it further enacted by the authority aforesaid,* That this Act of incorporation shall in no wise be forfeited by any non-user at any time before the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-eight.

Act of incorporation not affected by non-user.

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

Commencement of operations.

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

Glass works where to be erected.

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

Alteration of this Act.

CORPORATIONS, (*Miscellaneous.*)

GAS, TORONTO.

## 6th Wm. IV. Chap. 9.

*AN ACT to incorporate a Company under the style and title of the City of Toronto Gas Light Company.*

[Passed 20th April, 1836.]

Preamble:

WHEREAS William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis, John Craig, and others, of the City of Toronto, have petitioned the Legislature, praying that an Association under the style and title of "the City of Toronto Gas Light Company," may be incorporated, the better to enable such Institution to conduct and extend the business of manufacturing Gas, and lighting the said City of Toronto therewith: *And whereas* it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis and John Craig, and all such persons as hereafter shall become Stockholders of the said Company, shall be and hereby are ordained, constituted and declared, to be a body corporate and politic, in law, in fact and in name, by the style and title of "the City of Toronto Gas Light Company;" and by that name, and style and title, they and their successors shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by and under the name, style and title, of "the City of Toronto Gas Light Company," shall be capable in law of purchasing, holding and

Incorporation:

Common Seal.

CORPORATIONS, (Miscellaneous.)

GAS, TORONTO.

conveying, any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

II. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said Corporation shall be ten pounds, of lawful money of Upper Canada, or the equivalent thereof in specie, and the number of shares shall not exceed two thousand; and that books of subscription shall be opened within one month after the passing of this Act.

Amount of shares.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, as soon as one thousand out of the two thousand shares shall have been taken up, or ten thousand pounds out of the aforesaid capital stock of twenty thousand pounds shall have been subscribed, for the shareholders or subscribers to proceed to the election of twelve Directors, at such time and place in the said City of Toronto as the majority of such subscribers shall appoint, giving one month's notice thereof in two or more of the public newspapers in the said City of Toronto; which said Directors shall be subjects of His Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of ten shares, and shall have power to choose from among themselves a President.

Election of Directors.

IV. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to be elected, or to be allowed to continue in the office of Director, unless he shall be a resident in the said City of Toronto, a subject of His Majesty, and hold in his own name and right at the least ten shares in the capital stock of the said Corporation; and in the case of the death, resignation, or removal from the said City of Toronto, of any of the said Directors, the vacancy or vacancies shall be filled up for the remainder of the year in which they may happen by the election of some one or more (if necessary,) of the Stockholders by the remaining Directors.

Directors to be resident in Toronto;

Qualification;

Supply of vacancies.

V. *And be it further enacted by the authority aforesaid,* That in case it shall so happen that an election of Directors shall not be made on the day when pursuant to this Act it ought to have been made, the said Corporation shall not therefor be deemed to be dissolved, but 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 by-laws and ordinances of the said Corporation.

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

VI. *And be it further enacted by the authority aforesaid,* That the Directors so chosen shall serve until the first Monday in the month of May, one thousand eight hundred and thirty-seven, and shall immediately after their said election commence the business and operation of the said Corporation; and that of the said twelve Directors, six shall go out of

Period of Directors' service;

CORPORATIONS, (*Miscellaneous.*)

GAS, TORONTO.

Annual election; office yearly, and six from and among the Stockholders shall be elected in their stead by the Stockholders, at their annual meeting, hereinafter appointed to be held in the said City of Toronto on the first Monday in the month of May in each year; and the six Directors who shall go out of office shall be those who had the fewest votes at the time of their election: *Provided always*, that nothing in this clause contained shall prevent the re-election of the said Directors so going out of office, as aforesaid.

Directors may be re-elected.

Manner of voting at elections of Directors.

VII. *And be it further enacted by the authority aforesaid*, That Stockholders may vote by proxy or in person, and all elections shall be by ballot; and each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she (after the first election) shall have held in his or her name, at least one month prior to the time of voting, according to the following ratio: one vote for one share; two votes for four shares; three votes for six shares; four votes for eight shares; five votes for ten shares; six votes for fifteen shares; seven votes for twenty shares; eight votes for thirty shares; nine votes for forty shares; and ten votes for fifty shares.

Five Directors to form a quorum for transaction of business;

VIII. *And be it further enacted by the authority aforesaid*, That five of the said Directors shall form a quorum competent to transact all the business of the said Corporation; who, at their weekly Board assembled, shall and may have power to appoint clerks, and such other persons as may to them appear necessary for the carrying on the business of the said Corporation, with such salaries and allowances to each as shall seem meet and advisable; and also, shall and may have power to make, prescribe and alter, such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the said Corporation, the management and disposition of its stock, property, estate and effects; and also, shall and may have power to declare yearly or half-yearly dividends out of the profits of the said business, as they may deem expedient: *Provided always*, that such by-laws, rules, regulations and ordinances, shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers hereby granted, nor repugnant to the laws of this Province.

Directors empowered to make by-laws.

Weekly board of Directors to be held;

Annual meeting of Stockholders;

Accounts of the Company to be exhibited.

IX. *And be it further enacted by the authority aforesaid*, That there shall be holden a weekly Board of Directors, and also an annual meeting of the Stockholders of the said Corporation, to be holden on the first Monday in May in each year, at some place to be appointed by the said Directors within the said City of Toronto; and before the Stockholders, so assembled, the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Corporation, of the funds, property and debts, due to and from the said Company; which said statement shall be certified by the President, under his hand and seal.

CORPORATIONS, (*Miscellaneous.*)

GAS, TORONTO.

X. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons; bodies politic or corporate, to subscribe for such and so many shares as he, she or they, may think fit, not however exceeding fifty shares; and that at the time of subscribing, each subscriber shall pay to the person or persons who shall have the charge of the subscription books, two and one-half per cent upon each share subscribed for, to the use of the said Company, and the remainder shall be paid in such instalments as the said Directors, or the majority of them, shall think fit: *Provided always,* that no instalment shall exceed ten per centum upon the capital stock, nor be called in nor become payable in less than thirty days after public notice shall have been given in two or more public newspapers in the said City of Toronto; and if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by them, him or her, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, together with the amount previously paid thereon; and the said share or shares so forfeited, it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the amount previously paid thereon, shall be accounted for and divided in like manner as the other moneys of this Corporation.

Subscribers may hold fifty shares;

Two and a half per cent to be paid on each share subscribed for;

No instalment to exceed ten per cent;

Forfeiture of shares.

XI. *And be it further enacted by the authority aforesaid,* That the stock of the said Corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the Board of Directors shall from time to time make and establish, and shall be considered as personal property: *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 twelve and a half per centum upon the original stock be paid in.

Stock of the Company assignable;

Transfers to be registered.

XII. *And be it further enacted by the authority aforesaid,* That the lands, tenements and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business; and further, the said Corporation shall not directly or indirectly deal or trade in the buying or selling any goods, wares and merchandize, or commodities whatsoever, except such articles as are requisite for the manufacturing and supplying of Gas, or to the products arising from the manufacture thereof, or in any banking operation.

Proviso as to holding real estate,

or engaging in business.

XIII. *And be it further enacted by the authority aforesaid,* That no transferred share shall entitle the person to whom it is transferred to a vote until the expiration of one month after such transfer.

Assignees of shares not to vote until one month after transfer.

CORPORATIONS, (*Miscellaneous.*)

GAS, TORONTO.

**XIV.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Corporation to break up, dig and trench, so much and so many of the streets of the said City of Toronto, commencing at the works of the said Corporation, and running throughout the said City of Toronto, as will be necessary for laying the pipes or mains to conduct the Gas from the works of the said Corporation to the consumer thereof: *Provided always,* that the said Company shall within a reasonable time replace, relay and make good, such parts of the said streets as shall be so broken up and made use of for the purposes of the said Corporation.

Corporation may break up the streets for the purpose of laying pipes;

Making good the damage.

Penalty on surreptitiously procuring gas from the Company's pipes;

Costs of suit;

In default of payment commitment, not exceeding one month.

Wilful injury to Company's works a misdemeanor.

Public Act.

Alteration of this Act.

Annual return to be made to Legislature.

**XV.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main belonging to this Corporation, or in any way surreptitiously obtain the Gas without the consent of the Board of Directors, or their officer appointed to grant such consent, he or they shall forfeit or pay to the said Corporation the sum of twenty-five pounds, and also the further sum of five pounds for every day such pipe shall so remain; which said sum, 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 one month, at the discretion of the Court before which such offender shall be convicted.

**XVI.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break up, pull down, damage or destroy, any pipes, mains, works or device, to be erected or laid down, or belonging to the said Company, or improperly increase the supply of Gas agreed for with the said Corporation, by increasing the number or size of the holes in the burner, or using without burners, or otherwise wrongfully, negligently or wastefully, burning the same, every such person or persons shall be deemed guilty of a misdemeanor.

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

**XVIII.** *And be it further enacted by the authority aforesaid,* That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter or amend, this Act.

**XIX.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Company to make a return, under the oath of the President of the said Corporation, to the Provincial Parliament once in each year, which return shall contain a full and true account of the funds.

CORPORATIONS., (Miscellaneous.)

WATER WORKS, HAMILTON.—&amp; LYNDHURST MINING.

and property of the said Corporation, the amount of capital subscribed and paid in, and the amount of the sums due to and owing by the said Corporation.

XX. *And be it further enacted by the authority aforesaid, That the present Act of incorporation shall in no wise be forfeited for non-user at any time before the first day of April, one thousand eight hundred and thirty-eight.*

Act not forfeited for non-user before the 1st April, 1838.

[SEE STATUTES OF CANADA, 4 & 5 VICTORIA, CHAP. 65.]

## 6th Wm. IV. Chap. 11.

*AN ACT to incorporate certain persons under the style and title of the Hamilton Water Works Company.*

[Passed 20th April, 1836.]

Works to be completed within five years.

VII. *And be it further enacted by the authority aforesaid, That in case the works for supplying the said town of Hamilton with water, as aforesaid, shall not be completed so as to answer the purposes of this Act, within five years from and after the commencement of this Act, then and from thenceforth all the powers and authorities herein contained, relative thereto, shall cease and determine, save only as to so much and such part thereof as shall have been completed within the said term of five years.*

## 7th Wm. IV. Chap. 54.

*AN ACT to incorporate sundry persons under the style and title of "the Lyndhurst Mining and Manufacturing Company."*

[Passed 4th March, 1837.]

**WHEREAS** the Honourable Charles Jones, and Jonas Jones, Esquire, of Brockville, in the District of Johnstown, William L. Whiting, and Chester Gurney, have by their petition represented that they are now the proprietors of certain premises in the township of Lansdowne, in the said District, upon which they have erected a flouring and saw-mill, and other machinery, and also that they propose to make such arrangements as will enable them to carry on extensively the manufacture of iron and copper, mines of both having been discovered near their works, and have prayed that to enable them to do so, they, with such persons as shall associate

Preamble;



CORPORATIONS, (*Miscellaneous.*)

## LYNDHURST MINING.

with them, may be incorporated: *And whereas* the promotion of such works will greatly benefit the commercial and agricultural interests, and develop the resources of that part of the country: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled; "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Charles Jones, Jonas Jones, William L. Whiting, and Chester Gurney, and such other persons as shall hereafter become Stockholders in the said Company, shall be and are hereby ordained, constituted, appointed and declared to be a body corporate and politic, in fact, and by the name of "the Lyndhurst Mining and Manufacturing 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 causes; 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 Lyndhurst Mining and Manufacturing Company, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Company incorporated,  
by the name of the  
"Lyndhurst Mining and  
Manufacturing Company";

May hold estate, real  
and personal.

Amount of stock, estate  
and property of Company,  
not to exceed in value  
£50,000;

Shares not to exceed  
400, of £125 each.

Books of subscription  
to be opened.

Manner of subscribing  
for shares, and paying  
instalments;

H. *And be it further enacted by the authority aforesaid,* That the whole amount of the stock, estate and property, which the said Company shall be authorised to hold, including the stock or shares hereinafter mentioned, shall never exceed in value fifty thousand pounds; and that a share in the stock of the said Company shall be one hundred and twenty-five pounds, and the number of shares shall not exceed four hundred.

III. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened within two months after the passing of this Act, when, where, and by such person or persons, and under such regulations, as the petitioners shall direct and appoint.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons to subscribe for any number of shares, the amount whereof shall be due and payable to the said

CORPORATIONS, (*Miscellaneous.*)

## LYNDHURST MINING.

Company in the manner hereinafter mentioned, that is to say: ten per centum 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 centum, at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof: *Provided always*, that no instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more newspapers published in the said District of Johnstown: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of banking.

Instalments not to exceed 10 per cent;

Forty days notice to be given that instalments are required;

Company not to carry on business of banking.

V. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company any 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 or shares, with the amount previously paid thereon; and the share or shares so forfeited, shall be sold for the best price that can reasonably be had for the same, in such manner as the Directors of the said Company shall think fit; 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 said share or shares to be purchased by him, her or them, as aforesaid, immediately after the sale and before a certificate of transfer of such share or shares shall be given.

Stockholders omitting to pay instalments, shares to be forfeited;

And sold;

And proceeds accounted for, and applied to use of Company;

Purchasers to pay subsequent instalments.

VI. *And be it further enacted by the authority aforesaid*, That after the first instalment shall be paid, as aforesaid; on the respective share or shares of the said stock, the said share or shares shall become transferable on the books of the said Company.

Shares transferable after first instalment paid.

VII. *And be it further enacted by the authority aforesaid*, That so soon as twenty thousand pounds of the said stock shall have been subscribed, it shall and may be lawful for the subscribers, or any of them, to call a meeting at some place to be named, in the Town of Brockville, 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 January succeeding their election; and the Directors so chosen shall, as soon as a deposit amounting to one thousand pounds upon the shares subscribed, as aforesaid, shall be paid to the Directors, commence the business and operations of the Company: *Provided always*, that no

When £20,000 subscribed, Directors to be chosen, a meeting of Stockholders having been called;

To serve until first Monday in January succeeding their election, and to commence business of Company when £1000 stock paid in;

CORPORATIONS, (*Miscellaneous.*)

LYNDHURST MINING.

Notice of meeting to be given.

such meeting of the subscribers shall take place until a notice thereof shall have been published in the Upper Canada Gazette, and in some two of the newspapers published in the District of Johnstown, at the distance of not less than thirty days previous to such meeting.

Affairs of Company to be managed by five Directors, one of whom to be chosen President;

Manner of choosing Directors, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed by five Directors, one of whom shall be chosen President by the Directors; which said Directors shall be Stockholders, holding at least four shares in the stock of the said Company, and shall hold their offices for one year, and be elected on the first Monday in January in each and every year, at such place in the said District of Johnstown as the majority of the Directors for the time being shall appoint; and public notice shall be given by the Directors in the Upper Canada Gazette, and in some two of the newspapers published in the District of Johnstown, of such place and the time of such election, not more than sixty nor less than thirty days previous to such 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 person or by proxy; and such election shall be made by ballot, and the five persons having the greatest number of votes shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes, so that a greater number than five shall appear to be elected, then the said Stockholders, so authorised to hold such election, shall proceed to ballot a second time, and by a majority 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 number of five; and the said Directors, so soon as may be after such election, shall proceed in like manner to elect by ballot one of their number to be the President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation or departure with the qualification of holding the number of shares required, as aforesaid, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by a person or persons holding the requisite number of shares, aforesaid, to be nominated by a majority of the said Directors.

If election of Directors omitted on day named, Company not to be dissolved.

IX. *And be it further enacted by the authority aforesaid,* That in case it shall happen at any time hereafter, 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 Company shall not for that cause be deemed to be dissolved, but 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 by-laws and ordinances of the said Corporation.

Directors may make by-laws;

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to

CORPORATIONS, (*Miscellaneous.*)

## LYNDHURST MINING.

make and subscribe such rules, orders 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 and conduct of the officers, clerks and servants, employed by the said Company, and all such matters as shall appertain to the business of the said Corporation; and shall also have the power of appointing as many officers, clerks and servants, factors and agents, for carrying on their said business, and with such salaries and allowances as to them shall seem meet: *Provided always*, that such rules and regulations be not repugnant to the laws of this Province.

And appoint officers, &amp;c.;

Rules not to be repugnant to laws of Province.

XI. *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 the majority of them shall seem advisable; and that once in every three years; or oftener if thereunto required by any number of Stockholders holding at least one-third part of the shares or stock which shall then be subscribed for and taken up, an exact and particular statement of the debts and credits of the said Company, together with all other information concerning the affairs of the said Company within the knowledge or power of the said Directors, which shall be required by any number of Stockholders holding, as aforesaid, the third part of the Stock then subscribed, shall be rendered and exhibited.

Dividends to be made;

And render accounts when required.

XII. *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 previous to the time of voting, (except at the first election,) according to the following rates, that is to say: one vote for each share not exceeding four; five votes for six shares; seven votes for ten shares; and one vote for every five shares above ten.

Votes of Stockholders proportioned.

XIII. *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, bodies politic or corporate, except as is herein expressly provided.

Rights of His Majesty and others, not to be affected by this Act.

XIV. *And be it further enacted by the authority aforesaid*, That the Legislature shall have power, at any time, to repeal, alter or modify, this Act, in any of its provisions.

Legislature to have power to amend this Act.

CORPORATIONS, (*Miscellaneous.*)

CALEDONIA SPRINGS.

## 7th Wm. IV. Chap. 55.

*AN ACT to incorporate a Joint Stock Company for the improvement of the Mineral Springs in the Township of Caledonia, in the Ottawa District.*

[Passed 4th March, 1837.]

Preamble;

WHEREAS certain medicinal Springs have lately been discovered in the Township of Caledonia, in the District of Ottawa, the virtues and efficacy whereof, in the cure of numerous diseases, have been frequently and satisfactorily tested: *And whereas* William Parker, by his petition presented to the Legislature, hath prayed for the privilege of being incorporated, together with other individuals who may be associated with him, for the purpose of rendering the said Springs accessible to the public, and convenient to individuals resorting thereto: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said

Company incorporated;

William Parker, and all such other persons as shall hereafter become Stockholders of the said Company, shall be, and are hereby ordained, constituted and declared, to be a body politic and corporate, in fact, by the name of "the Caledonia Springs Company;" and that by this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they

To have a common seal;

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 Caledonia Springs Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company: *Provided always*, that the said Corporation shall not have power to hold any more or other real estate than three thousand acres of land, in the County of Prescott, and not elsewhere: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of banking.

May hold estate, real and personal;

Limited to 3000 acres of land in County of Prescott;

Not to carry on business of banking.

Capital stock £50,000;

II. *And be it further enacted by the authority aforesaid*, That the capital stock of the said Corporation shall be fifty thousand pounds, and shall be divided into two thousand shares, of twenty-five pounds each; ten per

CORPORATIONS, (*Miscellaneous.*)

## CALEDONIA SPRINGS.

centum of which amount shall be paid as the first instalment of the said stock; and so soon as it shall appear to the Directors and Treasurer of the said Corporation, that five thousand pounds of the whole stock shall have been paid in, by all or part of the said Stockholders, then the said Company shall be allowed to commence their operations under this Act as a corporate body; and all the shares in the said Company shall be numbered in progressive order, beginning at number one; and that after the first meeting of the said Corporation each member holding shares in the said Company's stock shall be entitled to a certificate under the seal of the said Corporation, and signed by the Secretary and Treasurer thereof, certifying his property in such share or shares, as shall be expressed in such certificate.

Ten per centum first instalment;

When £5,000 paid in, Company may commence operations;

Manner of numbering shares.

III. *And be it further enacted by the authority aforesaid,* That any person owning a share in the said Company shall be a member thereof, and shall be entitled to vote at any meeting of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a Stockholder, and authorised in writing.

Number of votes Stockholders entitled to.

IV. *And be it further enacted by the authority aforesaid,* That there shall be a general meeting of the Stockholders and members of the said Corporation; to be annually holden at the said Caledonia Springs, on the first Monday in September, (such meeting to continue for such number of successive days as its business may require,) in each and every year, public notice of which shall be given in the Upper Canada Gazette, or in any newspaper that may be published in the said District, not less than thirty days previously to such election; at which annual meeting there shall be chosen of the said members not less than five Directors, being subjects of His Majesty, who shall continue in office for one year, or until others are chosen in their stead; and in case any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or otherwise, the same shall be filled for the remainder of the year by such person or persons as the remaining Director or Directors shall appoint: *Provided always,* that two of the Directors in office shall be re-elected at such annual meeting for the next succeeding year; and the Directors so chosen shall, at their first meeting after their election, choose out of their number a President.

General meeting of Stockholders to be held annually, on first Monday in September;

Notice of meeting to be given;

Five Directors to be chosen at annual meetings;

Manner of filling vacancies;

Two Directors to be re-elected;

A President to be chosen.

V. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear useful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching the duties and conduct of the officers, clerks and servants, employed therein; and shall also have power to appoint as many officers, clerks and servants, for

Directors to make rules and by-laws;

Appoint officers;

CORPORATIONS, (*Miscellaneous.*)

CALEDONIA SPRINGS.

With salaries, &c. carrying on the affairs of the said Corporation, and with such salaries and allowances as to them shall seem meet: *Provided*, that such rules and regulations be not contrary or repugnant to the laws or statutes of this Province.

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

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

If election of Directors should not take place on day appointed, Corporation not to be dissolved; In such case, another election to take place. VIII. *And be it further enacted by the authority aforesaid*, That in case it shall at any time happen, that an election of Directors 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 of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

Instalments to be called in; Shares forfeited by non-payment of instalments; May be sold, &c. IX. *And be it further enacted by the authority aforesaid*, That the Directors to be hereafter appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in instalments upon the capital stock as they shall deem expedient: *Provided* no instalment shall be called for or become payable in less than forty days after public notice shall have been given in the Upper Canada Gazette, or in any newspaper to be hereafter published in the said District; *Provided always*, that if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay the said Directors the instalment due upon any share or shares held by him, her or them, at any time when he shall be required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares, as aforesaid, with the amount previously paid thereon; and such share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in the same manner as other moneys of the Corporation.

Joint stock alone responsible for debts and engagements of Corporation. X. *And be it further enacted by the authority aforesaid*, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation; and that no person or persons who shall or may have dealings with the said Corporation shall, in any case whatever, have recourse against the private property of

CORPORATIONS, (*Miscellaneous.*)

KINGSTON MARINE RAILWAY.

any individual member or members of the said Corporation, or against their person or persons, further than is herein specially provided, and that may be necessary for the faithful application of the funds of the said Corporation.

XI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall interfere with or in any manner affect the private vested right of any person or persons whatsoever. Private rights protected.

XII. *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. This Act declared a public Act.

XIII. *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 alterations of any of its provisions as they may think proper, for affording just protection to the public, or to the rights of private individuals. Legislature may make addition to, or alter this Act.

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## 1st Vic. Chap. 30.

*AN ACT to incorporate sundry persons, under the name of the Kingston Marine Railway Company,*

[Passed 6th March, 1838.]

**WHEREAS** John Counter, John Strange, John Watkins, Alexander McNab, Henry Gilderslieve, John McIntyre, and others, have by petition set forth, that they have at a great expense erected a Marine Railway, at the town of Kingston, for the purpose of repairing steam-boats and other vessels, and have made other erections, and are anxious to be incorporated, for the purpose of enabling them to carry on the business more extensively, and that it would be of great advantage to the town of Kingston, and would afford employment to a great number of persons: *And whereas* it is expedient to incorporate the said petitioners for the purposes hereinafter mentioned: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

Preamble:



CORPORATIONS, (*Miscellaneous.*)

## KINGSTON MARINE RAILWAY.

Body corporate and politic declared.

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 Couster, John Strange, John Watkins, Alexander McNab, Henry Gilderslieve, John McIntyre, together with all such other persons as now are, or as shall become Stockholders in such joint-stock or capital as is hereinafter mentioned, shall be and are hereby ordained, authorised and declared, to be a body corporate and politic, in fact, and by and under the name and style of the Kingston Marine Railway Company.

Authorised to construct harbour, wharf, dry dock, a rail-way, &c

II. *And be it further enacted by the authority aforesaid,* That the said Company may be authorised and empowered, at their own costs and charges, to construct a harbour and wharf and wharves, with a dry-dock or rail-way, regulated for refitting and repairing all shipping, at Kingston, aforesaid; which said wharf or wharves, harbour and dry-dock or rail-way, shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of sail or steam vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful moles, piers, wharves, breakwaters, or other erections or constructions whatsoever, as shall be useful and proper for the purposes aforesaid, and the protection of the harbour, wharf or wharves, docks or rail-ways, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting or lying-up in the same, and to alter, amend, repair and enlarge, the said harbour, wharf or wharves, and docks or rail-way, as aforesaid, as may from time to time be found necessary and expedient.

Directors empowered to contract, &c with owners of lands, &c. for purchase, &c. of lands, &c;

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract, compound, compromise and agree, with the owners or occupiers of any lands or private easements, rights or privileges, upon which they may determine to dredge, cut and construct, the said harbour, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements and privileges as they shall require for the purposes of the said Company, or for the damages which they shall and may be entitled to receive of the said Company, in consequence of the said intended harbour, roads, streets and approaches thereto, being cut, made and constructed, on their respective lands; and in case of any disagreement between the said Directors and owners or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, 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 Directors to nominate an

In case of disagreement, resort to be had to arbitrators, &c;

Manner of choosing arbitrators, and conducting arbitration;

CORPORATIONS, (*Miscellaneous.*)

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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 they are hereby required to attend at some convenient place in the vicinity of the said intended rail-way, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her 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 to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Award subject to be set aside by Court of King's Bench.

IV. *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 regulate, fix and establish, the rates of wharfage, tolls, dues or duties, payable by persons navigating or owning rafts, vessels, boats, or other crafts, on Lake Ontario, and which may from time to time partake of the benefits and advantages of the said harbour, wharves, docks or rail-way, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting, of all vessels, boats, crafts and rafts, of any description, and of goods, wares and merchandize, shipped or unloaded within the limits established by this Act; and to alter the said tolls, dues, duties, and demands, aforesaid, as they may deem proper and expedient, and also for regulating the discharging of ballast, as well in the said harbour as in the river immediately adjacent thereto; a copy of which tolls, rates and dues, shall be affixed up, in not less than three public places adjacent to the said harbour and docks, and rail-way, respectively.

Directors to fix rates of wharfage, &c;

And to make rules for protection of harbour, &c.

V. *And be it further enacted by the authority aforesaid*, That the said harbour, moles, piers, wharves and wet-dock, and dry-dock or rail-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 merchandize, as herein-before mentioned, shall be and the same are hereby vested, in the said Company and their successors for ever.

Harbour materials, &c. vested in Company

CORPORATIONS, (*Miscellaneous.*)

## KINGSTON MARINE RAILWAY.

Remedy in case of neglect  
or refusal to pay tolls, &c.

VI. *And be it further enacted by the authority aforesaid,* That if any person 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 shall be due and payable, until such tolls shall be paid; and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or the 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 or dues, by public auction, giving ten days notice thereof, and return the overplus, if any, to the owner thereof.

By what officers, affairs  
of Company to be  
managed, &c;

Qualification, and mode  
of electing same.

VII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed and conducted by five 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 April in each year, at Kingston, 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 that may be published in the town of Kingston, 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 five 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 a manner that a greater number of persons than five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Directors, so as to complete the whole number of five; 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 shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy shall be filled, for the remainder of the year in which it may happen, by a person to be nominated by a majority of the Directors.

Qualification of Stock-  
holders to vote, &c.

VIII. *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 shall have held in his 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.

CORPORATIONS, (*Miscellaneous.*)

## KINGSTON MARINE RAILWAY.

IX. *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 Kingston, who, in the same manner as herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in such office until the first Monday in April next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until the amount of stock shall have been taken up, and at least thirty days notice thereof be given in any paper published in the Midland District.

First election of officers, on fourth Monday after passing of Act, provided £1000 of capital stock be taken up.

X. *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 thirty thousand pounds, to be held in two thousand four hundred shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to other persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the Company.

Limitation of capital to be held by Company.

XI. *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 published in the said town of Kingston, 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 proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose shall agree upon, so as no such instalments shall exceed ten per cent, nor become payable in less than thirty days after public notice in the paper, as aforesaid.

Manner of calling in instalments of stock, &c.

XII. *And be it further enacted by the authority aforesaid,* That if any Stockholder, as aforesaid, shall neglect or refuse to pay at the time required, any such instalment as shall be lawfully required by the Directors as due upon any shares, such Stockholder so refusing or neglecting, shall forfeit such shares, as aforesaid, with any amount which shall have previously been paid thereon; and that the said 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 moneys of the said Company: *Provided always,* that the purchaser shall pay the said Company the amount of the instalment required, over and above the purchase money of the shares so purchased

Penalty for refusing to pay up stock when called in, &c;

Purchasers of forfeited stock to pay instalment called in, immediately.

CORPORATIONS, (*Miscellaneous.*)

HYDRAULIC, OAKVILLE.

by him, as aforesaid, immediately after the sale, and before he 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 published in the town of Kingston, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Dividends to be made, &amp;c.

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

### 3rd Vic. Chap. 32.

*AN ACT to incorporate certain persons under the style and title of the Oakville Hydraulic Company.*

[Passed 10th February, 1840.]

Preamble;

**WHEREAS** William Chisholm, Edward B. Palmer, James Hopkirk, W. J. Sumner, James Reid, Andrew Wilson, Junior, John L. Diamond, Merrick Thomas, James Arnott and J. S. Bigger, of the Gore District, have by their petition represented that the advantages to trade, commerce and private enterprise, in that section of the Province, would be greatly enhanced by the erection of a Dam across the Creek forming the Harbour at the Village of Oakville, in the Township of Trafalgar, in the District of Gore, aforesaid; and that the said Dam can be constructed within the bounds of the said Village of Oakville, producing water power sufficient to propel all description of machinery, and to which the vessels entering the Harbour may ascend with safety: *And whereas* the said petitioners have prayed that they, together with such others as shall become Stockholders in the said Company, may be incorporated into a Company, for the purpose of constructing a Dam, and erecting Mills and other machinery upon a suitable site upon the Sixteen Mile Creek, at or near the said Village of Oakville: *And whereas* it is expedient that the prosecution of the said works should be encouraged, and the prayer of the petitioners granted: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and

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assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Chisholm, Edward B. Palmer, James Hopkirk, W. J. Sumner, James Reid, Andrew Wilson, Junior, John L. Diamond, Merrick Thomas, James Arnott and J. S. Bigger, and all such persons as shall hereafter become Stockholders in the said Company, shall be, and are hereby ordained, constituted, appointed and declared, to be a body corporate and politic, in fact, and by the name of "the Oakville Hydraulic 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 causes; 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 Oakville Hydraulic Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Certain persons incorporated, under the name of,

The Oakville Hydraulic Company;

Corporate powers;

Common Seal.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, at their own costs and charges, to construct a dam across, and erect mills and other machinery upon the Sixteen Mile Creek, aforesaid, at Oakville; and also to erect and build all such necessary and needful moles, piers, wharves, breakwaters or other erections or constructions whatsoever, as shall be useful and proper for the purposes aforesaid, and the protection of the said dam, mills and other machinery, and for the convenience and accommodation of vessei loading and unloading at the said mills, and to alter, amend, repair and enlarge the same, as may from time to time be found necessary and expedient.

Company may erect a dam, mills, &c. on the Sixteen Mile Creek, at Oakville;

Build moles, piers, &c.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract for, compound, compromise and agree, with the owners or occupiers of any lands or private easements, rights or privileges, upon which they may determine to construct and erect the said dam, mills and other machinery, with the necessary moles, piers, wharves, breakwaters or other erections, and with

Directors may contract with owners of land or private easements,

CORPORATIONS, (*Miscellaneous.*)

HYDRAULIC, OAKVILLE:

either for purchase or for damages sustained;

In case of disagreement reference to arbitration;

Award to be final;

Eight days notice of meeting of arbitrators;

Arbitrators to be sworn;

Award may be set aside by Queen's Bench.

all necessary and convenient roads, streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements 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 dam, mills, machinery, moles, piers, wharves, breakwaters and other erections, roads, streets and approaches thereto, being cut, made 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 shall think fit, for each owner or occupier so disagreeing with the said Directors, 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 Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 they are hereby required to attend at some convenient place in the vicinity of the said intended works, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her 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 Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Capital stock £20,000,

each share £25;

Eight hundred shares;

Company not to bank.

Books of subscription to be opened.

IV. *And be it further enacted by the authority aforesaid*, That the capital stock of the said Company shall not exceed twenty thousand pounds, and that a share in the stock of the said Company shall be twenty-five pounds, and the number of shares shall not exceed eight hundred: *Provided always*, that nothing herein contained shall authorise the said Company to carry on the business of banking.

V. *And be it further enacted by the authority aforesaid*, That books of subscription shall be open within two months after the passing of this Act, when, where, and by such person or persons, and under such regulations, as the majority of the said petitioners shall direct and appoint.

CORPORATIONS, (*Miscellaneous.*)

## HYDRAULIC, OAKVILLE.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons to subscribe for any number of 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 Shareholders 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 and Directors shall from time to time direct and appoint for the payment thereof: *Provided always,* that no instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more newspapers published in the said District of Gore.

Any number of shares may be subscribed;

How shares payable;

Forty days notice of calling in instalments.

VII. *And be it further enacted by the authority aforesaid,* That if any Shareholder or Shareholders, as aforesaid, shall neglect or refuse to pay to the said Company any 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 or shares, with the amount previously paid thereon, and the share or shares so forfeited shall be sold for the best price that can reasonably be had for the same, in such manner as the Directors of the said Company shall think fit, 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 said share or shares to be purchased by him, her or them, as aforesaid, immediately after the sale, and before a certificate of transfer of such share or shares shall be given.

If Stockholders refuse to pay instalments, shares to be forfeited, and sold;

Proceeds to belong to the Company;

Purchasers to pay the instalments due and the purchase money.

VIII. *And be it further enacted by the authority aforesaid,* That after the first instalment shall be paid, as aforesaid, on the respective share or shares of the said stock, the said share or shares shall become transferable on the books of the said Company.

Shares transferable after payment of the first instalment.

IX. *And be it further enacted by the authority aforesaid,* That so soon as twenty thousand pounds 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 Village of Oakville, 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 elections of Directors; and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in August succeeding their election; and the Directors so chosen shall, so soon as a deposit amounting to one thousand pounds upon the shares

As soon as £20,000 subscribed;

Meeting to be held to elect Directors;

First Directors;

Continuance in office;



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HYDRAULIC, OAKVILLE.

When to commence  
business;No meeting without  
thirty days notice.

subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operation of the Company: *Provided always*, that no such meeting of the subscribers shall take place until a notice thereof shall have been published in the Upper Canada Gazette, and in some two of the newspapers printed in the District of Gore, at the distance of not less than thirty days previous to such meeting.

Five Directors;

President;

Qualification of Directors;

To hold office for a year;

Election when and where;

Public notice;

How long;

Who may vote at  
elections;Proviso in case of equal  
number of votes,Directors to choose  
President,Proviso in case of  
vacancy.

X. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns, of the said Corporation shall be managed by five Directors, one of whom shall be chosen President by the Directors; which said Directors shall be Stockholders, holding at least five shares each in the stock of the said Company, and shall hold their offices for one year, and be elected on the first Monday in August in each and every year, at such place in the said Gore District as the majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in the Upper Canada Gazette, and in some two of the newspapers printed in the said Gore District, of such place and the time of such election, not more than sixty nor less than thirty days previous to such 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 person or by proxy; and such elections shall be made by ballot; and the five persons having the greatest majority of votes shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes so as that a greater number than five shall appear to be elected, then the said Stockholders, so authorised to hold such election, shall proceed to ballot a second time, and by a majority 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 number of five; and the said Directors, so soon as may be after such election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation, or departure with the said qualification of holding the number of shares required, as aforesaid, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by a person or persons holding the requisite number of shares, aforesaid, to be nominated by a majority of the said Directors.

Company not to be  
dissolved for want of an  
election on the regular  
day.

XI. *And be it further enacted by the authority aforesaid*, That in case it shall happen at any time or times hereafter 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 Company shall not for that cause be deemed to be dissolved; but 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 Corporation.

CORPORATIONS, (*Miscellaneous.*)

## HYDRAULIC, OAKVILLE.

XII. *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, orders 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 and conduct of officers, clerks and servants, employed by the said Company, and all such other matters as shall appertain to the business of the said Corporation; and shall also have the power of appointing as many officers, clerks and servants, factors and agents, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided always,* that such rules and regulations be not repugnant to the laws of this Province.

Powers of the Directors to make rules touching the property of the Company, the duty of officers, and other matters,

Power of appointing officers,

Rules not to be repugnant to the laws of the Province.

XIII. *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 the majority of them may seem advisable; and that once in every three years, or oftener if thereto required by any number of Stockholders, holding at least one-third part of the shares or stock which shall then be subscribed for and taken up, an exact and particular statement of the debts and credits of the said Company, together with all other information concerning the affairs of the said Company, within the knowledge and power of the said Directors, which shall be required by any number of Stockholders holding as aforesaid the third part of the stock then subscribed, shall be rendered and exhibited.

Half-yearly dividends to be made,

Once in three years, if required, statement of debts and credits to be made, as well as of affairs of the Company.

XIV. *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.

Number of votes to which Stockholders entitled according to their shares.

XV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever, the right of Her Majesty, Her Heirs and Successors, or of any person or persons, bodies politic or corporate, except as is herein expressly provided.

This Act not to affect the rights of the Crown, or others, except as is expressly provided.

XVI. *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.

To be deemed a public Act.

DISTRICTS.—DISTRICT GAOLS, &amp;c.

BATHURST.

Not to interfere with private vested rights.

XVII. *And be it further enacted by the authority aforesaid, That nothing in this Act shall interfere with or in any manner affect the private vested right of any person or persons whatsoever.*

Legislature may alter this Act.

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 addition thereto, which may seem to them expedient.*

## 4th Geo. IV. Chap. 2. (1823.)

*AN ACT to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned.*

[Passed 29th January, 1823.]

Preamble;  
(See 2 Geo 4, Ch. 3,  
Sec. 4, 1821)

WHEREAS by an Act passed in the second year of His present Majesty's reign, intituled, "An Act to repeal part of an Act passed in the thirty-eighth year of His late Majesty's reign, intituled, 'An Act for the better division of this Province,' and to make further provision for the division of the same into Counties and Districts," it is among other things provided, that the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, may by Proclamation, as soon as he may think fit, declare the County of Carleton a separate District, by such name as to him may seem meet: *And whereas His Excellency the Lieutenant-Governor has been pleased, by his Proclamation bearing date the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-two, to declare the said County of Carleton a separate District, by the name of Bathurst: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery, and of the Peace, Courts of General Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every Court and Jurisdiction whatsoever, held, or to be held, possessed and enjoyed, in and by other Districts of this Province, shall from henceforth, with the like powers and authorities,*

Courts established in the District of Bathurst;

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

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be held, possessed and enjoyed, in and by the said District of Bathurst, and shall have full power and authority to hear and determine all such causes, whether criminal or civil, as might or would have been heard and determined in any of the Courts of the District of Johnstown had this Act not have been passed; and that the provision made for the support of District and Common Schools, and all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which hath or have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, shall be and are hereby extended to that District, unless otherwise provided for and declared by this Act; and that Courts of Oyer and Terminer, Assize, Nisi Prius, and Gaol Delivery, shall first be held, unless under special commission, in and for the said District of Bathurst, during the vacation between Trinity and Michaelmas Terms next, in like manner as the same Courts are usually held throughout this Province.

Former provisions relative to common schools, and all other privileges of other Districts, extended to Bathurst.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Justices of the Peace in the said District to hold a special Session, as soon as conveniently may be after the passing of this Act, for the purposes of granting certificates to persons desirous of obtaining tavern licences for the current year, to enable them to procure the same from the Inspector of Licences for the said District.

Justices of the Peace to hold a special Session immediately after the passing of this Act, for the purpose of licencing public houses.

III. *And whereas* it appears that a Gaol and Court House have been erected in the town of Perth, in the township of Drummond, in the said District: *Be it further enacted by the authority aforesaid,* That the several Courts for the due administration of Justice shall be held in the said Court House in the said town of Perth, any thing to the contrary thereof notwithstanding.

Hold in the Court House in Perth.

IV. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace in and for the District of Bathurst, shall commence on the third Tuesdays in March, September, and December, and the second Tuesday in June; and the terms of the District Court, and Surrogate Court, for the said District, shall commence and be holden on the Monday of the week next but one preceding that in which the Quarter Sessions shall be holden, and end on the Saturday of the same week.

Periods for holding the Quarter Sessions and District Courts;

[See 7 Wm 4, chap. 11.]

V. Rates levied for the year 1822, in Bathurst, shall be expended within that District, in the same manner as rates collected in other Districts are expended therein, respectively.

VI. Moneys due from the District of Bathurst to the District of Johnstown, or vice versa, to be accounted for between the Treasurers of the said Districts, respectively.

DISTRICTS.—DISTRICT GAOLS, &amp;c.

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## 4th Geo. IV. Chap. 5. (1824.)

*AN ACT to divide the County of Carleton, in the Bathurst District.*

[Passed 19th January, 1824.]

Preamble;

[See 1 Vic. Chap. 25.]

5th clause 38 Geo 3,  
chap. 5, repealed;And so much of the 10th  
clause as declares the  
County of Carleton a  
part of the District of  
Johnstown;

3rd clause 2 Geo 4, ch. 3;

Repealed.

County of Lanark.

County of Carleton;

[See 1 Vic. Chap. 25.]

Representation of said  
Counties not to be  
increased by this Act,  
notwithstanding the  
provisions of 1st Geo 4,  
chap. 2.

**W**HEREAS the great extent of the County of Carleton, and the rapid increase of its population, render a division thereof necessary and expedient: *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 fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the ninth clause of an Act passed in the thirty-eighth year of His late Majesty's reign, intituled, "An Act for the better division of the Province;" also, so much of the tenth clause of the said recited Act as declares that the County of Carleton shall form a part of the District of Johnstown; and also, the third clause of an Act passed in the second year of His present Majesty's reign, intituled, "An Act to repeal part of an Act passed in the thirty-eighth year of His late Majesty's reign, intituled, 'An Act for the better division of this Province,' and to make further provision for the division of the same into Counties and Districts," be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the townships of Bathurst, Drummond, Beckwith, Dalhousie, Lanark, Ramsay, Darling, Levant, North Sherbrooke, South Sherbrooke, together with all the unsurveyed lands within the limits of the District of Bathurst, with such of the Islands in the Ottawa River as are wholly or in greater part opposite to the said townships and unsurveyed land, shall constitute and form the County of Lanark.

III. *And be it further enacted by the authority aforesaid,* That the townships of Nepean, Goulbourne, Huntley, March, Pakenham, Fitzroy, and Tarbolton, together with such of the Islands in the Ottawa River as are wholly or in greater part opposite thereto, do constitute and form the County of Carleton. *Provided always, &c.* [Repealed by 2 Wm. IV, Chap. 18.]

DISTRICTS.—DISTRICT GAOLS, &amp;c.

Brock.

## 7th Wm. IV. Chap. 30.

*AN ACT to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock.*

[Passed 4th March, 1837.]

**WHEREAS** from the great extent of the District of London, as at present constituted, and the consequent distance of some parts of it from the District Town, the inhabitants of those parts suffer great inconvenience, and it is therefore expedient that the said District should be divided, and that certain parts thereof should be set off and erected into a new and separate District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same; That the Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions,) Burford, Oakland, Norwich and Dereham, shall form a new and separate District, under the name of the District of Brock, and that the Town of Woodstock shall be the District Town thereof.

Preamble.

[See 2 Vic. Chap. 29;  
3 Vic. Chap. 5;  
Statutes of Canada,  
4 & 5 Vic. Chap. 10.]The District of Brock  
formed out of certain  
Townships;Woodstock, District  
Town.

II. *And be it further enacted by the authority aforesaid*, That so soon as it shall be ascertained that a good and sufficient Gaol and Court House have been erected therein, for the security of prisoners and for accommodating such Courts as shall or may be held within the said new District, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare by Proclamation the said Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions,) Burford, Oakland, Norwich and Dereham, to be a separate and distinct District, by the name of the "District of Brock:" *Provided, nevertheless*, that nothing herein contained shall affect, or be construed to affect, the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the London District: *Provided also*, that if at the time the Townships aforesaid shall be set off as a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of an indictable offence, that has been committed within the territory comprising the intended new

District to be declared  
by Proclamation, so soon  
as Gaol and Court House  
are erected;Jurisdiction of Court of  
King's Bench, Court of  
General Quarter Sessions  
and District Court;Actions and indictments  
pending at the time the  
new District is set off,  
may be tried in District  
of London, unless  
otherwise agreed between  
parties;

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

Brock.

District, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the District of London, unless all the parties shall agree that the same shall not be tried in the said District of London: *Provided always*, that such Gaol and Court House shall be erected at or near the Town of Woodstock, on such ground as may have been set apart and reserved by His Majesty for that purpose.

Gaol and Court House to be erected on ground set apart for that purpose by His Majesty.

When District set apart, all Courts to possess like powers and jurisdiction with those held in other Districts, and all other privileges enjoyed by other District;

III. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Requests, and every other Court and Jurisdiction, with all District offices whatsoever, held or to be holden, possessed and enjoyed, in and by the other Districts of this Province, at the time of such Proclamation, as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby extended from thenceforth to that District, to be thereby declared and named, as aforesaid, unless otherwise provided for by this or some other Act or Acts of the Parliament of this Province.

Unless otherwise provided for.

Rules and regulations contained in Acts relating to Gaols in other Districts, to be in force;

IV. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules and regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force or operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

Courts to be held as in other Districts.

Court of General Quarter Sessions to be held at times specified.

V. *And be it further enacted by the authority aforesaid*, That from and after the declaring and naming the said new District, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months

DISTRICTS.—DISTRICT GAOLS, &c.

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of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

VI. *And be it further enacted by the authority aforesaid, That His Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said intended District at the time the same shall be declared and named a separate District, as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed, and exercised the same in the District of London: Provided, that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority, within and residing within the said new District, shall not in anywise be longer exercised or continued within the District of London, but that the same within that District shall from thenceforth cease and determine: Provided, that after the said new District shall have been declared and named, as aforesaid, His Majesty's Justices of the Peace, and others, who thenceforward continue to hold commission or office, or bear lawful authority within the District of London, shall cease to hold such commission or office, or to exercise such lawful authority within the said District, to be declared and named as aforesaid; and that no jurisdiction, power, or authority, of whatever nature or kind soever, to the said District of London, at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend or be construed to extend to the said new District.*

Authority of Justices of the Peace residing in new District, to continue;

Such authority not to be exercised, after District set apart, in the District of London;

Persons holding office in District of London to cease exercising the duties of such office, after new District is declared.

VII. *And be it further enacted by the authority aforesaid, That the ordinary rates and assessments levied within the contemplated new District for the current year, at the time the said District shall be declared and named a separate District by virtue of this Act, and all future rates and assessments to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the District of London, except in so far as the same may be varied by this Act.*

Rates to be levied and applied, as by law appointed, in District of London.

VIII. *And whereas it is necessary to make provision for the establishment and support of Schools within the said new District, when the same shall have been declared and named, as aforesaid: Be it therefore further enacted by the authority aforesaid, That from and after the erection of the said Townships into a separate District, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now*

Provision made for establishment and support of schools;

[See Statutes of Canada 4 & 5 Vic. Ch. 18.]



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raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds, which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School which may be hereafter erected in the said District.

IX. *And be it further enacted by the authority aforesaid,* That the said District School shall be open and kept at the Town of Woodstock, in the said new District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District school to be opened in the Town of Woodstock.

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

District school established as in other Districts.

XI. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said new District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which said sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions, in every particular, mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of the said new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

Provision made for establishment of common schools; [See *Statutes of Canada*, 4 & 5 Vic. Ch. 19.]

Right to participate in moneys granted by Provincial Act, passed in fourth year of His late Majesty's reign, not abridged.

Moneys granted to be paid by warrant on Receiver General, and accounted for through Lords Commissioners of the Treasury.

XII. *Provided always, and it is further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty, shall be paid by the Receiver General of this Province, in discharge of such warrant or

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warrants as shall, for the purposes aforesaid, be issued by the Governor, Lieutenant Governor or Person Administering the Government of this Province; and the said Receiver General shall account for the same to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty, His Heirs and Successors, shall direct.

XIII. Justices authorised to obtain plans and estimates for Gaol and Court House.

XIV. Justices authorised to appoint persons with whom contracts for erection of Gaol and Court House may be made; Duties and manner of proceeding by persons appointed to contract for building Gaol and Court House; Contractors to give security for performance of contract.

XV. Justices to have like power possessed by Justices in other Districts for erection of Gaols, &c.; Building Committee to have power to fill vacancies.

XVI. Proportion of rates levied within the limits of intended new District to be retained; Balance to be paid over to Treasurer to be appointed for new District, to be applied by Justices residing within limits of new District, towards erecting Gaol and Court House.

XVII. Payments to be made from rates levied, to Contractors.

XVIII. Committee appointed to build Gaol and Court House to render detailed accounts of expenditure.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates residing within the contemplated new District, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorise and direct the Treasurer to be appointed, as aforesaid, to raise by loan from such person or persons, bodies politic or corporate, as may be willing to lend the same upon the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding six thousand pounds, to be applied in defraying the expenses of building the said Gaol and Court House.

Magistrates authorised to raise £6000 by way of loan.

XX. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the Treasurer of the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum not less than two hundred pounds, together with the lawful interest on the whole sum, which may from time to time remain due, from and out of the rates and assessments so coming into his hands for the use of the said intended District.

Not more than six per cent interest to be paid on money borrowed;

£200 to be reserved out of rates collected annually, besides interest, to be applied towards the payment of loan.

Magistrates authorised to raise £6000 by way of loan.

the provisions of this Act

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Treasurer of District not to retain per centage on loan.

XXI. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be levied under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging or liquidating such loan, with the interest thereon, as aforesaid.

Justices residing within the limits of new District may levy an additional rate of one penny in the pound for four years;

XXII. *And whereas* it is expedient that an additional tax or assessment should be levied on the property of the inhabitants residing within the limits of the intended new District, for the purpose of defraying the expenses of erecting a Court House and Gaol: *Be it therefore enacted by the authority aforesaid,* That the Magistrates residing within the limits aforesaid, shall have power, and they are hereby authorised, at a meeting convened for that purpose, to resolve that an increased tax, not exceeding one penny in the pound, over and above the ordinary assessment, on all ratable property within such limits, shall be levied and collected, for a term of time not exceeding *four years*; which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within the said intended new District; and a copy of such resolution shall be transmitted to the Clerk of the Peace of the District of London, signed by the Chairman of said meeting.

[See 2 Vic. Chap. 29.]

Two-thirds of the Justices agreeing to a resolution to that effect;

Copy of resolution to be sent to the Clerk of the Peace for the District of London.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace for the District of London, to add to the assessment lists of the several Townships and lands comprising the intended new District, the increased rate, according to the resolution furnished him by the Chairman of the said meeting.

Clerk of the Peace for District of London to add such increased rate to assessment lists.

Rates to be levied by Collectors and paid over to Treasurer of District of London.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collectors of the several Townships and lands herein-before mentioned, and they are hereby required, to collect the moneys authorised to be raised under the authority of this Act, and shall pay the same over to the Treasurer of the District of London, in the same way and manner as the ordinary assessments of the Districts have been heretofore paid.

Rates levied to be applied by Justices in new District, towards defraying expense of new Gaol and Court House.

XXV. *And be it further enacted by the authority aforesaid,* That the Magistrates for and residing within the contemplated District shall expend the moneys raised by virtue of this Act, in defraying the expenses of building a Gaol and Court House for the use of the said District.

No per centage allowed Treasurer of District of London on rates collected under this Act.

XXVI. *And be it further enacted by the authority aforesaid,* That no per centage be allowed to the Treasurer of the District of London, nor to any Assessor or Collector, for the moneys raised and collected under the provisions of this Act.

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XXVII. And be it further enacted by the authority aforesaid, That soon as the said part of the County of Oxford shall have been formed a separate District, by Proclamation, as herein-before provided, all the Townships comprised within the limits of the said intended District, shall form and be called the County of Oxford, in the District of Brock.

XXVIII. No Court of Assize or Nisi Prius to be held in new District, until provision be made for increasing the number of Judges of Court of King's Bench.

2nd Vic. Chap. 29.

AN ACT to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock."

[Passed 11th May, 1839.]

WHEREAS it is expedient to extend the provisions of the twenty-second clause of an Act passed in the seventh year of the reign of His Majesty King William the Fourth, intituled; "An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the provisions of the said clause shall be and they are hereby extended to such a period beyond the four years therein mentioned, as may be necessary to enable the Magistrates fully to pay the amount authorised to be borrowed by the said Act, to erect a Gaol and Court House in the District of Brock: Provided always, that the additional rate of one penny in the pound shall not be levied and collected after the sum of six thousand pounds, authorised by the said Act to be raised, shall be fully paid, with the interest thereon; any thing in the said recited Act to the contrary notwithstanding.

Preamble.

Time limited by 22nd sec. 7 Wm 4, ch. 30; extended;

Additional rate on District of Brock, to cease after payment of debt and interest.

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## 7th Wm. IV. Chap. 115.

*AN ACT to authorise the erection of certain Townships, and other territory heretofore forming part of the Newcastle District, into a new District, by the name of the District of Colborne, with Peterborough for the District Town.*

[Royal Assent promulgated by Proclamation, 20th April, 1838.]

Preamble.  
[See 2 Vic. Chap. 31.]

**WHEREAS** from the great extent of the District of Newcastle, the great distance of some parts of it from the District Town, and divers other causes, it is desirable and expedient that certain Townships, at present forming a part of the said District, with the unsurveyed lands in rear of the same, should be erected into a separate and distinct District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Townships of Belmont, Methuen, Burleigh, Dummer, Asphodel, Otanabee, Douro, Smith, Ennismore, Harvey, Verulam, Emily, Ops, Fenelon, Mariposa, Eldon, Bexley, Somerville, and the seven rear Concessions of Monaghan, together with the unsurveyed lands in rear thereof, and the Islands lying wholly or in greater part opposite thereto, shall, after the issuing the Proclamation as hereinafter provided, compose the said new District, under the name of the District of Colborne, and that the Town of Peterborough shall be the District Town thereof.

Townships enumerated  
from which new District  
of Colborne to be formed.

Townships forming new  
District to be called the  
County of Peterborough.

II. *And be it further enacted by the authority aforesaid,* That so soon as the several Townships, and other territory herein-before mentioned, shall have been formed into and declared a separate and distinct District, by Proclamation as herein-before provided, all the Townships and territory comprised within the limits of the said intended District shall form and be called the County of Peterborough, in the District of Colborne.

When Gaol and Court  
House erected, new  
District to be declared  
by Proclamation;

III. *And be it further enacted by the authority aforesaid,* That so soon as it shall have been ascertained that a good and sufficient Gaol and Court House have been erected therein, for the security of prisoners, and for the accommodation of such Courts as shall or may be held within the said new District, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Person Administering the Government for the

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time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare by Proclamation the aforesaid Townships of Belmont, Methuen, Burleigh, Dummer, Asphodel, Otanabee, Douro, Smith, Ennismore, Harvey, Verulam, Emily, Ops, Fenelon, Mariposa, Eldon, Bexley, Somerville, and the seven rear concessions of Monaghan, together with the unsurveyed lands in rear thereof, and the Islands lying wholly or in greater part opposite thereto, to be a separate and distinct District, by the name of the District of Colborne: *Provided nevertheless*, that nothing in this Act contained shall affect or be construed to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the District of Newcastle: *Provided also*, that if, at the time the said Townships before-mentioned shall be set off into a separate District, any action shall have been commenced or be pending for any cause of action arising therein, or any indictment of an indictable offence that may have been committed within the said Townships, so to be set off as aforesaid, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the District of Newcastle, unless all the parties shall agree that the same shall not be tried in that District: *Provided always*, that such Gaol and Court-house shall be erected at or near the Town of Peterborough, on the ground set apart or reserved by His Majesty for that purpose.

Not to affect jurisdiction of Court of King's Bench, Courts of Quarter Sessions, or District Courts;

Provisions made for actions pending;

Gaol and Court House to be erected at or near Peterborough.

IV. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every other Court and jurisdiction, with all District Offices whatsoever, held or to be holden, possessed and enjoyed, in and by the other Districts of this Province at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be and are hereby extended from thenceforth to that District, to be thereby declared and named, as aforesaid, unless otherwise provided for by this Act, or some other Act or Acts of the Parliament of this Province.

Courts and offices existing at time of Proclamation, to be continued in new District, same as in other Districts;

And also all other jurisdiction, regulation, rule, privilege, &c.

V. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules and regulations, matters and things, contained

Acts relating to Gaols in other Districts, to extend to new District;

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in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as may hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Courts of Oyer and Terminer, and all other Courts, to be held in new District.

Times of holding Quarter Sessions and District Court.

VI. *And be it further enacted by the authority aforesaid,* That from and after the time when the aforesaid Townships, and the unsurveyed Lands and Islands appertaining thereto, shall be declared a separate District, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the second Tuesday in the months of January and April, and the fourth Tuesday in the months of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Justices of the Peace, and other officers residing in new District, to continue to exercise the duties of their offices;

VII. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and all other persons holding any commission, office, or bearing lawful authority, and who shall be residing within the said Townships, or Lands and Islands before-mentioned, at the time the same shall be declared and named a separate District, shall continue to hold and enjoy, and exercise the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, the same within the District of Newcastle: *Provided,* that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority within, or residing within the Townships or Lands forming the new District, shall not in any wise be longer exercised or continued within the District of Newcastle, but that the same within that District shall from thenceforth cease and determine: *Provided,* that after declaring such new District, as aforesaid, His Majesty's Justices of the Peace and others, who thenceforward shall continue to hold commission or office, or bear lawful authority within the District of Newcastle, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared and named, as aforesaid; and that no jurisdiction, power

Such persons not to exercise office within District of Newcastle, after new District declared;

Justices, and other officers residing within limits of District of Newcastle, to continue to fill their respective offices within that District, but no longer to exercise the same in new District.

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or authority, of whatever nature or kind soever, to the said District of Newcastle, at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend or be construed to extend to the said new District.

VIII. *And be it further enacted by the authority aforesaid,* That the ordinary rates and assessments levied within the limits of the territory comprising the intended new District, for the current year when the said territory shall be declared a separate District by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be expended under and by virtue of any Act or Acts of the Parliament of this Province, in the District of Newcastle, except in so far as the same may be varied by this Act.

Rates levied for current year, when new District declared, to be applied to the uses of the same.

IX. *And whereas* it is necessary to make provision for the establishment and support of Schools within the intended new District, when the same shall have been declared a separate District: *Be it therefore further enacted by the authority aforesaid,* That from and after the erection of the Townships herein-before mentioned, and the Lands and Islands appertaining to the same, into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School, which may hereafter be erected in the said District.

Provision made for establishment of Schools, &c.;  
[See Statutes of Canada, 4 & 5 Vic. chap. 19.]

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Town of Peterborough, in the said new District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be opened in town of Peterborough.

XI. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner and under the same rules and regulations, and restrictions in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

District School to be regulated as in other Districts.

XII. *And be it further enacted by the authority aforesaid,* That after the erection of the said new District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, out of the moneys now raised levied and collected, or hereafter to be raised, levied and

Provision made for establishing and maintaining Common Schools;  
[See Statutes of Canada, 4 & 5 Vic. chap. 18.]



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collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of Parliament of this Province, for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless*, that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of Parliament of this Province, passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout the Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above-mentioned sum of two hundred and fifty pounds.

Right of new District to participate in moneys appropriated for Common Schools, by 4th Geo. 4, Sess. 2, Chap. 3, reserved.

Moneys granted to be accounted for through Lords of Treasury.

XIII. *And be it further enacted by the authority aforesaid*, That the moneys herein-before granted to His Majesty shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as shall for the purposes aforesaid be from time to time issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and the said Receiver-General shall account for the same 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, may be graciously pleased to direct.

XIV. Measures to be adopted for procuring plans for Gaol and Court House.

XV. Justices to appoint a Building Committee; Their duties and responsibilities defined.

XVI. Power of Justices with respect to building Gaol and Court House; Building Committee to be under their control, &c.; Clerk to record resolutions, rules and orders; Justices to fill up vacancies in Building Committee and officers.

XVII. Until new District declared, contribution towards expenses of District of Newcastle; Amount to be ascertained by Justices; Residue to be applied in aid of erecting and building Gaol and Court House in new District.

XVIII. Building Committee to apply such moneys in payment of contracts, &c.

XIX. Committee to keep accounts, and submit the same to Justices at first Quarter Sessions.

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XX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said new District, so assembled as aforesaid, and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer, to be appointed as aforesaid, to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding six thousand pounds, to be applied in defraying the expenses of building the said Court House and Gaol.

Magistrates of new District authorised to contract for loan.

XXI. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed, under the authority of this Act, shall not bear a greater interest than six per cent per annum; and that the Treasurer of the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than two hundred pounds, together with the lawful interest on the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands for the use of the said intended District.

At an interest not exceeding six per cent;

Treasurer to retain £200 annually, besides interest on loan, to be applied in discharge of the same.

XXII. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such loan, with the interest thereon, as aforesaid.

Treasurer not to be entitled to poundage on money raised by loan under this Act.

XXIII. *And whereas* it is expedient that a tax should be levied on the property of the inhabitants of the intended new District, for the purpose of defraying the expense of erecting a Court House and Gaol in the said District: *Be it therefore further enacted by the authority aforesaid,* That the Magistrates of and residing within the limits of the same, shall have power, and they are hereby authorised, at a meeting to be convened for that purpose, to resolve, that an increased tax, not exceeding one penny in the pound over and above the ordinary assessment on all ratable property within the said territory, shall be levied and collected for a term of time *not exceeding four years*, which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within the said intended District; and a copy of such resolution shall be transmitted to the Clerk of the Peace of the District of Newcastle, signed by the Chairman of said meeting.

Magistrates of new District authorised to levy additional assessment;

[See 2 Vic. Chap. 31.]

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Clerk of Peace for District of Newcastle, to add increased tax to assessment lists.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace for the District of Newcastle to add to the assessment list for the several Townships of the intended new District the increased tax, according to the resolution furnished him by the Chairman of the said meeting.

Additional assessments to be collected by Collectors in Townships of new District, and pay same to Treasurer of District of Newcastle.

XXV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collectors of the several Townships of which the new District is to be formed, and they are hereby required to collect the moneys authorised to be raised by this Act, and to pay the same over to the Treasurer of the Newcastle District, in the same way and manner as the ordinary assessments of the District have been heretofore paid.

Additional assessment to be applied to building Gaol and Court House.

XXVI. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the limits of the intended new District, shall expend the moneys levied and collected as herein-before directed, in defraying the expenses of building the said Gaol and Court House, for the use of the contemplated new District of Colborne.

No per centage allowed to Collector or Treasurer upon moneys collected under this Act.

XXVII. *And be it further enacted by the authority aforesaid,* That no per centage be allowed to the Treasurer of the District of Newcastle, nor to any Assessor or Collector for the moneys raised and collected under the provisions of this Act.

XXVIII. Courts of Assize and Nisi Prius, Oyer and Terminer, &c. not to be held in new District, until provision is made for additional Judges, nor until provision be made to secure payment by new District of a proportion of debt contracted by District of Newcastle, for building Gaol, &c.

[SEE 7 WM. 4, CHAP. 1.]

## 2nd Vic. Chap. 31.

*AN ACT to extend the period for imposing an additional rate upon the intended new District of Colborne.*

[Passed 11th May, 1839.]

Preamble;

[See 7 Wm. 4, chap. 115.]

WHEREAS it is expedient to extend the provisions of the twenty-third clause of the Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, intituled, "An Act to authorise the erection of certain Townships, and other territory heretofore forming part of the Newcastle District, into a new District, by the name of the District of Colborne, with Peterborough for the District Town:" *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the

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advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the provisions of the said clause shall be, and they are hereby extended, to such a period beyond the four years therein mentioned, as may be necessary to enable the Magistrates fully to pay the amount authorised to be borrowed by the said Act to erect a Gaol and Court House in the District of Colborne: *Provided always*, that the additional rate of one penny in the pound shall not be levied and collected after the sum of six thousand pounds, authorised by the said Act to be raised, shall be fully paid, with the interest thereon, any thing in the said recited Act to the contrary notwithstanding.

Period for continuing the additional rate for payment of debt by the new District of Colborne, extended;

Rate not to be levied after payment of debts and interest.

## 1st Vic. Chap. 25.

*AN ACT to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and for other purposes therein mentioned.*

[Passed 6th March, 1838.]

**W**HEREAS it is expedient to erect from certain parts of the Districts of Bathurst, Johnstown and Ottawa, a new District, with Bytown for its District Town, and that the following Townships, videlicet: Nepean, Goulbourn, March, Huntly, Tarbolton and Fitzroy, now forming part of the District of Bathurst; North Gower and Marlborough, of the District of Johnstown; and Gloucester and Osgoode, of the District of Ottawa, together with the Islands lying wholly or in greater part opposite thereto, do form the said new District, to be called the District of Dalhousie: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 soon as it

Preamble;

[See Statutes of Canada, 4 & 5 Vic. chap. 76.]

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

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District of Dalhousie formed out of certain Townships;

To be declared by Proclamation when Gaol and Court House erected;

Jurisdiction of King's Bench or Quarter Sessions in adjoining Districts not to be affected;

Actions, &c. pending when District declared, where to be tried;

Gaol and Court House to be erected on Government Reserve in Bytown; [See 2 Vic. Chap. 28.]

County of Carleton, now formed;

Packenhams to be annexed to the County of Lanark.

Courts and officers of new District to have like jurisdiction and privileges as are enjoyed by other Districts.

shall be made to appear to the satisfaction of the Lieutenant-Governor and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein for the accommodation of prisoners, and a suitable Court House for the accommodation of Courts of Justice, and also that the amount of assessments raised within the said Townships is sufficient to defray the necessary charges attending a separate District, then it shall and may be lawful to and for the Lieutenant-Governor aforesaid, by and with the advice and consent of Her Majesty's Executive Council in this Province, to declare, by Proclamation, the said Townships a separate and distinct District, by the name of the District of Dalhousie: *Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect, the jurisdiction of Her Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Districts of Bathurst, Johnstown and Ottawa: *Provided also*, that if at the time the said Townships shall be set off into a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within either of the said Townships, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the District in which such Township shall be situate, unless all the parties shall agree that the same shall not be tried in that District: *Provided always*, that such Gaol and Court House shall be erected *on some part of the ground reserved or set apart by Government for such public uses in the Town of Bytown aforesaid.*

II. *And be it further enacted by the authority aforesaid*, That the said Townships of Gloucester, Nepean, Osgoode, North Gower, March, Tarbolton, Fitzroy, Huntly, Goulbourn and Marlborough, together with the Islands lying wholly or in greater part opposite thereto, do constitute and form the County of Carleton; and that the Township of Packenhams shall hereafter be annexed to and form part of the County of Lanark.

III. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every other Court and jurisdiction, with all District Offices whatsoever, held or to be held, possessed and enjoyed, in and by the other Districts of this Province, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

DALHOUSIE.

in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby, from henceforth, extended to that District, to be thereby declared and named, as aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

IV. *And be it further enacted by the authority aforesaid,* That all and every the provisions, rules, regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced, and from time to time holden, at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Legislative enactments relating to Gaols, &c. in other Districts, to be in force;

Courts to be held as in other Districts.

V. *And be it further enacted by the authority aforesaid,* That from and after declaring and naming of the said Townships a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and the sittings of the District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the second Tuesday in the months of January and April, and on the third Tuesday in the months of July and October, in each and every year; and that the terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of General Quarter Sessions, and sittings of the said District Court, are hereby appointed to be held, and such terms shall respectively end on the following Saturday.

Times at which Courts of General Quarter Sessions are to be held.

VI. *And be it further enacted by the authority aforesaid,* That Her Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said Townships at the time the same shall be declared a separate District, as aforesaid, shall continue to hold and enjoy and exercise the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the Districts of Bathurst, Johnstown and Ottawa: *Provided,* that the authority, power and jurisdiction, previously exercised by Her Majesty's Justices of the Peace, and other persons bearing commission or office or lawful authority within, or residing within the said Townships, shall not in any wise be longer exercised or continued within

Authority of Justices of the Peace residing within the new District to continue;

Such authority to cease within the Districts of Bathurst, Johnstown and Ottawa;

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After declaration of new District, authority of Justices and other officers in the Bathurst, Johnstown or Ottawa, to cease in such new District.

the Districts of Bathurst, Johnstown and Ottawa, but the same within those Districts shall from thenceforth cease and determine: *Provided*, that after declaring such new District, as aforesaid; Her Majesty's Justices of the Peace, and others who thenceforth continue to hold commission or office, or bear lawful authority within the before mentioned Districts, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared as aforesaid, and that no jurisdiction, power or authority, of whatever nature or kind soever; to the said Districts, at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend; to the said new District.

Provision for support of District School.

(See Statutes of Canada, 4 & 5 Vic chap. 19.)

VII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said new District, when the same shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid*, That from and after the time that the same shall be declared and named a separate District, as aforesaid; there be granted annually to Her Majesty, Her Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the Teacher of the Public District School which may be hereafter erected in the said new District.

District School to be opened at Bytown.

VIII. *And be it further enacted by the authority aforesaid*, That the said District School shall be opened and kept in the Town of Bytown, in the said District, at such place as the Trustees of the said District School; or a majority of them, may appoint.

District School to be established under similar regulations as those of other Districts.

IX. *And be it further enacted by the authority aforesaid*, That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

Provision for the support of Common Schools;

(See Statutes of Canada, 4 & 5 Vic. chap. 18.)

X. *And be it further enacted by the authority aforesaid*, That from and after the declaring and naming of the said new District, as aforesaid, there be granted annually to Her Majesty, Her Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner

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and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of the several Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided, nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to make permanent and to extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

Right of new District to participate in appropriations of money under 4 Geo. IV. Sess. 2, chap. 8, not abridged.

XI. *And be it further enacted by the authority aforesaid,* That the ordinary assessments and rates levied within the said Townships for the current year, at the time the said Townships shall be declared and named a separate District, by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province, in the Districts of Bathurst, Johnstown and Ottawa, except in so far as the same may be varied by this Act.

Rates to be levied and applied as in the Bathurst, Johnstown and Ottawa Districts.

XII. Justices authorised to obtain plans and estimates for Gaol and Court House.

XIII. Appointment of persons with whom contracts for Gaol and Court House may be made; Duties of persons making such contracts; Contractors to give security.

XIV. Justices to have like powers with those of other Districts in erecting Gaols, &c.; Clerk of Building Committee; Vacancies in Building Committee may be supplied.

XV. *And whereas* it is expedient that until the said Townships be declared a separate District, that they should bear and contribute a just proportion of the ordinary expenses of the several Districts in which they respectively belong: *Be it further enacted by the authority aforesaid,* That from and out of the rates and assessments raised, levied and collected, in the said Townships, it shall and may be lawful for the Treasurers of the aforesaid Districts annually to retain, for the purposes aforesaid, such a sum as a majority of the Magistrates, in General Quarter Sessions assembled in the month of June next, shall ascertain and determine to be the just and equitable proportion of such expenses to be borne and paid by the said Townships; and it shall be the duty of the Treasurers of the several Districts, after deducting such sum, to pay over to the Treasurer, to be appointed as herein-before directed, the balance of all rates and

Proportion of rates levied within intended new District to be retained by adjoining Districts;

Balance to be paid to Treasurer for new District, to be applied towards erecting Gaol and Court House.

(See 3 Vic. chap. 45; Statutes of Canada, 4 & 5 Vic. chap. 76)



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assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected, in the said Townships, and shall be applicable to the general benefit of the said intended District, and may be applied by Her Majesty's Justices of the Peace residing within the said Townships, towards the erecting and building a Gaol and Court House therein; and the said Treasurers of the Bathurst, Johnstown and Ottawa Districts, shall take receipts for the same, as the money shall be paid over; which receipts shall be allowed by the Justices of the aforesaid Districts in their settlement with him.

Rates levied to be applied in payment of contractors.

XVI. *And be it further enacted by the authority aforesaid,* That the said Building Committee shall and may apply the said moneys so received by the Treasurers of the aforesaid Districts, from time to time, towards the payment of any contract that they may make with any person whatsoever for the building of the said Gaol and Court House, in conformity to the intentions of this Act.

Building Committee to render detailed accounts to Quarter Sessions.

(See Statutes of Canada, 4 & 5 Vic. chap. 10)

XVII. *And be it further enacted by the authority aforesaid,* That the said Committee shall keep a faithful and correct account of all moneys expended by them in the erection of the said Gaol and Court House, and shall take vouchers for the same from the contractor or contractors; and also shall keep an account of all moneys which may from time to time come into their hands applicable or available for the building the said Gaol and Court House; and that they shall exhibit a detailed statement, both in debtor and creditor, to the Justices of said intended District, at their first General Quarter Sessions of the Peace to be holden therein, after the same shall have been declared and named a separate District.

Magistrates authorised to raise loan of £2,500, for Gaol and Court House.

(See 3 Vic. chap. 45; Statutes of Canada, 4 & 5 Vic. chap. 76)

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said District, so assembled, as aforesaid; and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer, so to be appointed as aforesaid, to raise by loan from such person who may be willing to advance the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District; a sum not exceeding two thousand five hundred pounds, to be applied in defraying the expense of building the said Court House and Gaol.

Loan not to bear more than six per cent interest;

Annual liquidation of debt and interest.

XIX. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed, under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the Treasurer for the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than two hundred pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of

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the rates and assessments so coming into his hands for the use of the said intended District.

XX. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money, in discharging and liquidating such loan, with the interest thereon, as aforesaid.

Treasurer not to be entitled to poundage on money raised by loan under this Act.

XXI. *Provided, however, and be it further enacted by the authority aforesaid,* That the assessments and revenues arising from the Townships of Osgoode and Gloucester, be annually paid to the Treasurer of the Ottawa District, to the uses of the said District, until its population shall increase to seven thousand five hundred.

Assessments on Osgoode and Gloucester meanwhile to be paid to Ottawa District.

XXII. *And be it further enacted by the authority aforesaid,* That the Township of Montagué, and so much of the Townships of Elmsley and Burgess as lie on the north shore of the Rideau waters, be attached to and form part of the District of Bathurst, and compose part of the County of Lanark, so soon as the proposed new District may go into operation.

Montagué, and parts of Elmsley and Burgess, North of the Rideau, to be annexed to the Bathurst District.

XXIII. *And be it further enacted by the authority aforesaid,* That the Townships of Pakenham, McNab, Horton, Ross, Westmeath and Pembroke, together with the unsurveyed lands within the District of Bathurst, and all the Islands in the Ottawa River, wholly or in greater part opposite to the said Townships and unsurveyed lands, do from the time that the said new District goes into operation, compose a County, to be called the County of Renfrew.

Certain townships to constitute the county of Renfrew.

## 2nd Vic. Chap. 28.

*AN ACT to alter and amend an Act passed in the first year of Her Majesty's reign, intituled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie."*

[Passed 11th May, 1839.]

**WHEREAS** by an Act passed in the first year of Her Majesty's reign, Preamble. intituled, "An Act to erect certain Townships now forming parts of the

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Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie," it is provided, that the Gaol and Court House for the said District of Dalhousie shall be erected on some part of the ground reserved or set apart by Government for such public uses in the town of Bytown: *And whereas* no such ground appears to have been reserved or set apart: *Be it, therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That the Gaol and Court House for the said District of Dalhousie shall be erected on such piece or plot of ground in the town of Bytown as shall be selected by John Bower Lewis, Member of the Provincial Parliament, Archibald Petrie, Esquire, of the Ottawa District, and George Longley, Esquire, of the Township of Augusta, in the Johnstown District, Commissioners hereby appointed for that purpose, or a majority of them: *Provided however*, that before any money shall be expended on the said building, a good and sufficient title for the said ground shall be obtained.

Site for Gaol and Court House at Bytown to be selected by Commissioners hereby appointed;

Title to the ground to be first ascertained.

### 3rd Vic. Chap. 45.

*AN ACT authorising the levying of an additional Tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein.*

[Passed 10th February, 1840.]

Preamble;

**WHEREAS** it appears by the petition of the Justices of the Peace residing within the townships of Nepean, Goulbourn, March, Huntley, Tarbolton, Fitzroy, North Gower, Marlborough, Gloucester and Osgoode, that they have been unable to raise by loan the sum of money required to defray the expense of building a Court House and Gaol in the intended new District of Dalhousie: *And whereas* it is expedient to provide, by increased assessment, for the re-payment of any sum of money which shall be raised by loan for the erection of a Gaol and Court House in the new District of Dalhousie, under the provisions of an Act passed in the Parliament of this Province, intituled, "An Act to erect certain townships now forming part of the Districts of Bathurst, Johnstown and Ottawa, into a separate District to be called the District of Dalhousie, and for

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other purposes therein mentioned:” *Be it therefore enacted* by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 soon as the said District of Dalhousie shall be erected and proclaimed according to the said Act, it shall and may be lawful for Her Majesty’s Justices of the Peace residing within the said District, to direct and order the levy of an increased rate; not exceeding one penny in the pound, over and above the ordinary assessment on all ratable property within the said District, which said new rate shall be applied in payment of the interest and principal of any sum which shall be raised under the authority of the said Act; and which said increased rate shall continue to be raised, levied and collected, until the sum so borrowed, and the interest thereon, shall be fully paid and discharged, and no longer.

Justices of District of Dalhousie may impose an additional rate to pay debt incurred in erecting Gaol and Court House;

Increased rate to be levied till debt is paid.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace, in the said District of Dalhousie, to add to the assessment lists thereof the said increased rate, and that the same shall be collected in the same manner as other rates and assessments within the said District are collected, and shall be received and accounted for and applied by the Treasurer of the said District, in pursuance of the provisions of this Act.

Mode of collecting increased rate.

[SEE STATUTES OF CANADA, 4 & 5 VICTORIA, CHAP. 76.]

### 59th Geo. III. Chap. 3. (1818.)

*AN ACT for the better division of the County of Glengarry into Townships.*

[Passed 27th November, 1818.]

**WHEREAS** from the great extent of the township of Lancaster, in the County of Glengarry, in the Eastern District of this Province, and the great population therein, the inhabitants of the said township experience many inconveniences, in particular in attending town meetings: *And whereas* it has become expedient to divide the said township, and to constitute and form a new township out of certain parts 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

Preamble.

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Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the first or front nine concessions of the said township of Lancaster shall form and constitute the township of Lancaster.

The front or first nine concessions of Lancaster to form hereafter the township of Lancaster.

And the nine concessions in rear to form the Township of Lochiel.

II. *And be it further enacted by the authority aforesaid,* That the north or rear nine concessions of the aforesaid township of Lancaster shall form and constitute the township of Lochiel.

These two townships shall have the same regulations, &c. as others;

This Act not to invalidate any existing commission, or to affect any grant of land or other legal proceedings.

III. *And be it further enacted by the authority aforesaid,* That the said township of Lancaster, and the said township of Lochiel, respectively, shall be under the same regulations and entitled to the same privileges as any other townships within this Province: *Provided always, and it is hereby enacted by the authority aforesaid,* That such division shall not invalidate the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said townships, or to make void or otherwise affect any grant of land or other legal proceedings within the limits of the said townships, any law or usage to the contrary notwithstanding.

## 11th Geo. IV. Chap. 29.

*AN ACT to authorise the Magistrates of the Eastern District to borrow a certain sum of money for the building of a Gaol and Court House therein.*

[Passed 6th March, 1830.]

Preamble; Treasurer may borrow £3,500 for the building a Gaol and Court House.

£500 to be applied annually in liquidation of the said debt.

II. *And be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act shall not bear greater interest than six per centum per annum; and that the Treasurer of the said District for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum not less than five hundred pounds, from and out of the rates and assessments which may come into his hands for the general purposes of the said District, together with all such moneys as may remain in his hands after the payment of the ordinary and incidental charges of the year.

III. Guy C. Wood, Esquire, appointed a Commissioner, vice Pringle, resigned.

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## 3rd Wm. IV. Chap. 24.

*AN ACT to authorise the Magistrates of the Eastern District to borrow a further sum of money, for the completion of the Gaol and Court House in the said District, and for enclosing the same; and also, to empower the said Magistrates to continue the assessments already imposed for building the said Gaol and Court House, until the money so borrowed shall be repaid, with the interest thereon.*

[Passed 13th February, 1833.]

**WHEREAS** it is expedient to enable the Magistrates of the Eastern District to borrow a further sum of money for the completion of the Gaol and Court House at Cornwall, in and for the said District, and for enclosing the same; and also, to empower the said Magistrates to continue the assessments already imposed upon the inhabitant householders of said District, by the fifth clause of an Act passed in the eighth year of His late Majesty's reign, intituled, "An Act to provide for the erection of a Gaol and Court House in the Eastern District," until the money loaned under the authority of this Act shall be repaid: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Justices of the Peace, in General Quarter Sessions assembled, by an order of the Court, to authorise and direct the Treasurer of the said District to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the District, a sum of money not exceeding two thousand pounds, to be applied by the Commissioners appointed by law for the completion of the Gaol and Court House at Cornwall in said District, and for enclosing the same.

Preamble.

Additional loan, not exceeding £2,000, may be raised.

II. *And be it further enacted by the authority aforesaid,* That so much of the fifth clause of the said Act, passed in the eighth year of His late Majesty's reign, as empowers the Magistrates of the said District, in General Quarter Sessions assembled, to levy by assessment an additional rate upon every inhabitant householder in the said District, for the erection of the said Gaol and Court House, be and the same is hereby continued for such term of years as may be necessary to repay the said sum of money and interest, and no longer.

Additional rate continued until debt and interest paid.

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No greater interest than six per cent to be given;

Not less than £500 per annum to be applied in liquidation of the debt.

III. *And be it further enacted by the authority aforesaid,* That the money so loaned under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that from and after the payment of the loan heretofore contracted for the building of the said Gaol and Court House, the Treasurer of the said District, for the time being, shall annually, until the loan raised under this Act, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than five hundred pounds, from and out of the rates and assessments which may come into his hands for the purposes of the said District, together with all such moneys as may remain in his hands after the payment of the ordinary and incidental charges of the year.

## 56th Geo. III. Chap. 19.

*AN ACT to erect and form a new District out of certain parts of the Home and Niagara Districts, to be called the District of Gore.*

[Passed 22nd March, 1816.]

Preamble.

A separate and new District established, to be called the District of Gore, composed of the Townships of Trafalgar, Nelson, Beverly, & Flamborough east and west, so much of the land upon the Grand River as lies to the northward of Dundas street, and blocks one, two, three and four, on the Grand River, together with the reserved lands in the rear of Blenheim & Blandford, and of the Townships of Binbrook, Saltfleet, Glanford, Barton and Ancaster, together with that part of the land in the County of Haldimand on each side of the Grand River lying to the northward and westward of Bearsfoot Village, on the River Ouse, to Dundas street, together with the beach at the head of Lake Ontario between the outlet of Burlington Bay and Saltfleet, with the Promontory between Burlington Bay and Con'ts Paradise, in the District of Niagara.

WHEREAS from the great extent of the Home and Niagara Districts, in this Province, and the increased population of late years in the westernmost part of the said Districts, it hath become an object of serious inconvenience to the inhabitants thereof to attend the Courts of Justice; *And whereas* for other weighty and sufficient reasons, it has become expedient to divide the said Districts, and to constitute and form a new District out of certain parts thereof; *And whereas* it is expedient that the said new District should enjoy all and every jurisdiction, privilege and advantage, now possessed and enjoyed by the other Districts of this Province: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, there shall be formed, constituted and established a separate and new District, to be called the District of Gore; which said District shall be formed and composed of the townships of Trafalgar, Nelson, Beverly and Flamborough, the latter divided into Flamborough East and West; so much of the tract of land upon the Grand River, in the occupation of the Six Nation Indians as lies to the northward of Dundas-street; and blocks,

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

GORE.

one, two, three and four, on the Grand River aforesaid, together with the reserved lands in the rear of Blenheim and Blandford, in the west riding of the County of York, in the Home District; and of the townships of Binbrook, Saltfleet, Glanford, Barton and Ancaster, in the first riding of the County of Lincoln; together with that part of the tract of land in the County of Haldimand, on each side of the Grand River lying to the northward and westward of Bearsfoot Village, on the river Ouse, to Dundas-street, and together with the Beach at the head of the Lake Ontario, between the outlet of Burlington Bay and the township of Saltfleet with the Promontory between Burlington Bay and Coot's Paradise, in the District of Niagara.

## II. Repealed by 3 Wm. IV. Chap. 15.

Toronto shall be attached to the East Riding of the County of York, and the residue of the West Riding to continue the West Riding.

III. *And be it further enacted by the authority aforesaid,* That the Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery and of the Peace; Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests; and every Court and jurisdiction whatsoever, held or to be held, possessed and enjoyed, in and by the other Districts of this Province, shall from henceforth, with the like powers and authorities, be held, possessed and enjoyed, in and by the said District of Gore; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which hath or have been enacted, provided and declared, or shall be hereafter enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, shall be and are hereby extended to that District, unless otherwise provided for and declared by this Act,

Courts of Oyer and Terminer, Nisi Prius, Gaol Delivery, and of the Peace; Courts of General Quarter Sessions, District Court; Surrogate Court; Court of Requests, and every Court whatsoever, shall be held in and by the District of Gore.

[Provision for first Courts and for actions pending.]

IV. *And be it further enacted by the authority aforesaid,* That a Gaol and Court House for the said District of Gore, shall be erected and built in some fit and convenient place, on lot number fourteen in the third concession of the Township of Barton, to be called the Town of Hamilton, in such manner and under the same rules, regulations and directions, as in that respect are made and provided in and by a certain Act, passed in the thirty-second year of His Majesty's reign, intituled, "An Act for building a Gaol and Court House in every District throughout the Province, and for altering the names of the said Districts," and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited Act contained, shall, under the same penalties as therein are contained, in all cases, and in respect to all persons, extend and be extended to the District of Gore, aforesaid.

Gaol and Court House to be erected for the said District of Gore; [See 8 Geo 4, Ch. 13.]

Regulations in that respect.

V. Until Gaol and Court House erected, Justices residing within the District of Gore to appoint a place, &c. for the holding of Courts.



## DISTRICTS.—DISTRICT GAOLS, &amp;c.

GORE.

*And whereas* the said Townships of Trafalgar, Nelson, Flamborough East and West, Beverly, Binbrook, Saltfleet, Glanford, Barton and Ancaster, blocks one, two, three and four, with the said other lands now constituting the District of Gore, did heretofore belong to and constitute a part of the Home and Niagara Districts of this Province, and were subject to the jurisdictions, powers and authorities of these Districts: *Be it therefore further enacted by the authority aforesaid*, That no jurisdiction, power or authority, of what nature or kind soever to the said Home or Niagara Districts at this time belonging and appertaining, shall extend or be construed to extend to the said District of Gore: *Provided nevertheless*, that nothing herein contained shall affect, change or in any wise invalidate the jurisdictions, commissions, powers and authorities, which heretofore were established, possessed and exercised, in that part of the said Province, which before the erecting and constituting the said District of Gore, formed and constituted the Home and Niagara Districts; and that all Acts, matters and things, which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers and authorities within the said Districts, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting the said District of Gore as aforesaid, and all Acts, matters and things, which shall be lawfully done under and by virtue of the same, in that part of the Province which now forms and constitutes the Home and Niagara Districts, so far as respects the validity of the authority under which the same have issued and are constituted, since the said District of Gore hath been so erected and constituted, shall be held to be valid and good in law, to all intents and purposes whatsoever.

No jurisdiction to the Home or Niagara Districts to extend to the District of Gore.

Justices of the Peace residing within the District of Gore shall exercise the like authority within that District, in manner heretofore held within the Home and Niagara Districts.

VI. *And be it further enacted by the authority aforesaid*, That His Majesty's Justices of the Peace, and other persons bearing lawful authority, residing within the said District of Gore, shall hold, enjoy and exercise, the like authority, power and jurisdiction, within that District, at the times and in the manner which they heretofore held, enjoyed and exercised, within the Home and Niagara Districts before the erecting, constituting and declaring, of the said District of Gore, or which is held, enjoyed and exercised, by His Majesty's Justices of the Peace, and other persons bearing lawful authority in the other Districts of this Province: *Provided*, that the authority, power and jurisdiction, heretofore exercised by His Majesty's Justices of the Peace, and other persons bearing lawful authority residing within the said District of Gore, shall not in any wise be exercised or continued within that part of this Province now constituting the Home and Niagara Districts, but the same within those Districts shall from henceforth cease and determine.

VII. Assessments for the current year, how to be expended.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

GORE.

VIII. *And be it further enacted by the authority aforesaid,* That the residue of the Home District shall from this time henceforth constitute and form the Home District, and the residue of the Niagara District shall be and remain the District of Niagara.

IX. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to prevent or make void any of the provisions of an Act passed in this present Session, intituled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments, in the District of Niagara;" and that the Commissioners hereafter to be appointed, under the aforesaid Act, shall have the same authority therein given in that part of the Counties of Lincoln and Haldimand as if the same were still a part of the said District of Niagara, any clause, matter or thing, herein contained to the contrary notwithstanding. [See 56 Geo 3, chap. 16.]

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the block number one, on the Grand River, shall be known by the name of the Township of Dumfries; block number two by the name of the Township of Waterloo; block number three by the name of the Township of Woolwich; and block number four by the name of the Township of Nichol. Block No. 1, on the Grand River, named Township of Dumfries; No. 2, Township of Waterloo; No. 3, Township of Woolwich; No. 4, Township of Nichol.  
[See 2 Geo 4, sess. 1, chap. 3, secs. 9, 10, 11.]

XI. *And be it further enacted by the authority aforesaid,* That the Townships of Saltfleet, Barton, Binbrook, Glanford, Ancaster and the Beach between Burlington Bay and Lake Ontario, and the Promontory near Coot's Paradise, and so much of the County of Haldimand as lies between Dundas-street and the Onondaga Village, commonly called Bearsfoot, including said Village, shall from henceforth form and be called the County of Wentworth; and the residue of the County of Lincoln, and the residue of the County of Haldimand, shall from henceforth be and remain the Counties of Lincoln and Haldimand, respectively. Saltfleet, Barton, Binbrook, Glanford, Ancaster and the Beach between Burlington Bay and Lake Ontario, and the Promontory near Coot's Paradise, and so much of the County of Haldimand as lies between Dundas Street and the Onondaga Village, including said Village, shall from henceforth be called the County of Wentworth, and the residue of the Counties of Haldimand and Lincoln, shall remain the Counties of Haldimand & Lincoln.

XII. *And be it further enacted by the authority aforesaid,* That the Townships of Trafalgar, Nelson, Flamborough, the latter divided into Flamborough East and West, Beverly, and blocks number one, two, three and four, on the Grand River, with the reserved lands in the rear of the Townships of Blenheim and Blandford, do constitute and form the County of Halton, and the residue of the County of York shall be and remain the County of York. Trafalgar, Nelson, Flamborough East and West, Beverly, and blocks No. 1, 2, 3 and 4, on the Grand River, with the reserved lands in the rear of Blenheim & Blandford, to form the County of Halton.

XIII. *And be it further enacted by the authority aforesaid,* That the Counties of Wentworth and Halton do constitute and form the District of Gore. The Counties of Halton and Wentworth to form the District of Gore.  
[See 7 Wm 4, chap. 116.]

DISTRICTS.—DISTRICT GAOLS, &amp;c.

HOME.

## 7th Wm. IV. Chap. 40.

*AN ACT to authorise the Magistrates of the Home District to erect a new Gaol within the said District.*

[Passed 4th March, 1837.]

Preamble.  
[See 2 Vic. Chap. 41.]

Justices of the Home District in General Quarter Sessions, may procure plans, &c for a new Gaol and Court House.

**WHEREAS** it appears by the petition of the Magistrates of the Home District, that the Gaol of the said District is become so unsafe that it is absolutely necessary, for the safe keeping of prisoners, that a new one should be erected, and that the situation of the present Gaol in the centre of the City of Toronto is highly objectionable, and that it is necessary to provide by law for the erection of a new one: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Justices of the Peace for the said Home District, in General Quarter Sessions assembled, either at the next General Quarter Sessions after the passing of this Act, or at any subsequent General Quarter Sessions, shall be authorised, and they are hereby authorised, by such means as to them shall seem most fitting and convenient, to procure different plans and elevations of a Gaol and Court House, or either of them, to be laid before them, for the purpose of selecting one of the said plans and elevations, which shall be approved by a majority of the Justices then and there assembled.

Contracts for new Gaol and Court House may be entered into.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for any two or more of the said Justices, assembled in manner and form aforesaid, together with any other person or persons whom they may appoint in the name and on the behalf of the inhabitants of the said District, to contract, and they and the said other person and persons are hereby enabled and authorised to contract with any person or persons who shall be willing to build the said Gaol and Court House, or either of them, according to the plan so approved of, as aforesaid, upon any site within the City of Toronto, which the said Justices may approve of.

New Gaol, when completed, the common Gaol of the Home District.

III. *And be it further enacted by the authority aforesaid*, That the said new Gaol, when completed for the reception of prisoners, shall be, and the same is hereby declared to be the common Gaol of the Home District.

[SEE 2 VIC. CHAP. 44.]

DISTRICTS.—DISTRICT GAOLS, &amp;c.

HOME.

## 2nd Vic. Chap. 44.

*AN ACT to authorise the Magistrates of the Home District to borrow a sum of money, for the purpose of completing the new Gaol and Court House.*

[Passed 11th May, 1839.]

**WHEREAS** by letters patent under the great seal of this Province, bearing date the twenty-ninth day of April, one thousand eight hundred and nineteen, a certain lot of land in the City of Toronto, containing about four acres, and known as the Gaol and Court House block, was granted to Grant Powell, Alexander McDonell and D'Arcy Boulton, the younger, in trust, for the purposes of a Gaol and Court House for the Home District; and upon the further trust to convey the same to such person or persons as the Magistrates of the said District, in General Quarter Sessions assembled, might from time to time direct and appoint: *And whereas* the present Gaol for the said District, erected upon part of the said Gaol and Court House block, having become unsafe, the said Magistrates of the Home District were, by an Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, intituled, "An Act to authorise the Magistrates of the Home District to erect a new Gaol within the said District," duly authorised and empowered to erect and build such new Gaol and Court House; and in order to raise the funds for such purpose, the said Trustees, or their successors in the said trust, under the direction and appointment of the said Magistrates in General Quarter Sessions assembled, have sold and conveyed parts of the said Gaol and Court House block to divers individuals the purchasers thereof, for valuable consideration: *And whereas* doubts have arisen how far, under the said patent, the said Trustees were authorised to make such sales or conveyances, and it is expedient to quiet such doubts, and also enable the Magistrates of the said District to borrow a sum of money for the erection and completion of the said new Gaol and Court House: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That for and notwithstanding any thing in the said letters patent contained, the Trustees aforesaid, or their successors in office, shall be held and taken to have heretofore had full power and authority, under the direction of the Magistrates of the Home District in Quarter Sessions

Preamble.

7th Wm. 4, chap. 40, recited;

Sales of Court House block declared valid;

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

HOME.

Trustees empowered to alienate unsold residue;

Application of proceeds.

assembled, to sell, alienate and convey, the said Gaol and Court House piece of ground and premises, and every part thereof, freed and discharged of and from all trusts, provisions and restrictions, in the said letters patent; and that all such alienations shall be held and taken to be good and valid in law and equity; and further, that the said Trustees, or their successors in office, shall from henceforth hold the said parcel of land and premises, or such parts thereof as shall remain unsold or undisposed of, upon trust, by sale, lease, mortgage, or other disposal of the same, to raise and create a fund for the erection of the said new Gaol and Court House, and for the redemption and payment of any debt which has been incurred, or which shall be incurred, in the erection thereof; and after the expenditure upon the erection of the said new Gaol and Court House shall be fully defrayed and satisfied, then to dispose of the said piece and parcel of ground, or such part thereof as shall remain unsold or undisposed of, in such manner and for such public uses of the said District as the Magistrates of the said District, in Quarter Sessions assembled, shall from time to time direct and appoint.

Magistrates authorised to raise a loan for purposes of new Gaol.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Magistrates of the Home District, in General Quarter Sessions assembled, to authorise and direct the Treasurer of the said District, by an order of Court, to raise by loan, from such person who may be willing to lend the same upon the security of the said Gaol and Court House block, and of the moneys arising or to arise from sales heretofore made of any portions thereof, a sum not exceeding fifteen thousand pounds, to be applied in the erection of the said new Gaol and Court House.

Proceeds of sales of Court House block to be applied in liquidation of loan.

III. *And be it further enacted by the authority aforesaid,* That all moneys derived from the sale of the said Gaol and Court House block by the said Trustees, or their successors in the said trust, shall be paid into the hands of the Treasurer of the said Home District, for the time being, to be applied by him in the liquidation of the said loan, so to be made as aforesaid.

Interest on loan not to exceed £6 per cent.

IV. *And be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act shall not bear greater interest than six per centum per annum,

DISTRICTS.—DISTRICT GAOLS, &amp;c.

HURON.

## 1st Vic. Chap. 26.

*AN ACT to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District.*

[Passed 6th March, 1838.]

**W**HEREAS the tract of country lately sold by His Majesty's Government to the Canada Company, and commonly known by the name of the County of Huron, is now attached to the District of London: *And whereas*, from the great extent of the said tract of land, and its great distance from the District Town of the London District, it is highly expedient and necessary that the said County of Huron should be set off into a distinct and separate District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 Québec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as it shall be made to appear, to the satisfaction of the Lieutenant Governor and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein, for the accommodation of prisoners, and a suitable Court House for the accommodation of Courts of Justice, and also that the amount of assessments raised within the said County is sufficient to defray the necessary charges attending a separate District, then it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council for the affairs of this Province, to declare by Proclamation the said County of Huron into a distinct and separate District, by such name as he may think proper: *Provided nevertheless*, that nothing in this Act contained shall affect or be construed to affect the jurisdiction of Her Majesty's Court of King's Bench in this Province, or the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the District of London: *Provided also*, that if, at the time the said County shall be set off into a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the London District, unless all the parties shall agree that the same shall not be tried in the said London District: *Provided always*, that such Gaol and Court House shall be erected in the Town of Goderich, in the County aforesaid.

Preamble.

County of Huron may be declared a separate District when Gaol and Court House erected;

[See 3 Vic. Chap. 38, Public Acts.]

Jurisdiction of Courts in the District of London not affected;

Actions, &c. pending when new District declared, where to be tried

Gaol and Court House to be erected at Goderich.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

HURON.

Courts and officers to have the same jurisdiction and privileges as are enjoyed in other Districts.

II. *And be it further enacted by the authority aforesaid,* That the Courts of Oyer and Terminer and General Gaol Delivery; of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Request, and every other Court and jurisdiction, with all District Officers whatsoever, held or to be holden, possessed and enjoyed, in and by other Districts of this Province at the time of such Proclamation, as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be and they are hereby extended from thenceforth to the District to be thereby declared and named, as aforesaid, unless otherwise provided for by this Act, or any other Act of the Parliament of this Province.

Legislative enactments relating to Gaols, &c. in force in other Districts to apply equally to new District;

III. *And be it further enacted by the authority aforesaid,* That all and every the rules and regulations, provisions, matters and things, contained in any Act or Acts of the Parliament of this Province for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced, and from time to time holden at the aforesaid Court House, to be erected by virtue of this Act.

Courts to be held at Goderich.

Times at which Courts of General Quarter Sessions are to be held.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring and naming the said County of Huron a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Courts of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the first Tuesday in January, April, July and October, in each and every year, and that the terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions, and sitting of the said District Court, are hereby appointed to be held, and such terms shall respectively end on the following Saturday.

Authority of Justices residing within the County of Huron to continue when declared a District;

V. *And be it further enacted by the authority aforesaid,* That Her Majesty's Justices of the Peace, and other persons holding any Commission or office, or bearing lawful authority, and who shall be residing within

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

## HURON.

the County of Huron at the time it shall be declared and named a separate District as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised the same within the District of London: *Provided*, that the authority, power and jurisdiction previously held, enjoyed and exercised by Her Majesty's Justices of the Peace, and other persons bearing commission or office or lawful authority within, and residing within the said County of Huron, shall not in any wise be longer exercised or continued within the District of London, but that the same within that District shall from thenceforth cease and determine: *Provided*, that after naming and declaring such new District as aforesaid, Her Majesty's Justices of the Peace, and others who thenceforward continue to hold commission or office, or bear lawful authority within the District of London, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared and named as aforesaid, and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said London District, at the time of the formation of such new District as aforesaid belonging or appertaining, shall longer extend, or be construed to extend to the said new District.

But thenceforward to cease within the District of London;

And Justices of London District in like manner to cease within the new District.

VI. *And be it further enacted by the authority aforesaid*, That the ordinary assessments and rates levied within the said County of Huron, for the current year, at the time the said County shall be declared and named a separate District, by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes, within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province, in the District of London, except in so far as the same may be varied by this Act.

Rates to be levied and applied as by law appointed in District of London.

VII. *And whereas*, it is necessary to make provision for the establishment and support of Schools within the said County, when the same shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid*, That from and after the erection of the said County into a separate District, there be granted annually to Her Majesty, Her Heirs and Successors, out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School, which may be hereafter erected in the said District.

Provision for support of District School;

[See Statutes of Canada, 4 & 5 Vic. Ch. 19.]

VIII. *And be it further enacted by the authority aforesaid*, That the said District School shall be established in like manner; and under the same rules and regulations and restrictions, in every particular, as shall be

District School to be established according to laws affecting other District Schools.



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mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

Provision for support of  
Common Schools;

[See *Statutes of Canada*,  
4 & 5 Vic. Ch. 18.]

IX. *And be it further enacted by the authority aforesaid*, That from and after the erection of the said County into a separate District, there be granted annually to Her Majesty, Her Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be applied and disposed of in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of Common Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless*, that nothing herein contained shall be taken or construed to destroy or abridge the right of the said new District to participate in the moneys appropriated to the use of Common Schools in this Province, by an Act of the Parliament of this Province passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and support of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

Right of new District to  
participate in appropri-  
ations of money under  
4 Geo 4, Sess. 2, chap. 8,  
not abridged.

X. Justices authorised to obtain plans and estimates for Gaol and Court House.

XI. Appointment of persons with whom contracts may be entered into for Gaol and Court House; Mode of proposing for contracts; Contractor to give security for performance of contract.

XII. Justices to have like powers with those of other Districts in erection of Gaols, &c.: To control building Committee.

Proportion of rates levied  
within intended District,  
on behalf of District of  
London;

XIII. *And whereas* it is just and expedient, that until the said County of Huron be declared a separate District, the said County shall bear and contribute a just proportion of the ordinary expenses of the District of London: *Be it therefore further enacted by the authority aforesaid*, That from and out of the rates and assessments raised, levied and collected, in the said County, it shall and may be lawful for the Treasurer of the London District annually to retain, for the purposes aforesaid, such a sum as the majority of the Magistrates, in General Quarter Sessions assembled, *in the month of April next*, shall ascertain and determine to be the just and equitable proportion of such expenses to be borne and paid by

[See 2 Vic. Chap. 30.]

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## HURON.

the aforesaid County of Huron; and it shall be the duty of the Treasurer of the London District, after deducting such sum, to pay over to the Treasurer to be appointed as herein-before directed, the balance of all rates and assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected, in the said County of Huron, which shall be applicable to the general benefit of the said intended District; and may be applied by Her Majesty's Justices of the Peace residing within the said County, towards the erecting and building a Gaol and Court House therein; and the said Treasurer of the London District shall take receipts for the same as the money shall be paid over; which receipts shall be allowed by the Justices of the said District of London in their settlement with him.

Balance to be paid to  
Treasurer of new District;

And may be applied  
towards erecting Gaol  
and Court House.

XIV. *And be it further enacted by the authority aforesaid,* That the said Building Committee shall and may apply the said moneys so received by the Treasurer, to be appointed as aforesaid, from the Treasurer of the District of London, from time to time, towards the payment of any contract that they may make with any person whomsoever for the building of the said Gaol and Court House, in conformity to the intention and true meaning of this Act.

Moneys so received may  
be applied in payment of  
Contractors for Gaol, &c.

XV. *And be it further enacted by the authority aforesaid,* That the said Committee shall keep faithful and true accounts of all moneys expended by them in the erection of the said Gaol and Court House, and shall take vouchers for the same from the contractor; and also shall keep an account of all moneys which may from time to time come into their hands, applicable to the building of the said Gaol and Court House; and that they shall exhibit a detailed account, both in debtor and creditor, to the Justices of the said new District, at their first Court of General Quarter Sessions of the Peace to be holden therein, after the same shall have been declared and named a separate District.

Building Committee to  
render detailed accounts  
to Quarter Sessions.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said County, so assembled, as aforesaid, and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer so to be appointed, as aforesaid, to raise, by loan, from such person as may be willing to lend the same upon the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding six thousand pounds, to be applied in defraying the expenses of building the said Gaol and Court House.

Magistrates empowered  
to raise £6000 by loan;

For expenses of Gaol  
and Court House.

XVII. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed, under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the Treasurer of the said intended District shall annually, until the loan

Loan not to bear more  
than six per cent interest;

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

HURON.

Annual liquidation of debt and interest.

so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum not less than two hundred pounds, together with the lawful interest on the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

Treasurer not entitled to poundage, &c. on such loan.

XVIII. *And be it further enacted by the authority aforesaid*, That no Treasurer hereafter to be appointed, either by the said meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his hands for the purpose of being paid out in discharge or liquidation of such loan, with the interest thereon, as aforesaid.

Additional tax for liquidation of debt.

XIX. *And whereas* it is expedient that the said loan of six thousand pounds, authorised to be contracted by this Act, should be paid off and discharged within a reasonable time, and it is necessary to make provision for the liquidation of the same: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace of the said County, so soon as the said County shall be declared by Proclamation to be a distinct and separate District, to order an additional tax of one penny in the pound to be levied on the inhabitants of the said new District, over and above the ordinary rates and assessments now authorised by law; which additional tax shall continue to be levied and collected from the inhabitants of said new District, until the said loan of six thousand pounds, and all arrears of interest which may have accrued thereon, be liquidated and discharged.

Duty of Clerk of the Peace and Collectors in relation to such additional rate.

XX. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Clerk of the Peace of the said new District, to add the said additional tax of one penny in the pound to the assessment rolls of the several townships in the said District; and it shall be the duty of the Collectors of the several townships to collect all moneys authorised to be raised by this Act, and to pay the same over to the Treasurer of the District, together with the ordinary assessments of the District authorised by law.

Application of money raised by virtue of this Act.

XXI. *And be it further enacted by the authority aforesaid*, That the Justices of the Peace for and residing within the said County, shall expend the moneys raised under the authority of this Act, in the erection of a Gaol and Court House, for the use of the said new District, and for no other purpose whatsoever.

Per centage not to be allowed to Treasurer, &c. of London District.

XXII. *And be it further enacted by the authority aforesaid*, That no per centage be allowed to the Treasurer of the London District, nor to any Treasurer or Collector on any moneys raised by virtue of this Act.

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XXIII. *And be it further enacted by the authority aforesaid, That on any future survey of the territory lying to the northward of the said County of Huron, one range of townships lying immediately contiguous to the northerly boundary of the said County, shall be attached to and become part of the said intended new District; and that at any convenient time subsequent to the survey of the said range of townships, as 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 Her Majesty's Executive Council for the affairs thereof, to divide the said new District into two Counties, under such names and with such limits as may be expedient.*

Provision respecting  
future addition to the new  
District on the North;  
[See 3 Vic. Chap. 38.]

## 2nd Vic. Chap. 30

*AN ACT to alter and amend an Act passed in the first year of Her Majesty's reign, intituled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."*

[Passed 11th May, 1839.]

**WHEREAS** in and by an Act of the Parliament of this Province, passed in the first year of the reign of Her Majesty, intituled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," after reciting, that whereas it is just and expedient that until the said County of Huron be declared a separate District, the said County should contribute a just proportion of the ordinary expenses of the District of London, it is enacted amongst other things, that from and out of the rates and assessments raised, levied and collected, in the said County, it shall and may be lawful for the Treasurer of the London District annually to retain, for the purposes aforesaid, such a sum as a majority of the Magistrates in General Quarter Sessions assembled, in the month of April then next, should ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the aforesaid County of Huron; *And whereas* the majority of the said Magistrates did not, in the said Quarter Sessions, in the said month of April, ascertain and determine the said proportion, it is therefore expedient to extend the time for so doing: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

Preamble;

1st Vic. chap. 26, sec. 13;  
recited.

DISTRICTS.—DISTRICT GAOLS, &amp;c.

JOHNSTOWN.

Time for the Magistrates of the London District to determine proportion of expenses to be borne by County of Huron, extended.

fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the majority of the Magistrates of the said District of London, at the next or any future Quarter Sessions of the Peace held in and for the said District, to ascertain and determine the said just and equitable proportion of such expenses, to be paid by the said County of Huron, for the purposes in the said Act mentioned; any thing therein contained to the contrary thereof in any wise notwithstanding.

### 48th Geo. III. Chap. 15.

*AN ACT for building a Court House and Gaol in the Township of Elizabethtown, in the District of Johnstown.*

[Passed 16th March 1808.]

Preamble;

**WHEREAS** the present Court House and Gaol in the Town of Johnstown, in the District of Johnstown, is situate at the lower extremity of the said District, which renders it inconvenient: *And whereas* the inhabitants of said District are desirous of building a new Court House and Gaol in a more central situation: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Justices of the Peace of the said District of Johnstown, in General Quarter Sessions assembled, or the greater part of them, to fix upon a site or situation on the front end or ends of lots number ten, eleven or twelve, in the first concession of Elizabethtown, adjoining the King's highway, where a Court House and Gaol may be built.

Quarter Sessions to fix the place where the Court House and Gaol of the District of Johnstown shall be erected within the Township of Elizabethtown.

The said Court House and Gaol shall be erected according to the rules, &c. enacted by the 32 Geo. 3, chap. 8, except so far as varied by this Act.

**II.** *And be it further enacted by the authority aforesaid,* That a Gaol and Court House, for the said District of Johnstown, shall and may be erected and built on lot number ten, eleven or twelve, in the first concession of Elizabethtown, within the said District of Johnstown, in such manner and under such rules, regulations and directions, as in that

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respect are made and provided in and by a certain Act, passed in the thirty-second year of His Majesty's reign, intituled "An Act for building a Gaol and Court House in every District throughout this Province, and for altering the names of the said Districts;" and that all and every the clauses, provisions, rules, regulations, matters and things, in the said last recited Act contained, shall, under the same penalties as therein are contained, in all cases and in respect to all persons, extend and be extended to the District of Johnstown aforesaid, except in as far as the same may be varied and altered by this Act.

III. *And be it further enacted by the authority aforesaid,* That as soon as the Justices of the Peace for the said District, in General Quarter Sessions assembled, or the majority of them, shall be satisfied that the said Court House and Gaol are sufficiently finished, the said Court House and Gaol shall be, and they are hereby declared to be, the Gaol and Court House of the said District of Johnstown.

When the said Court House and Gaol shall by the Quarter Sessions be declared, to be such for the District of Johnstown.

IV. *Provided always,* that nothing in this Act contained shall extend or be construed to extend to authorise the Justices, as aforesaid, to build said Court House and Gaol on land belonging to any person or persons, without first obtaining a good and sufficient title from such person or persons.

Good title to be obtained to the land on which it is to be built.

V. Said Court House and Gaol to be finished within three years.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That it shall not be lawful for the Justices aforesaid to apply any part of the assessments and rates of the said District to or for the purposes of this Act.

No part of the assessments of the District to be applied for the purposes of this Act.

## 1st Vic. Chap. 38.

*AN ACT to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown.*

[Passed 6th March, 1838.]

WHEREAS it has been made to appear, by a presentment of the Grand Jury at the late Assizes for the District of Johnstown, and at a Court of General Quarter Sessions for the said District, that the Gaol and Court House of the said District is in a delapidated and insecure state, and the Justices of the Peace for the said District have by petition prayed for authority to erect a new and a substantial stone building for the use of the said District: *Be it therefore enacted by the Queen's most Excel-*

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lent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Justices of the Peace in and for the said District of Johnstown, in General Quarter Sessions assembled, either in the next or subsequent Court to be holden after the passing of this Act, be authorised, and they are hereby authorised, by such means as to them shall seem proper, to procure plans and estimates of a Gaol and Court House, or either or both of them, together with estimates of the expense of building the same: *Provided always*, that so far as respects the proposed new Gaol, proceedings of the Justices of the Peace, and all measures in regard to the said Gaol, shall be subject to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, intituled, "An Act to regulate the future crection of Gaols in this Province."

Justices of the Peace in Quarter Sessions authorised to obtain plans and estimates for new Gaol and Court House.

[See 1 Vic. chap. 5]  
(Public Acts.)

Authority given to two Justices, &c. to contract for building Gaol and Court House.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any two or more of Her Majesty's Justices of the Peace, assembled as aforesaid, together with any other person or persons by them appointed, and in the name and on the behalf of the inhabitants of the District to contract, and the said other person or persons are hereby authorised to contract, with any person who may be willing to build the said Gaol and Court House, or either or both of them.

New Gaol when completed and approved, &c. to be the common Gaol of the District.

III. *And be it further enacted by the authority aforesaid*, That the said new Gaol, when completed for the reception of prisoners, and approved of by the Board of Commissioners to be appointed in pursuance of the above recited Act, passed in the present Session of the Legislature, shall be, and the same is hereby declared to be, the common Gaol of the District of Johnstown.

Magistrates authorised to contract for loan, &c.

IV. *And be it further enacted by the authority aforesaid*, That the said Justices of the Peace in and for the District of Johnstown shall have power, and they are hereby authorised to raise by loan, at a rate of interest not exceeding six per centum per annum, from such person, or body politic or corporate, as may be willing to lend the same on the credit of the District, a sum not exceeding seven thousand five hundred pounds, to be applied to the purposes of this Act, and not otherwise; and that the Treasurer of the District for the time being shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same not less than

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five hundred pounds, from and out of the rates and assessments of the said District.

V. *And be it further enacted by the authority aforesaid,* That in order to provide for the liquidation of the sum authorised to be raised by this Act, and the interest accruing thereon, it shall and may be lawful for the Justices of the Peace in and for the said District of Johnstown, in General Quarter Sessions assembled, and they are hereby authorised and required to levy by assessment, to be made on each and every inhabitant householder in the said District, in the same manner as by law any assessment may now or hereafter be levied for any public purpose in the said District, an additional tax of one penny in the pound, until the sum herein-before authorised to be borrowed for the purpose of erecting the said Gaol and Court House, or either or both of them, and all interest thereon, shall be fully paid and discharged.

Magistrates authorised to levy additional assessment, to be applied in discharge of loan, &c.

### 7th Geo. IV. Chap. 13.

*AN ACT to establish the District Town of the District of London in a more central position than at present, and to annex the Townships of Walpole and Rainham to the County of Haldimand, in the District of Niagara.*

[Passed 30th January, 1826.]

**WHEREAS** the Gaol and Court House for the District of London, Preamble. situate in the Town of Vittoria, have been accidentally destroyed by fire, and it is necessary that other buildings for the same purpose should be immediately erected: *And whereas* the said Town of Vittoria being situate near one extremity of the District, is a very inconvenient site for the District Town, so far as it respects the inhabitants of the very populous and extensive settlements which have of late years been formed in the County of Middlesex, and it would tend much to the welfare of the District and the general convenience of its inhabitants, to establish the District Town at the reservation heretofore made for a Town, near the Forks of the River Thames, in the Townships of London and Westminster: *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, 'An Act for making more effectual provision for the Government of the Province of Quebec, in



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55 Geo. III, chap. 16,  
repealed.

North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That a certain Act of the Parliament of this Province, passed in the fifty-fifth year<sup>3</sup> of His late Majesty's reign, intituled, "An Act to repeal part of and amend an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's reign, intituled, 'An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relative to the administration of Justice, done in several Districts of this Province, and also to fix the time of holding the Courts of General Quarter Sessions of the Peace in and for the same,' and to make further provision for the same," shall be and the same is hereby repealed; and that so much of a certain other Act of the Parliament of this Province; passed in the forty-first year of His late Majesty's reign, intituled, "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relating to the administration of Justice, done in several Districts of this Province, and also to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same," as is repealed by the said Act, shall be and remain repealed.

Courts of Quarter Ses-  
sions, and District Court,  
to be removed to the  
County of Middlesex.Sheriff to appoint place  
until the Gaol and Court  
House are built.

II. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace, and the District Courts in and for the said District, shall be holden and assembled within some part of the reservation heretofore made for the site of a Town, near the Forks of the River Thames, in the Townships of London and Westminster, in the County of Middlesex, so soon as a Gaol and Court House shall be erected thereon, and in a fit state to afford accommodation for the administration of Justice; and that until such buildings shall be so erected the said Courts shall be holden in such part of the District of London, being, as nearly as conveniently may be, central with regard to the settled parts of the said District of London, as the Sheriff of the said District shall for that purpose appoint, by public notice within the said District at least thirty days before the time appointed for holding any such Court, respectively.

Rainham and Walpole  
to be annexed to the  
County of Haldimand.

III. *And whereas,* in consequence of the removal of the District Town to a more central situation, it would better suit the convenience of the inhabitants of the Townships of Rainham and Walpole, which now form part of the County of Norfolk, if the said Townships were hereafter to be annexed to and form part of the County of Haldimand, in the District of Niagara: *Be it therefore enacted by the authority aforesaid,* That so much of a certain Act of the Parliament of this Province, passed in the thirty-eighth year of His late Majesty's reign, intituled, "An Act for the better division of this Province," as enacts that the said Townships of

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Rainham and Walpole shall constitute and form a part of the County of Norfolk, shall be repealed, and that the said Townships of Rainham and Walpole shall be annexed to and shall form part of the County of Haldimand, in the District of Niagara.

### 1st Vic. Chap. 37.

*AN ACT to provide for the erection of a new Gaol at the Town of London, in the District of London.*

[Passed 6th March, 1838.]

**WHEREAS** the Gaol at the Town of London, in the District of London, is insufficient, and it is expedient that a new Gaol should be erected for the said District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That in order to provide funds for the erection of the said Gaol, it shall and may be lawful for the Justices of the Peace of the said District, in General Quarter Sessions assembled, and they are hereby required to levy by assessment, to be made on each and every inhabitant householder in the said District, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said District, an additional rate of one-third of a penny in the pound, until the sum hereinafter authorised to be borrowed for defraying the expenses of erecting the said Gaol, and all interest thereon, shall be fully discharged.

Preamble;

Assessment authorised, to defray the charge of erecting the new Gaol.

II. *And be it further enacted by the authority aforesaid,* That the said Justices of the Peace shall have power to raise by loan, at a rate of interest not greater than six per cent per annum, from such person or persons, bodies politic or corporate, as may be willing to lend the same on the credit of the said District, a sum not exceeding four thousand pounds, to be applied for the erection of the said Gaol, and a Gaol Yard, and not otherwise; and that the bond or agreement under the hand and seal of the Treasurer of the said District, to be given for the repayment of such loan, under the authority of this Act, shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such

Magistrates authorised to raise money by loan, to be charged on Treasury of District.

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Treasurer in his individual and personal capacity; and that the Treasurer of the said District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same not less than three hundred and fifty pounds, from and out of the rates and assessments of the said District.

When County of Huron erected into new District, assessments levied in it for defraying charge of erecting Gaol in London to be repaid.

III. *And be it further enacted by the authority aforesaid, That when the County of Huron shall have provided herself with a sufficient Gaol and Court House, in conformity with a Bill intituled, "An Act to erect the County of Huron, and certain other territory adjacent thereunto, into a separate District, by the name of the District of Huron," and so soon as the said County of Huron shall become a District in conformity with the provisions of the aforesaid Act, all moneys that shall or may have been raised, levied and collected, from such County, for the purpose of erecting the Gaol at London, shall be repaid by the District of London, forthwith, into the hands of the Treasurer of the District of Huron, to be applied to the general purposes of such new District, as its Magistrates may direct.*

## 2nd Geo. IV. Chap. 21.

*AN ACT to authorise His Majesty's Justices of the Peace for the Midland District, to obtain by loan a sum of money, for the purpose of erecting a Gaol and Court House in the Town of Kingston.*

[Passed 17th January, 1822.]

Preamble; Justices of the Peace for the Midland District authorised to loan not more than £3,000, for erecting a Gaol in Kingston. 2. £300 annually to be applied towards redeeming the said loan. 3. Not more than six per cent to be paid for interest on the said loan.

## 2nd Vic. Chap. 43.

*AN ACT to authorise the Magistrates of the Midland District to borrow a sum of money, to build a Wall around the Gaol and Court House of the Midland District.*

[Passed 11th May, 1839.]

Preamble.

**WHEREAS** sundry inhabitants of the Midland District have by petition set forth, that it is highly desirable that a Wall should be erected around

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the Midland District Gaol, in the Town of Kingston, as well for the purpose of affording the benefits of air and exercise to the prisoners confined therein, from which they are now necessarily excluded, as for the more secure custody of the said prisoners, and also for the construction of a Guard House connected therewith, and it is expedient that the prayer of the said petition should be complied with: *And whereas* the present state of the funds of the said Midland District does not admit of its being done, and it is therefore expedient that the Justices of the Peace for the said District should be allowed to borrow a sum of money for that purpose: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 be lawful for the Justices of the Peace for the said Midland District, to contract with such persons as may be willing to advance the same upon the credit of the District funds, for the loan of a sum of money, not exceeding one thousand pounds, for that purpose.

[See 3 Vic. Chap. 44.]

Justices of Midland District may contract for loan of £1,000.

II. And for discharging the principal and interest of the loan so contracted for, as aforesaid: *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace for the said Midland District, in Quarter Sessions assembled, to make such order with respect to the re-payment of such principal and interest as the state of the funds of the said District may warrant.

Their power in respect to payment of interest.

III. *And be it further enacted by the authority aforesaid*, That the said sum so borrowed shall be paid into the hands of the Treasurer of the said Midland District, to be by him paid to the order of such Committee as may be appointed by the Magistrates of the said District, in General Quarter Sessions assembled, to be by them applied for the building of the said Wall, the erection of the said Guard House, and making the Gaol ground secure for the safe keeping of the prisoners, and to no other purpose whatsoever.

Loan to be applied to building Wall, &amp;c. for security of Gaol.

[SEE 3 VIC. CHAP. 44.]

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## 3rd Vic. Chap. 44.

*AN ACT to authorise the levying an additional Rate on the inhabitants of the Midland District, for the payment of the Debt of the District, and for other purposes therein mentioned.*

[Passed 10th February, 1840.]

Preamble.

[Sec 2 Vic. chap. 43.]

**WHEREAS** the Magistrates and sundry inhabitants of the Midland District have by petition set forth, that it is highly desirable that a Wall should be erected around the Midland District Gaol, in the Town of Kingston, as well for the purpose of affording the benefits of air and exercise to the prisoners confined therein, from which they are now necessarily excluded, as for the more secure custody of the said prisoners, and also for the construction of a Guard House connected therewith, and also for liquidating the public debt, and it is expedient that the prayer of the said petition should be complied with: *And whereas* the present state of the funds of the said Midland District will not admit of its being done, except by laying an additional assessment upon the said District, for which the petitioners have also prayed: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 be lawful for the Justices of the Peace for the said Midland District, to contract with such person as may be willing to advance the same upon the credit of the District funds, for the loan of a sum of money sufficient to the before-mentioned purpose.

Justices of the Midland District may contract for a loan for certain purposes.

An additional assessment authorised until loan shall be repaid;

Amount to be raised not to exceed £3,500.

II. And for discharging the principal and interest of the loan so contracted for, as aforesaid: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace for the said Midland District, in Quarter Sessions assembled, to order an assessment of one penny in the pound, to be levied on the ratable property of the said District; which said rate or assessment shall be levied and collected in like manner as other rates and assessments are now by law collected, until the said loan shall be liquidated: *Provided always*, that the amount to be raised, levied and collected, as aforesaid, shall not exceed the sum of three thousand five hundred pounds.

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III. *And be it further enacted by the authority aforesaid,* That the assessment authorised to be raised by this Act, be applied for the payment of the building of the said Wall, the erection of the said Guard House, and making the Gaol ground secure for the safe keeping of the prisoners, and for paying off the District debt; and to no other purpose whatsoever.

Application of the moneys raised.

IV. *And be it further enacted by the authority aforesaid,* That no percentage be allowed to the Treasurer of the District, nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

No per centage allowed on moneys raised by this Act.

## 42nd Geo. III. Chap. 2.

*AN ACT to provide for the Administration of Justice in the District of Newcastle.*

[Passed 7th July, 1802.]

**W**HEREAS the Counties of Northumberland and Durham, with all the lands in their rear confined between their extreme boundaries, produced North sixteen degrees West, until they intersect the Northern limits of this Province, under and by virtue of a certain Act of the Parliament, intituled, "An Act for the better division of this Province," passed in the second Session of the second Parliament thereof, (to which the Royal Assent was promulgated by Proclamation bearing date the first day of January, in the fortieth year of His Majesty's reign,) are declared to be a separate District of this Province, to be called the District of Newcastle: *And whereas* it is expedient that the said District of Newcastle should possess and enjoy all and every jurisdiction, privilege and advantage, now possessed and enjoyed by the other Districts of this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery, and of the Peace; Courts of General and Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every Court and jurisdiction whatsoever, held, or

Preamble;

Courts, &amp;c. held in the other Districts to be held in this District.

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to be held, possessed and enjoyed, in and by the other Districts of this Province, shall from henceforth, with the like powers and authorities, be held, possessed and enjoyed, in and by the said District of Newcastle; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which hath or have been enacted, provided and declared, or shall be hereafter enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching and concerning the said other Districts, shall be and are hereby extended to that District, unless otherwise provided for and declared by this Act,—

[Remainder of this clause temporary.]

Courts of Oyer and Terminer, &c. postponed till 1803; Proviso.

Gaol and Court House to be erected. Provision until Gaol and Court House are erected.

II. }  
 III. } [TEMPORARY.]

Jurisdictions, &c. of the Home District to cease.

IV. *And whereas* the said Counties of Northumberland and Durham, with the said other lands now constituting the District of Newcastle, did heretofore belong to and constitute a part of the Home District of this Province, and were subject to the jurisdictions, powers and authorities, of that District: *Be it therefore further enacted by the authority aforesaid,* That no jurisdiction, power or authority, of what nature or kind soever, to the said Home District at this time belonging and appertaining, shall extend, or be construed to extend, to the said District of Newcastle: *Provided nevertheless,* that nothing herein contained shall affect, change, or in any wise invalidate the jurisdictions, commissions, powers and authorities, which heretofore were established, possessed and exercised, in that part of the said Province, which before the erecting and constituting of the said District of Newcastle, formed and constituted the Home District; and that all acts, matters and things, which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers and authorities, within that District, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting of the said District of Newcastle, as aforesaid; and all acts, matters and things, which shall be lawfully done under and by virtue of the same, in that part of the Province which now forms and constitutes the Home District, so far as respects the validity of the authority under which the same have issued, and are constituted since the said District of Newcastle hath been so erected and constituted, shall be held to be valid and good in law to all intents and purposes whatsoever:

Present Magistrates, &c. residing within this District to continue; but not to have any authority out of it. Application of assessments and rates for the current year.

V. }  
 VI. } TEMPORARY.

DISTRICTS.—DISTRICT GAOLS, &amp;c.

NEWCASTLE.

## 6th Wm. IV. Chap. 23.

*AN ACT to authorise the sale of the old site of the Gaol and Court House in the District of Newcastle.*

[Passed 7th March, 1836.]

**WHEREAS** the present Court House and Gaol for the District of Newcastle is erected upon a new site of half an acre of land conveyed by the Honourable Zaccheus Burnham: *And whereas* it is expedient to authorise the sale of the old site: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Clerk of the Peace of the said District, and he is hereby required to sign, seal and deliver, a good and sufficient deed or conveyance of the said old site, at such times and in such lots, and to such person or persons, as the Magistrates of the said District, in General Quarter Sessions assembled, shall at any time order and direct; which deed or conveyance, when executed, shall convey the lands mentioned therein to the purchaser or purchasers thereof, according to the terms and conditions therein expressed, freed and discharged from all trusts whatsoever, under and by virtue of which the said premises are now held by the person or persons to whom the same were conveyed.

Preamble.

Clerk of the Peace of the Newcastle District authorised to convey the site of the old Court House and Gaol.

II. *And be it further enacted by the authority aforesaid*, That the purchase money arising from the sale of the aforesaid old site, shall be paid into the hands of the Treasurer of the said District, payable and subject to such order as the Magistrates shall from time to time make: *Provided always*, that such money shall be applicable only to the purchase of such additional ground adjoining the present site, and making such enclosures and erections thereupon and about the said prison as the Magistrates shall deem expedient and necessary for the security, comfort and convenience thereof.

Application of moneys arising from such sale.



DISTRICTS.—DISTRICT GAOLS, &amp;c.

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## 50th Geo. III. Chap. 12.

*AN ACT to authorise the inhabitants of the County of Haldimand to hold annual meetings for the purpose of electing Town and Parish Officers.*

[Passed 12th March, 1810.]

Preamble.

(See 1 Vic. chap. 31, sec. 6.)

Justice of the Peace of the District of Niagara to issue his warrant authorising any Constable of the County of Haldimand to assemble certain inhabitants thereof for the purpose of electing Town and Parish officers.

**WHEREAS** that part of the County of Haldimand comprised within the District of Niagara, contains a large number of white inhabitants, and is not divided into Townships, whereby the said inhabitants are unable to elect Parish and Town Officers: for remedy whereof, *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of 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 any Justice of the Peace, acting within the said District, to issue his warrant, giving eight days previous notice, to any Constable or Constables within the said County, authorising him or them, on the first Monday in April in this present year, and on the first Monday in March in every succeeding year, to assemble the white inhabitant householders of the said County, residing between Dundas Street and the Onondaga Village (commonly called Bears Foot,) including said Village, in one division; and the inhabitants, as aforesaid, residing between said Village and the mouth of the Grand River, within said County, in the other division, in some convenient place, for the purpose of electing Town and Parish Officers.

Such inhabitants so assembled, may appoint Town and Parish officers.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants, so assembled, to nominate and appoint proper persons to serve as Town and Parish Officers, and to do and perform the several duties directed and required by law to be done by the inhabitants of the respective Townships in this Province, at their Town meetings.

Such officers to be subject to all the duties, &c. as any other Parish and Town officers.

III. *And be it further enacted by the authority aforesaid,* That the several Officers so appointed within the limits of the said divisions, respectively, be subject to all the duties, and be liable to all the penalties that all or any Parish and Town Officers are by law now subject and liable to perform in this Province.

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IV. *And be it further enacted by the authority aforesaid,* That the said inhabitants of the said divisions, respectively, shall be and they are hereby declared to be subject to all the provisions of an Act passed in the forty-sixth year of His Majesty's reign, intituled, "An Act to alter and amend an Act passed in the thirty-third year of His present Majesty's reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers;' and also, to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's reign, intituled, 'An Act to authorise and direct the laying and collecting the assessments and rates in each and every District in this Province, and for the payment of wages to the Members of the House of Assembly.'" [Not in force in those places which have been organized into Townships.]

The said inhabitants to be subject to the provisions of statute 46 Geo. 3, chap. 5.

### 56 Geo. III. Chap. 14.

*AN ACT to extend the Limits of the Town of Niagara, in the District of Niagara.*

[Passed 22nd March, 1816.]

WHEREAS it appears expedient and necessary, from various circumstances, to extend the Limits of the Town of Niagara, in the District of Niagara: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all that tract of land lying and being situate within the following described boundaries, be and is hereby declared to be the Town of Niagara, videlicet: commencing at Messessagua Point, thence Westerly along Lake Ontario to Crookston; thence along the rear or Town line of Niagara to the Black Swamp Road; thence along the Eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garrit Slingerland, to the North-west angle of the lands of John Eccleston; thence Easterly to where the lands of William Dickson, Esquire, and the late Martin McLennon, deceased, come in contact; thence East along the Northern boundary of the lands of the said Martin McLennon, deceased; to the Niagara River; thence Northerly down said Niagara River to the place of beginning.

Preamble.

All that tract of land situate within the following described boundaries is hereby declared to be in the Town of Niagara, viz:

Description.

[SEE 7th GEO. 4, CHAP. 13—ANTE-TITLE LONDON.]

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## 3rd Vic. Chap. 43.

*AN ACT to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from Debt.*

[Passed 10th February, 1840.]

Preamble.

**W**HEREAS the Magistrates of the District of Niagara, in General Quarter Sessions assembled, have in their petition to the Legislature set forth, that in consequence of the embarrassed state of the finances of that District, it has become absolutely necessary that an Act should be passed authorising the borrowing of a sufficient sum of money to liquidate the outstanding debts of the said District, or in the event of their not being able to procure a loan, to raise the same by an additional rate upon property within the District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That in order to provide funds for the liquidation and discharge of all and every sum and sums of money, claims and demands, due or payable to any person or persons by the said District, such claims and demands acknowledged already or hereafter to be acknowledged by the Court of General Quarter Sessions, to be justly due to him, her or them, it shall and may be lawful for the Justices of the Peace of the said District, in General Quarter Sessions assembled, and they are hereby required to levy by assessment, to be made on each and every inhabitant householder in the said District, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in said District, an additional rate of one farthing in the pound, to continue and be collected for the term and space of five years from the first imposition and collection thereof.

Quarter Sessions to levy by assessment an additional rate of one farthing in the pound for five years, on the District of Niagara.

Justices may raise a loan to discharge the debts of the District of Niagara;

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any three or more of the said Justices of the Peace in and for the said District, in General Quarter Sessions assembled, either at the next or any subsequent Court, or Special Sessions, to be holden after the passing of this Act, and in the name or on the behalf of the inhabitants of the said District, to raise by way of loan, at a rate of interest not greater than six per cent per annum, from such person or persons, bodies politic or corporate, as may be willing to lend the same

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on the credit of the said District, a sum not exceeding two thousand pounds, nor less than twelve hundred pounds, to be paid and appropriated by the Treasurer of the said District, in discharge of the debts of the said District; and that the bond or agreement under the hand and seal of the Treasurer of the said District, to be given for the re-payment of such loan under the authority of this Act, (which bond or agreement the said Treasurer is hereby authorised to give,) shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such Treasurer in his individual capacity.

Bond or agreement of the Treasurer for such loan, to be binding on the District.

## 56th Geo. III. Chap. 2.

*An ACT to repeal part of an Act of the Parliament of this Province, passed in the thirty-eighth year of His Majesty's reign, intituled, "An Act for the better division of this Province;" and more effectually to provide for the administration of Justice, by constituting the Counties of Prescott and Russell, under certain modifications, a separate District.*

[Passed 22nd March, 1816.]

**WHEREAS** from the great extent of the Eastern District of this Province, the inhabitants of the Counties of Prescott and Russell, in the said District, experience much inconvenience in attending His Majesty's Courts of Justice at present established: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, "An Act for the better division of this Province," as directs that the Counties of Russell and Prescott shall form part of the Eastern District, shall be repealed, and the same is hereby repealed accordingly.

Preamble.

So much of the 38th Geo. 3, Chap. 5, as directs that the Counties of Prescott and Russell shall form part of the Eastern District, repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be formed, constituted and established, a new District, to consist of the said Counties of Prescott and Russell, to be called the District of Ottawa.

A new District, to consist of the Counties of Prescott and Russell, to be called the District of Ottawa. [See 1 Vic. Chap. 25.]

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Russell, to be called the District of Ottawa; and the said District shall enjoy all the privileges, and be subject to the same laws, rules and regulations, as any other District in this Province enjoy, except as is hereinafter provided.

The Justices to fix upon a proper place within the District where a Gaol and Court House may be built;

The Gaol and Court House not to be built on any Crown or Clergy Reserves, &c. without permission first obtained;

The majority of the Justices of the Peace to appoint some place for the holding of the Courts of General Quarter Sessions, &c.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace to be appointed in and for the said District of Ottawa, to fix upon some fit and proper place within the said District, where a Gaol and Court House may be built, in the same manner, and subject to the same rules and regulations as the Gaols and Court Houses are directed by law to be built in other Districts in this Province: *Provided,* that nothing in this Act shall extend or be construed to extend to authorise the said Justices of the Peace to fix the place for building the said Gaol and Court House on any reserve of the Crown or Clergy, or on any land belonging to any person or persons, without permission first obtained from the Government, or from the owner of said land: *And provided also,* that until such time as the said Gaol and Court House, in and for the District of Ottawa, shall have been erected and built, whether out of the fund produced by the District assessments and rates, or otherwise, that it shall and may be lawful for the majority of His Majesty's Justices of the Peace for the said District of Ottawa, to appoint some place therein for the holding of the Courts of General Quarter Sessions of the Peace, and of all other Courts authorised to be held by virtue of this Act.

Times for the commencement of the Courts of General Quarter Sessions of the Peace.

Causes to which this Act does not extend. The Sheriff of the Eastern District to have full power to summon Jurors, and perform all services in said District of Ottawa that relate to the Courts of Oyer and Terminer and General Gaol Delivery. Prisoners committed for felony or other crime too high to be tried before the Quarter Sessions, to be removed to the Eastern District, &c. to be tried, and the committing Magistrates to transmit to the Sheriff, &c. the documents respecting such commitments. Expense of prisoners to be borne by the District of Ottawa. Process in civil actions bro't against defendants. Power of Magistrates to bind over witnesses to appear at the Court of Oyer, &c. in the Eastern District.

IV. [Superceded by 7 Wm. IV. Chap. 11.]

V.

VI.

VII.

VIII.

IX.

X.

[Repealed by 7 Wm. IV. Chap. 38.]

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## 7th Wm. IV. Chap. 38.

*AN ACT to authorise His Majesty's Justices, under certain provisions therein mentioned, to hold Courts of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, in the Ottawa District.*

[Passed 4th March, 1837.]

**WHEREAS** from the increase of the population and business of the District of Ottawa, it has become expedient that the Courts of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery, should, under certain provisions herein mentioned, be held in the said District, and that the said District shall enjoy all the privileges possessed by the other Districts of this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the fifth, sixth, seventh, eighth, ninth and tenth clauses of a certain Act of the Parliament of this Province, passed in the fifty-sixth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal part of an Act of the Parliament of this Province, passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act for the better division of this Province,' and more effectually to provide for the administration of Justice, by constituting the Counties of Prescott and Russell, under certain modifications, a separate District," be and the same are hereby repealed: *Provided always, nevertheless*, that the expense of maintenance of any prisoner or prisoners, which, before the passing of this Act, has been conveyed from the District of Ottawa to the Eastern District, pursuant to the provisions of said Act, shall be borne by the District of Ottawa.

Preamble.

Sections 5, 6, 7, 8, 9, and 10, of 56 Geo 3, chap. 2, repealed;

Expenses of certain prisoners to be borne by Ottawa District.

Courts to be held in the Ottawa District;

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, and every Court and jurisdiction whatsoever, held, or to be held, enjoyed and possessed, in and by the other Districts of this Province, shall from henceforth, with the like power and authorities, be held, possessed and enjoyed, in and by the said District of Ottawa, and shall have the same power and authority to hear and determine all causes, whether criminal or civil, as such Courts have or may have in other Districts of this

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Laws relating to other Districts generally, to be equally applied to the new District.

Province; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which hath or have been enacted; provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, shall be and are hereby extended to that District.

Courts to be held at L'Original.

III. *And be it further enacted by the authority aforesaid*, That the said Courts shall be holden at the Court House of the said District, in the Village of L'Original, in the Township of Longueil.

IV. This Act not to take effect till the number of Judges of King's Bench be increased; And provision be made for contingent charges of Circuit.

[SEE 7 WM. 4; CHAP. 1.]

### 37th Geo. III. Chap. 17.

*AN ACT for the better division of the County of Prince Edward into Townships.*

[Passed 3rd July, 1797.]

Preamble.

[See 38 Geo 3, chap. 5, Sec. 17.]

The southernmost parts of Marysburgh and Sophiasburgh to be formed into a distinct township;

**WHEREAS** the inhabitants of the Townships of Marysburgh and Sophiasburgh, in the County of Prince Edward, experience many difficulties from the uncommon length of the said Townships: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That a Township shall be struck off from the Southernmost parts of the Townships of Marysburgh and Sophiasburgh, in form following: To commence in Marysburgh, in the limit between the lots numbers eleven and twelve, South side of the Bay of Quinte, to the Eastward of a small Bay which leads to the Carrying Place, to the East Lake; then along the said limit, South ten degrees West, the depth of three Concessions, more or less, until it intersects the limit between lots numbers twelve and thirteen, in the second Concession, North of Black River; and then along the limit between the said lots numbers twelve and thirteen, South thirty-two degrees East, to the rear of the first Concession from Black River; then South fifty-eight degrees West, along the line between the first and second Concessions, passing lot-number thirty-

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two to a small Creek which empties itself into East Lake; then South thirty-two degrees East, to Lake Ontario; then Westerly along the shore of the said Lake to the mouth of the West Lake; thence by the nearest line to the limit between lot number one in Ameliasburgh and lot number one in Sophiasburgh; then North twenty degrees West, the depth of two Concessions; then North seventy degrees East, to the North-east angle of lot number sixteen, in the second Concession, nearly; then North fifty-eight and one-half degrees East, to the North-east angle of a lot numbered thirty-nine, in the third Concession; then South thirty-one and one-half degrees East, to the rear of the second Concession; then a small distance by the most direct line to the Northernmost angle of lot number ten, in the second Concession; then along the limit between the lots numbers ten and eleven, South sixty-one degrees East, to the small Bay first mentioned; then following the shores of the said Bay, and the Bay of Quinte, according to its different windings and courses, to the place of beginning; which Township shall be under the same regulations, and entitled to the same privileges, as any other Township in this Province.

Boundary lines thereof;

Regulations and privileges.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant-Governor, or Person Administering the Government of this Province, on or before the first day of August next, by a Proclamation, to declare the name of such Township.

By whom the name of such Township shall be declared.

III. *Provided always, and it is hereby further enacted*, That such alteration of the said Townships shall not impeach, or be construed to impeach the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said Townships, or any of them, or to make void or otherwise affect any grant of land, or other legal proceeding, within the limits of the said Townships, any law or usage to the contrary notwithstanding.

Such alteration in no wise to affect any existing commission, legal proceeding, or grant of land.

#### 4th Geo. IV. Chap. 38. (1823.)

*AN ACT for the division of the Township of Ameliasburgh, in the County of Prince Edward.*

[Passed 19th March, 1823.]

**WHEREAS** from the great extent of the Township of Ameliasburgh, in the County of Prince Edward, in the Midland District of this Province, and from the increase of population therein, many great inconveniences occur to the inhabitants of the said Township in meeting together upon public occasions: *And whereas* it becomes expedient and necessary to divide

Preamble.

[See 38 Geo. 4, chap. 5, Sec. 17.]



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the said Township of Ameliasburgh into two parts: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of January next ensuing, the aforesaid Township of Ameliasburgh shall constitute and form two Townships, and shall be divided by the line running between the fourth and fifth Concessions of the said Township, as follows: Commencing on the Eastern boundary line of the said Township, in the centre of the allowance for road between the fourth and fifth Concessions, from the Bay of Quinte, along the said Concession line; then South fifty-eight degrees thirty minutes West, to Consecon Lake; then through the same to the outlet from the said Lake; thence along the said outlet to Wellar's Lake; thence through Wellar's Lake, North eighty-three degrees West, until it intersects the beach on Lake Ontario, and crossing the beach to Lake Ontario; the North part to constitute and form the Township of Ameliasburgh.

The Township of Ameliasburgh divided into two Townships.

South part to be called Hillier.

II. *And be it further enacted by the authority aforesaid*, That the South or lower part of the aforesaid Township of Ameliasburgh shall constitute and form the Township of Hillier.

And to have the same privileges as other Townships.

III. *And be it further enacted by the authority aforesaid*, That the said Township of Ameliasburgh, and the said Township of Hillier, respectively, shall be under the same regulations, and entitled to the same privileges as any other Township within this Province.

Not to affect any commission or other matter heretofore existing.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That such division shall not by any means invalidate the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said Townships, or to make void or otherwise affect any grant of lands, or other legal proceedings, within the limits of the said Townships, any law or usage to the contrary notwithstanding.

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## 1st Wm. IV. Chap. 6.

*AN ACT to erect the County of Prince Edward into a separate District.*

[Passed 16th March, 1831.]

WHEREAS from the peculiar situation of the County of Prince Edward, in the Midland District of this Province, and from various other causes, it has become expedient to erect the said County into a separate District: Preamble. [See 2 Wm 4, chap. 16; 3 Wm 4, chap. 23.]  
*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 soon as the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein, for securing prisoners and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Person Administering the Government of the said Province; for the time being, by and with the advice of His Majesty's Executive Council in this Province, to declare by Proclamation the said County of Prince Edward a separate and distinct District, by such name as he shall think fit: *Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect, the jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary or lawful to issue commissions of Oyer and Terminer and General Gaol Delivery, and commissions of Assize and Nisi Prius for the said District; or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the said Midland District: *Provided nevertheless*, that if at the time the said County shall be set off into a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending; to be held in and for the Midland District, unless all the parties concerned shall agree that the same shall not be tried in said Midland District: *Provided always*, that such Gaol and Court House shall be erected in the Village of Picton, upon a certain block of land, containing two and a half acres, granted, or intended to be granted and conveyed to Asa Worden, Simeon Washburn and James Dougal, Esquires, agreeably to a resolution adopted at a public meeting in May, one thou-

The County of Prince Edward may by Proclamation be declared a separate District so soon as a Gaol and Court House shall be erected;

Not to affect the jurisdiction of any Courts;

Court House to be erected in Picton;

(See 2 Wm 4, chap. 16; Sec. 10.)

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sand eight hundred and twenty-six, convened for the purpose of fixing the site of the said Gaol and Court House, unless a majority of such Justices of the Peace of the Midland District as shall be present on the second day of the Court of General Quarter Sessions for the Midland District, in the month of July next, shall by a resolution declare that such site is ineligible.

Courts established in the new District;

Laws relating to other Districts generally to be equally applied to the new District.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every other Court and jurisdiction, with all District offices whatsoever, held or to be held, possessed and enjoyed, in and by the other Districts of this Province at the time of such Proclamation, as aforesaid, shall from thenceforth, with the like powers and authorities, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made, or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be, and are hereby, from thenceforth extended to that District, to be thereby declared and named, as aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses to be applicable to the new District;

Courts to be held in the Court House hereby authorised to be erected; (Sec 2 Wm 4, chap. 16, Sec. 10.)

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules, regulations, matters and things, contained in any Act or Acts of the Parliament of this Province for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Periods for holding of the District Court and Sessions of the Peace,

IV. *And be it further enacted by the authority aforesaid*, That from and after the declaring and naming the said County of Prince Edward a separate District, as aforesaid, the Court of General Quarter Sessions of the Peace, and District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the first Tuesday in the months of January, April, July and

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October, in each and every year; and that the Terms for the said District and Surrogate Court, within and for such new District, shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the Saturday following.

and Surrogate Court;  
(See 7 Wm 4, chap. 11.)

V. *And be it further enacted by the authority aforesaid*, That His Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said County of Prince Edward at the time the same shall be declared and named a separate District, as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the Midland District: *Provided*, that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority within, or residing within the said County of Prince Edward, shall not in any wise be longer exercised or continued within the Midland District, but the same within that District shall from thenceforth cease and determine: *Provided*, that after declaring and naming such new District, as aforesaid, His Majesty's Justices of the Peace and others who thenceforth continued to hold commission or office, or bear lawful authority within the Midland District, shall cease to hold such commission or office, or to exercise such lawful authority within said new District to be declared and named; as aforesaid; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Midland District, at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend, to the said new District.

Justices of the Peace and other persons holding offices and residing in Prince Edward at the time of its erection into a separate District, to continue their functions within such new District;

Limitation of the period for holding such office;

Justices and others continuing to exercise their authority within the Midland District, shall cease to exercise the same in the new District.

VI. *And be it further enacted by the authority aforesaid*, That the ordinary assessments and rates levied within the said County of Prince Edward for the current year, at the time the said County shall be declared and named a separate District by virtue of this Act; and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province, in the Midland District, except in so far as the same may be varied by this Act.

Rates and assessments how to be applied.

VII. [Repealed by 3 Wm. IV. Chap. 23.]

VIII. [Repealed by 2 Wm. IV. Chap. 16.]

Arrearages due to the Midland District to be paid over within two years after the erection of such new District.

Fifty pounds granted annually to His Majesty for payment of Sheriff's salary.

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£100 granted annually to His Majesty for the support of a District School.

(See Statutes of Canada, 4 & 5 Vic. chap. 18.)

IX. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a separate District by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds annually; which said sum of one hundred pounds shall be appropriated, applied, and disposed of, in paying the salary of the Teacher of the public District School which may be hereafter erected in the said District.

District School to be opened in Hallowell.

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Township of Hallowell, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

The said District School to be under the like rules as other District Schools.

XI. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

£250 granted annually to His Majesty for the support of Common Schools,

(See Statutes of Canada, 4 & 5 Vic. chap. 19.)

Which are to be under the same regulations as other Common Schools.

XII. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a separate District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied, and disposed of, in the establishment of Common Schools in the said District, in manner, and under the same rules, regulations, provisions and restrictions, in every particular, mentioned, specified and contained, in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be so established in the said projected District: *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

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XIII. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty, shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province; and the said Receiver General shall account for the same 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 direct.

How moneys to be accounted for.

XIV. *And whereas,* under the authority of two several Acts of the Parliament of this Province, one passed in the second year of His late Majesty's, reign, chapter twenty-one, and the other passed in the fourth year of His late Majesty's reign, chapter thirty-two, by which Acts His Majesty's Justices of the Peace for the Midland District are authorised to obtain by loan a sum of money for the purpose of erecting a Gaol and Court House in the Town of Kingston, and under the authority of said Acts the sum of four thousand pounds hath been borrowed by the Justices of the Peace for the said Midland District, for the purposes therein specified, for the redemption of which loan the rates of said Midland District, including the said County of Prince Edward, are by the said Acts rendered liable: *And whereas* it is expedient, in case the said County should be declared and named a separate District by virtue of this Act, before the total liquidation of the said debt of the said Midland District, that the inhabitants of the said County should continue subject and liable to contribute equally towards the payment thereof, as if the said County had not been erected into a separate District: *Be it therefore further enacted by the authority aforesaid,* That so soon after the passing of this Act as the said County of Prince Edward shall have paid into the Midland District Treasury, out of the assessed rates and taxes now or hereafter raised within said County, the full sum of six hundred pounds, it shall be and be taken to be in full satisfaction for all arrears of said loan, and interest thereon, to be contributed and paid by the said County towards the said Midland District debt; and that from thenceforth all rates and taxes assessed and raised thereafter within said County or new District, may and shall be applicable and be applied to the uses and benefit of said County; and may, by His Majesty's Justices of the Peace of and residing within said County, be laid out and applied towards the erecting and building a Gaol and Court House, as provided by this Act, in and for the said County or new District, any thing in this Act to the contrary in any-wise notwithstanding.

(See 3 Wm 4, chap. 23.)

£600 to be paid by the new District to the Treasurer of the Midland District in full of arrears of loan to the Midland District;

And thereafter the funds of the new District shall be applied to the uses thereof, &c.;

May be applied towards the erection of a Gaol and Court House.

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## 2nd Wm. IV. Chap. 16.

*AN ACT to repeal part of and to extend the provisions of an Act passed in the last Session of the Parliament of this Province, intituled, "An Act to erect the County of Prince Edward into a separate District."*

[Passed 28th January, 1832.]

Preamble;

[See 1 Wm. 4, chap. 6;  
3 Wm. 4, chap. 23;  
5 Wm. 4, chap. 25.]

**WHEREAS** it is expedient to extend the provisions of an Act passed the last Session of the Parliament of this Province, intituled, "An Act to erect the County of Prince Edward into a separate District," so as to enable His Majesty's Justices of the Peace within the said County or intended District more conveniently to carry into effect the intentions of the said Act: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That, &c.

Justices of the Peace to procure plans for the new Court-House.

- II. Justices may appoint a Chairman, Treasurer and Clerk; Building Committee formed; Building Committee to contract for the erection of the Gaol and Court House; Public notice to be given for tenders; Tenders how to be made and received; Contractors to give security.
- III. Power of Justices within the County; Vacancies in the Building Committee how filled up.
- IV. Assessments collected in Prince Edward, to be paid over by Treasurer of Midland District to the Treasurer of the said County.
- V. Moneys received from the Treasurer of the Midland District to be expended in the erection of Gaol and Court House.
- VI. Building Committee to keep accounts of moneys expended.
- VII. Magistrates may authorise Treasurer to raise by loan £1,200, for building Gaol and Court House.
- VIII. Debt not to bear a higher interest than six per cent, and funds appropriated for its gradual liquidation.
- IX. Treasurer not to receive any poundage on moneys borrowed.

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X. *And whereas* the Reverend William Macaulay, of the Township of Hallowell, in the County aforesaid, now is the true, lawful and rightful owner of a certain piece or parcel of land hereinafter mentioned and described, and hath by his petition prayed that the same may be vested in trust to and for the use and benefit of the inhabitants of the said intended District, as a site for a Gaol and Court House, and other public purposes connected with the same: *Be it further enacted by the authority aforesaid*, That all that certain parcel or tract of land, being a part of a block of land composed of the South half of lot number twenty, and the whole of numbers twenty-one and twenty-two, in the first Concession East of the Carrying Place, in the Township of Hallowell, aforesaid, which is butted and bounded as follows, that is to say: Commencing at the North angle of a part of the above named block of land, commonly called block O, at the intersection of Union and Pitt streets, being part of a Village plot called Picton, in the said Township; then South, eighty degrees twenty minutes East, four hundred and twenty links, more or less, to Portland street; then South, nine degrees forty minutes West, five hundred and fifty-eight links, more or less, to York street; then North, eighty degrees twenty minutes West, four hundred and twenty links, more or less, to Pitt street; then North, nine degrees forty minutes East, five hundred and fifty-eight links, more or less, to Union street, the place of beginning, containing two and half acres, be and the same is hereby vested in the Clerk of the Peace of the said intended District, for the time being, to and for the use of the inhabitants of the said District, for the purposes aforesaid; and that it shall and may be lawful for the said Justices of the said intended District, in Quarter Sessions assembled, or a majority of them, to direct any legal proceedings, proper to be instituted, in the name of the Clerk of the Peace, for the time being, by his name of office only, for punishing or restraining trespasses on the said lands, or of recovering or maintaining possession thereof; and that until the appointing of such Clerk of the Peace for such intended District, the same be vested in His Majesty, His Heirs and Successors, to have and to hold the same to and for the use and purposes aforesaid; saving always, and reserving to all and every person or persons whomsoever, bodies politic or corporate, their heirs and successors, other than the said Reverend William Macaulay or his heirs, all his, her or their, right, title and interest, claim and demand whatsoever, of, in or to, the said premises.

Site of Gaol and Court House to be vested in the Clerk of the Peace, and be under the control of the Magistrates.

XI. *And whereas* by the eighth clause of the said Act, chapter seven, passed in the first year of His Majesty's reign, a salary is provided for the office of Sheriff of the said intended District: *And whereas* it is inexpedient that the said salary should be permanently established: *Be it further enacted by the authority aforesaid*, That the said clause be and the same is hereby repealed.

1st Wm 4, chap. 6,  
sec. 8, repealed.



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## 3rd Vic. Chap. 39.

*AN ACT for dividing the Township of Hallowell, in the District of Prince Edward.*

[Passed 10th February, 1840.]

Preamble.

**W**HEREAS from the great extent of the Township of Hallowell, in the District of Prince Edward, and from the increase of population therein, many great inconveniences occur to the inhabitants of the said Township in meeting together upon public occasions: *And whereas* it becomes expedient and necessary to divide the said Township of Hallowell into two parts: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the aforesaid Township of Hallowell shall constitute and form two Townships; and shall be divided by a line commencing on Little Sandy Bay, in the limit between block letter H, and block letter I; thence North, twenty-eight degrees East, to the limit between said block letter I, and lot letter F, on East Lake; thence North, thirty-two degrees West, to the North-western angle of said lot letter F; thence North-easterly, following the rear boundaries of the lots on East and West Lakes, respectively, to the South-eastern angle of lot number fourteen, on West Lake; thence North, sixty-two degrees West, to the rear boundary of lot number ten, fronting on East Lake; thence North, sixty degrees East, to the North-eastern limit of lot number twenty of the lots on East Lake; thence North, thirty degrees West, to the allowance for road between the first and second concessions of the Military tract; thence South, seventy degrees East, to the Southern angle of lot number twenty-four, in the second concession of the Military tract; thence South, twenty degrees West, to the Northerly limit of lot number one, on the East side of East Lake; thence North, sixty degrees East, to the Northerly angle of said lot number one; thence South, thirty degrees East, to the Southern limit of lot number eight, East of East Lake; thence South, sixty degrees West, to the Town line between the Townships of Hallowell and Marysburgh; thence South, thirty degrees East, to Lake Ontario; thence Westerly, Northerly, Westerly, Easterly, Northerly, and Westerly, to the place of beginning.

Township of Hallowell  
divided into two  
Townships:

Division lines.

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II. *And be it further enacted by the authority aforesaid,* That so much of the said Township of Hallowell as is comprised within the description, shall constitute and form the Township of Athol.

Part described to form Township of Athol.

III. *And be it further enacted by the authority aforesaid,* That the said Township of Athol shall be under the same regulations, and entitled to the same privileges, as any other Township within this Province.

Athol to be placed on the same footing as other Townships.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That such division shall not by any means invalidate the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said Townships, or to make void or otherwise affect any grant of lands or other legal proceedings within the limits of the said Townships, any law or usage to the contrary notwithstanding.

Division not to avoid any Commissions;

Or affect lands or legal proceedings.

## 7th Wm. IV. Chap. 32.

*AN ACT to authorise the erection of the County of Simcoe into a separate District, by the name of the District of Simcoe.*

[Passed 4th March, 1837.]

**WHEREAS** from the increase of the population of the County of Simcoe, and the great distance from the District Town, it is expedient to erect the said County of Simcoe, with the exception of certain Townships hereinafter mentioned, into a separate District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein, for the security of prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Person Administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare, by Proclamation, the County of Simcoe, as constituted by this Act, to be a separate and distinct

Preamble;

[See 1 Vic. Chap. 39; Statutes of Canada, 4 & 5 Vic. Chaps. 10 & 78.]

The County of Simcoe may, by Proclamation, be declared a separate District so soon as a Gaol and Court House shall be erected;

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Not to affect the jurisdiction of any Courts;

Court House to be erected in the Town of Barrie; [See Statutes of Canada, 4 & 5 Vic. ch. 78, sec. 3.]

New formation of the County of Simcoe, after such Proclamation;

And of the County of Waterloo;

And of the fourth Riding of the County of York.

Courts established in the new District;

District, by the name of the District of Simcoe: *Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect, the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Home District: *Provided also*, that if at the time the said County shall be set off into a separate District; any action shall have commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Home District, unless all the parties shall agree that the same shall not be tried in the said Home District: *Provided always*, that such Gaol and Court House shall be erected on such part of the *Government Reservation* in the Town of Barrie, as a majority of the Magistrates in the said County of Simcoe, who shall be present on the second day of the next Court of General Quarter Sessions, which shall be held after the passing of this Act, for the said Home District, shall fix upon.

II. *And be it further enacted by the authority aforesaid*, That the County of Simcoe, from and after the issuing of the said Proclamation, shall consist of the Townships of West Gwillimbury, Tecumseth, Adjala, Mono, Mulmer, Tosorontio, Essa, Innisfil, Nottawasaga, Sunnidale, Vespra, Oro, Orillia, (North and South division,) Medonte, Flos, Tiny, Tay and Matchedash, together with the Islands in Lakes Huron and Simcoe lying wholly or in greater part opposite thereto; and that thenceforward the Townships of Proton, Luther, Melancthon and Amaranth, shall form part of the County of Waterloo; and the Townships of Thorah, Mara and Rama, shall thenceforward be attached to and form part of the Fourth Riding of the County of York, in the Home District: *Provided always*, that so much of the seventh clause of an Act passed in the second year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part of and amend an Act passed in the thirty-eighth year of His late Majesty's reign, intituled, 'An Act for the better division of this Province,' and to make further provision for the division of the same into Counties and Districts," as relates to the formation of the County of Simcoe, be and the same is hereby repealed.

III. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every other Court and jurisdiction, with all District offices whatsoever, held or to be held, possessed or enjoyed, in and by the other Districts of this Province, at the time of such Proclamation, as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said Dis-

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trict, to be thereby declared by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby from thenceforth extended to that District, to be thereby declared, as aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

Laws relating to other Districts generally, to be equally in force in the new District.

IV. *And be it further enacted by the authority aforesaid,* That all and every the provisions, rules, regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate Court, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses to be applicable to new District;

Courts to be held in the Court House hereby authorised to be erected.

V. *And be it further enacted by the authority aforesaid,* That from and after the declaring the said County of Simcoe a separate District, as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions, and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Periods for holding the District Court and Quarter Sessions.

VI. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said County of Simcoe, as ascertained by this Act, at the time the same shall be declared a separate District, as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the said Home District: *Provided,* that the authority, power and jurisdiction, previously exercised by

Justices of the Peace, and other persons holding offices, and residing in Simcoe at the time of its erection into a separate District, to continue their functions in the new District;

Their jurisdiction thenceforth to cease in the Home District;

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His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority, within or residing within the said County of Simcoe, shall not in any wise be longer exercised or continued within the Home District, but the same within that District shall from thenceforth cease and determine: *Provided*, that after declaring such new District, as aforesaid, His Majesty's Justices of the Peace, and others who thenceforth continue to hold commission or office, or bear lawful authority within the Home District, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared as aforesaid; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Home District at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend or be construed to extend to the said new District.

Justices and others continuing to exercise authority in the Home District shall cease to do so in the new District.

How rates and assessments are to be applied; (See Statutes of Canada, 4 & 5 Vic. chap. 10.)

VII. *And be it further enacted by the authority aforesaid*, That the ordinary assessments and rates levied within the said County of Simcoe for the current year, at the time the said County shall be declared a separate District by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Home District, except in so far as the same may be varied by this Act.

£100 granted annually to His Majesty for the support of a District School; (See Statutes of Canada, 4 & 5 Vic. Ch. 18.)

VIII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Simcoe, when the said County shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid*, That from and after the erection of the said County of Simcoe into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the Teacher of the Public District School which may be hereafter erected in the said District.

District School to be kept in the Town of Barrie.

IX. *And be it further enacted by the authority aforesaid*, That the said District School shall be opened and kept in the Town of Barrie, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be subject to the same regulations as other District Schools.

X. *And be it further enacted by the authority aforesaid*, That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be men-

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

SIMCOE.

tioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

XI. *And be it further enacted by the authority aforesaid,* That from and after the crection of the said County of Simcoe into a separate District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner, and under the same rules, regulations, provisions and restrictions, in every particular, mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of the several Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

£250 granted annually to His Majesty for the support of common Schools, which are to be subject to the same regulations as other common Schools.

[See Statutes of Canada, 4 & 5 Vic. chap. 19.]

XII. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty, shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and the said Receiver-General shall account for the same 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 direct.

How moneys to be accounted for.

XIII. Justices of Simcoe may hold a meeting, after giving notice, for purpose of procuring plans for a Gaol and Court House.

XIV. At such meeting Justices may appoint a Chairman, Treasurer, and Clerk; and three members, as a Committee for contracting and building the Gaol and Court House; Notice to be given that tenders will be received; Lowest tender to be accepted; Good security for fulfilment of contract to be given.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

SIMCOE.

**XV.** Justices so assembled to have the like power within Simcoe as the Justices of other Districts, so far as relates to building Gaols and Court Houses; Meeting may be adjourned; Clerk to record resolutions; Vacancies, how to be filled.

**XVI.** Treasurer of Home District to retain such sum annually, for ordinary expenses of that District, as the Justices in Quarter Sessions in July, 1837, shall determine, out of rates raised in Simcoe; Balance to be paid to Treasurer of Committee for Simcoe; How to be applied.

**XVII.** Building Committee to apply moneys to be received from Treasurer of Home District in payment of contracts.

**XVIII.** Building Committee to keep account of moneys expended by them, and to take vouchers; Also of moneys received by them; And to exhibit a statement to the Justices of the new District at their first Quarter Sessions.

**XIX.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said County, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorise and direct the Treasurer, so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding four thousand pounds, to be applied in defraying the expense of building the said Court House and Gaol.

Justices, assembled as aforesaid, may authorise their Treasurer to raise a loan on the credit of the new District;

[See Statutes of Canada, 4 & 5 Vic. chap. 78.]

Not to exceed £4000.

**XX.** *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the Treasurer for the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than two hundred pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

Loan not to bear a higher interest than six per cent;

Treasurer of new District annually to pay off £200 of principal of loan, as well as all interest due thereon.

**XXI.** *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his hands, or for paying out any sum or sums of money in discharging and liquidating such loan, with the interest aforesaid.

No Treasurer to receive per centage on the loan, or on moneys coming into his hands to liquidate the same, or the interest thereof.

[See 7 Wm. 4, chap. 1;]  
(Public Acts.)

**XXII.** No Courts of Assize, &c. to be held in the new District, until the number of the Judges of the King's Bench is increased, and until provision is made to secure payment of a just proportion of the Home District Gaol and Court House debt.

DISTRICTS.—DISTRICT GAOLS, &amp;c.

SIMCOE.

XXIII. *And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to exonerate the inhabitants of such of the aforesaid Townships as now form a part of the Home District, from being assessed to meet the payment of the principal sums heretofore borrowed, or which may be hereafter borrowed, under any Act or Acts passed during the present Session of the Legislature, as well as the interest thereon, for the purpose of Macadamizing certain roads in the said Home District, in the same manner as if the said Townships had not been set apart into a separate District.*

This Act not to exonerate inhabitants of townships now forming part of the Home District from contributing to pay any sums borrowed, or to be borrowed, for macadamizing roads in the Home District.

### 1st Vic. Chap. 39.

*AN ACT to authorise the levying an additional tax on the inhabitants of the County of Simcoe, for the purposes therein mentioned.*

[Passed 6th March, 1838.]

WHEREAS it is desirable to provide funds for the speedy erection of a Gaol and Court House at Barrie, in the County of Simcoe, in order that the said County may be declared a separate District, agreeably to an Act passed during the last Session of the Provincial Legislature: *Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That for the purpose above mentioned, it shall and may be lawful, from and after the passing of this Act, for the Justices of the Peace for the Home District, in Quarter Sessions assembled, and they are hereby required to levy by assessment, to be made on each and every inhabitant householder in the County of Simcoe, aforesaid, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said County, an additional rate, not exceeding one penny in the pound, until the sum hereinafter authorised to be borrowed for defraying the expenses of erecting the said Gaol and Court House, and all interest thereon, shall be fully discharged.*

Preamble.

Justices of the Peace for Home District, authorised to levy additional assessment on inhabitants of County of Simcoe to defray expense of erecting Gaol and Court House.

II. *And be it further enacted by the authority aforesaid, That the Justices of the Peace for the County of Simcoe shall have power to raise by*



## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

Justices of Peace for County of Simcoe authorised to raise by way of loan £4,000.

loan, at a rate of interest not exceeding six per cent per annum, from such person or persons, bodies politic or corporate, as may be willing to advance the same on the credit of the securities afforded by this and the before recited Act, a sum not exceeding the sum of four thousand pounds, Provincial currency, to be applied in the erection of the said Gaol and Court House, and not otherwise.

Moneys levied to be paid by Treasurer of Home District to Treasurer of County of Simcoe, &c.

III. *And be it further enacted by the authority aforesaid*, That the moneys raised by the authority of this Act shall be paid over by the Treasurer of the Home District to the Treasurer appointed by the Magistrates of the County of Simcoe, to be expended by the Justices of the Peace for the said County of Simcoe in the manner prescribed in the Act passed during the last Session, intituled, "An Act to authorise the erection of the County of Simcoe into a separate District, by the name of the District of Simcoe:" *Provided always*, that the sum raised under this and the above recited Act shall not exceed in the whole the sum of four thousand pounds.

## 7th Wm. IV. Chap. 33.

*AN ACT erecting the County of Norfolk into a separate District, by the name of the District of Talbot.*

[Passed 4th March. 1837.]

Preamble;

[See 1 Vic. Chap. 36: Statutes of Canada, 4 & 5 Vic. chap. 10;]

The County of Norfolk may, by Proclamation, be declared a separate District as soon as the Gaol and Court House shall be erected;

**WHEREAS** from the increase of the population of the County of Norfolk, and the great distance from the District Town, it is expedient to erect the said County of Norfolk into a separate District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein, for the security of prisoners, and for accomodating such Courts as shall or may be held within the said County, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

Council in this Province, to declare by Proclamation the said County of Norfolk a separate and distinct District, by the name of "the District of Talbot:" *Provided nevertheless*, that nothing in this Act contained shall affect or be construed to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the London District: *Provided also*, that if at the time the said County shall be set off into a separate District, any action shall have been commenced or be pending for any cause of action arising therein, or any indictment for any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the London District, unless all the parties shall agree that the same shall not be tried in the said London District: *Provided always*, that such Gaol and Court House shall be erected in the Town of Simcoe, in said County.

Not to affect the jurisdiction of any Courts;

Court House to be erected in the Town of Simcoe.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests, and every other Court and jurisdiction, with all District offices whatsoever, held, or to be held, possessed and enjoyed, in and by the other Districts of this Province, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District of Talbot; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which will be in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby from thenceforth extended to that District, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

Courts established in the new District;

Laws relating to other Districts generally, to be equally applied to the new District.

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules, regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced, and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses, to be applicable to new District;

Courts to be held in the Court House hereby authorised to be erected.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

Periods for holding the District Court and General Quarter Sessions.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring of the said County of Norfolk a separate District, as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the second Tuesday in the months of January, April, July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of General Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Justices of the Peace, and other persons holding offices in Norfolk, at the time of its erection into a District, to continue their functions within the new District,

V. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said County of Norfolk at the time the same shall be declared a separate District, as aforesaid, shall continue to hold and enjoy and exercise the like commission, office, authority, power and jurisdiction within that District, in the same manner that they previously held, enjoyed and exercised within the London District: *Provided,* that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority within, or residing within the said new District, shall not in any wise be longer exercised or continued within the District of London, but the same within that District shall from thenceforth cease and determine: *Provided,* that after declaring such new District, as aforesaid, His Majesty's Justices of the Peace, and others who thenceforth continue to hold commission or office, or bear lawful authority within the London District, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared as aforesaid; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said London District at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend, to the said new District.

but no longer to act in the London District;

Justices, and others, continuing to hold authority in the London District, not to act in the new District.

How rates and assessments are to be applied.

VI. *And be it further enacted by the authority aforesaid,* That the ordinary assessments and rates levied within the said County of Norfolk for the current year, at the time the said County shall be declared a separate District, by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended, under and by virtue of any Act or Acts of the Parliament of this Province, in the London District, except in so far as the same may be varied by this Act.

VII. Justices of Norfolk, after three weeks notice, may, at a public meeting, take measures to obtain plans, &c. for a Gaol and Court House.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

VIII. Justices at such meeting may appoint a Chairman, Treasurer, Clerk and Committee, who may contract for building Gaol and Court House; Public notice to be given; Contract to be taken at the lowest price tendered, provided security be given.

IX. Such Justices, so assembled, to have the same power as Justices in other Districts, in regard to building Gaols and Court Houses; May adjourn meetings; Clerk to record proceedings; Vacancies, how to be filled.

X. Treasurer of London District may retain such sum as the Magistrates in the July Sessions next shall determine, out of the rates raised in the County of Norfolk, and pay the residue to the Treasurer, to be named, to be applied to the use of the new District, and towards building Gaol and Court House.

XI. Building Committee may expend such moneys in payment of contracts made by them.

XII. Building Committee to keep account of their expenditures, and to take vouchers; And keep an account of receipts, and exhibit a statement at their first Quarter Sessions in the new District.

XIII. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates of the said County, so assembled, as aforesaid, and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer, so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies corporate or politic, who may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding five thousand pounds, to be applied in defraying the expense of building the said Court House and Gaol.*

Justices of Norfolk may authorise their Treasurer to raise a loan on the credit of the new District;

Not to exceed £5,000.

XIV. *Provided always, and be it further enacted by the authority aforesaid, That the money so borrowed under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the Treasurer for the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than two hundred and fifty pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.*

Loan not to bear a higher rate of interest than six per cent;

Treasurer to pay off £250 annually of the loan, besides all interest due.

XV. *And be it further enacted by the authority aforesaid, That no Treasurer hereafter to be appointed, either by the said meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such loan, with the interest thereon, as aforesaid.*

No Treasurer to receive per centage on the loan or the moneys coming into their hands to liquidate the same, or the interest.

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

[See 7 Wm. 4, chap. 1.]  
(Public Acts.)

**XVI.** No Court of Assize, &c. to be held in the new District until provision has been made to increase the number of Judges.

£100 granted annually to His Majesty, for the support of a District School;  
[See Statutes of Canada, 4 & 5 Vic. Ch. 18.]

**XVII.** *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Norfolk, when the said County shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid,* That from and after the erection of the said County of Norfolk into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School which may be hereafter erected in the said District.

District School to be kept at the Town of Simcoe.

**XVIII.** *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Town of Simcoe, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be under the same regulations as other District Schools.

**XIX.** *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

£250 granted annually to His Majesty for the support of Common Schools in the new District;

(See Statutes of Canada, 4 & 5 Vic. chap. 19.)

To be under the same regulations as other Common Schools.

**XX.** *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Norfolk into a separate District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner, and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be so established: *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign,

DISTRICTS.—DISTRICT GAOLS, &c.

TALBOT.

intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," in addition to the above-mentioned sum of two hundred and fifty pounds.

XXI. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and the said Receiver-General shall account for the same 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 direct.

Moneys how to be accounted for.

1st Vic. Chap. 36.

*AN ACT to authorise the Justices of the Peace of the District of Talbot to levy an additional Assessment, to liquidate the costs of the erection of the Gaol and Court House for that District, and other purposes therein mentioned.*

[Passed 6th March, 1838.]

WHEREAS in the Act passed in the seventh year of the reign of William the Fourth, chapter thirty-three, intituled, "An Act erecting the County of Norfolk into a separate District, by the name of the District of Talbot," no provision is made, by assessment or otherwise, by which the loan authorised to be raised upon the credit of the said District of Talbot, for the purpose of erecting a Gaol and Court House therein, can be discharged, except from the public funds of said District, and it is proper to provide by special assessment for that purpose, as prayed for by petition of the inhabitants of said County: *And whereas* it is desirable, for the more speedy liquidation of such loan, that authority be given for the sale of the site upon which a former Gaol and Court House was erected, at the Village of Vittoria, in the said County: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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,

Preamble. [See 7 Wm. 4, chap. 33.]

## DISTRICTS.—DISTRICT GAOLS, &amp;c.

TALBOT.

Magistrates authorised to levy additional tax, to be applied towards liquidating loan contracted for building Gaol.

“An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America;’ and to make further provision for the Government of the said Province,” and by the authority of the same, That the Magistrates of and residing within the said District shall have power, and they are hereby authorised, at a meeting to be convened for that purpose, to resolve, that an increased tax, not exceeding one half-penny in the pound, over and above the ordinary assessment, on all ratable property within the said County, shall be levied, collected and applied, towards liquidating the loan authorised to be contracted by the said recited Act, for the purpose of building a Gaol and Court House in said District: *Provided always*, that such resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within the said District, and that a copy thereof be transmitted to the Clerk of the Peace of the said District, signed by the Chairman of said meeting.

Assessment lists to be prepared by Clerk of Peace.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Clerk of the Peace of the said District, on receiving the aforesaid resolution from the Magistrates, to add to the assessment lists of the several Townships within the said District, an increased tax in conformity with the said resolution, furnished him as aforesaid; which increased tax shall continue to be levied and collected annually, and applied for the purposes aforesaid, until the whole of the debt contracted by the erection of the new Court House and Gaol in the said District of Talbot, with the interest arising thereon, shall be fully liquidated and paid.

Magistrates in General or Adjourned Quarter Sessions authorised to sell the site of the late Gaol, and apply proceeds in payment of debt contracted in building new Gaol.

III. *And be it further enacted by the authority aforesaid*, That the Magistrates of the said District of Talbot, or a majority of them, at any General or Adjourned Quarter Sessions of the Peace assembled, shall be and are hereby authorised to order the sale, in any way that they may think most advantageous for the purpose, of the site of the late Gaol and Court House erected at Vittoria, in the County of Norfolk aforesaid, and to apply the proceeds arising from such sale towards the payment of the debt contracted in building the said Gaol and Court House, in the said District of Talbot.

Clerk of the Peace required to execute deed of conveyance to purchasers of site of old Gaol.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Clerk of the Peace of the said District, and he is hereby required to sign, seal and deliver, a good and sufficient deed of conveyance of the said site, upon which the Gaol and Court House was formerly erected in the Village of Vittoria, in the Township of Charlotteville, in the said County of Norfolk, at such times and in such lots, and to such persons as the Magistrates of the said District, in General Quarter Sessions assembled, shall at any time order and direct; which deed of conveyance, when executed, shall convey the lands mentioned therein to

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the purchasers thereof, according to the terms and conditions therein expressed, freed and discharged from all trusts whatsoever, under and by virtue of which the said premises are now held by the persons to whom the same were conveyed.

V. And be it further enacted by the authority aforesaid, That the purchase money arising from the sale of the aforesaid site shall be paid into the hands of the Treasurer of said District of Talbot, to be applied towards the liquidation of the loan to be contracted as aforesaid; and for no other purpose.

Proceeds of sale of old site to be paid into hands of Treasurer of District.

7th Wm. IV. Chap. 31.

AN ACT to authorise the erection of the County of Hastings into a separate District.

[Passed 4th March, 1837.]

WHEREAS from the increase of the population of the County of Hastings, and the great distance from the District Town, it is expedient to provide, under certain conditions, for erecting the said County of Hastings into a separate District: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein for the security of prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Person Administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare by Proclamation the said County of Hastings a separate and distinct District, by such name as he shall think fit: Provided nevertheless, that nothing in this Act contained shall affect, or be construed to affect, the jurisdiction of His Majesty's Court of King's

Preamble; (See 3 Vic. chap. 42; Statutes of Canada 4 & 5 Vic. chap. 10.)

As soon as a Gaol and Court House is erected, Governor, with advice of Executive Council, may declare County of Hastings a separate District;

Nothing in this Act to affect the jurisdiction of the King's Bench or Quarter Sessions in the Midland District;



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Proviso in case any suit be commenced or pending on any cause of action arising within the said County, or indictment be preferred and be pending for an offence committed therein, at the time new District created;

Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Midland District: *Provided also*, that if at the time the said County shall be set off into a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Midland District, unless all the parties shall agree that the same shall not be tried in the said Midland District: *Provided always*, that such Gaol and Court House shall be erected in the Town of Belleville, on the ground set apart and reserved by His Majesty for that purpose.

Gaol and Court House to be erected at Belleville.

All Courts held, &c. in other Districts at the time of the erection of the new District, to be thenceforth held in the new District;

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Request, and every other Court and jurisdiction, with all District offices whatsoever, held or to be holden, possessed and enjoyed, in and by the other Districts of this Province at the time of such Proclamation, as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby extended from thenceforth to that District, to be thereby declared and named as aforesaid; unless otherwise provided for by this Act or any other Act or Acts of the Parliament of this Province.

Laws relating to other Districts generally, to be equally applied to the new District.

Laws respecting Gaols and Court Houses to be applicable to the new District.

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules and regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

Courts to be held in the Court House hereby authorised to be erected.

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IV. And be it further enacted by the authority aforesaid, That from and after the declaring and naming the said County of Hastings a separate District, as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Courts of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the second Tuesday in the months of January and April, and the fourth Tuesday in the months of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Periods for holding the Court of Quarter Sessions, and District Courts.

V. And be it further enacted by the authority aforesaid, That His Majesty's Justices of the Peace, and other persons holding any Commission or office, or bearing lawful authority, and who shall be residing within the said County of Hastings at the time the same shall be declared and named a separate District, as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the Midland District: *Provided*, that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority within or residing within the said County of Hastings, shall not in any wise be longer exercised or continued within the Midland District, but that the same within that District shall from thenceforth cease and determine: *Provided*, that after naming and declaring such new District, as aforesaid, His Majesty's Justices of the Peace, and others who thenceforward continue to hold commission or office, or bear lawful authority, within the Midland District, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared and named as aforesaid; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Midland District, at the time of the formation of such new District as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend, to the said new District.

Justices of the Peace and other persons holding offices, and residing in the new District at the time of its erection, to continue their functions within the new District;

Limitation of the period for holding such offices;

Justices and others continuing their authority within the Midland District, shall cease to exercise the same in the new District.

VI. And be it further enacted by the authority aforesaid, That the ordinary assessments and rates levied within the said County of Hastings for the current year, at the time the said County shall be declared and named a separate District by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Midland District, except in so far as the same may be varied by this Act.

How rates and assessments are to be applied.

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£100 granted annually to His Majesty for the support of District School.

(See Statutes of Canada, 4 & 5 Vic. chap. 18.)

VII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Hastings, when the said County shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid,* That from and after the erection of the said County of Hastings into a separate District by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School which may be hereafter erected in the said District.

District School to be kept at Belleville.

VIII. *And be it further enacted by the authority aforesaid,* That the said District School shall be open and kept in the Town of Belleville, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be under the like regulations as other District Schools are.

IX. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same rules and regulations, and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

£250 annually granted to His Majesty for the support of Common Schools, to be regulated in like manner as other Common Schools.

(See Statutes of Canada 4 & 5 Vic. chap. 19.)

X. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Hastings into a separate District, as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of two hundred and fifty pounds; which sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, intitled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to

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promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

XI. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty, shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and the said Receiver-General shall account for the same to His Majesty, through the Lords Commissioners of His Majesty's Treasury, for the time being; in such manner as His Majesty, His Heirs and Successors, shall direct.

How moneys to be accounted for.

XII. Justices, after three weeks notice, may hold a meeting at Belleville, to adopt means for procuring plans and elevation of a Gaol and Court House, and to select one.

XIII. Justices at such meeting to appoint a Chairman, Treasurer, Clerk, and Committee of three Justices, to contract for and superintend the erection of a Gaol and Court House; Public notice to be given to persons desirous to contract; Contract to be taken at the lowest tender; Provided security be given.

XIV. Such Justices, within County of Hastings, to have the like power and authority as Justices in other Districts, so far as relates to the building Gaols and Court Houses; May adjourn from time to time; Clerk to record resolutions, orders, &c.; Vacancies, how to be filled.

XV. Treasurer of the Midland District may retain such sum as the Magistrates in the April Sessions shall determine, out of rates raised in the County of Hastings, towards defraying expenses of the Midland District, until the new District is erected; And shall pay the balance to the Treasurer to be named; which may be applied towards building the Gaol and Court House in the new District.

XVI. The Building Committee may expend such moneys in payment of contracts made by them.

XVII. Building Committee to keep account of moneys expended by them, and to take vouchers; And to keep account of all moneys received by them; And to exhibit a statement to the Justices of the new District, at the first Quarter Sessions to be held therein.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said County, so assembled as aforesaid, and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer, so to be appointed as aforesaid, to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding six thousand pounds, to be applied in defraying the expenses of building the said Court House and Gaol.

Justices of Hastings, at their said meeting, may authorise their Treasurer to raise a loan on the credit of the new District;

Not to exceed £6000.

XIX. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear a greater interest than six per centum per annum; and that the

Loan not to bear a higher interest than six per centum.

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Treasurer of new District annually to pay £200 of such loan, besides the interest on the whole thereof, from time to time remaining due.

Treasurer of the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum of not less than two hundred pounds, together with the lawful interest on the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands for the use of the said intended District.

Treasurer appointed at such meeting, or by Magistrates of said new District, not to receive per centage on loan, or on moneys coming into their hands to liquidate the same, or the interest thereof.

XX. And be it further enacted by the authority aforesaid, That no Treasurer hereafter to be appointed, either by the said meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such loan, with the interest thereon, as aforesaid.

Justices of Hastings may impose an additional rate, not exceeding one penny in the pound, on ratable property within the said County, for a term not exceeding four years; Two-thirds of Justices residing within the County to concur; And resolution to be communicated to Clerk of the Peace for the Midland District. Clerk of the Peace to make a corresponding addition to the assessment lists of Townships in Hastings.

XXI. } [Repealed by 3 Vic. Chap. 42.]  
XXII. }

Collectors of Townships in Hastings to collect and pay over to the Treasurer of the Midland District the whole amount in the usual manner.

XXIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Collectors of the several Townships within the said County, and they are hereby required, to collect the moneys authorised to be raised by the authority of this Act, and pay the same over to the Treasurer of the Midland District, in the same way and manner as the ordinary assessments of the Districts have been heretofore paid.

Justices of Hastings to expend the moneys so raised, in building the said Gaol and Court House.

XXIV. And be it further enacted by the authority aforesaid, That the Magistrates of and residing within the said County, shall expend the money raised by the authority of this Act, towards defraying the expenses of building a Gaol and Court House for the use of said County, as provided for by this Act.

No per centage to be allowed to any person for the moneys so raised.

XXV. And be it further enacted by the authority aforesaid, That no per centage be allowed to the Treasurer of the Midland District; nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

After the erection of the new District, the Courts of Quarter Sessions for the Midland District to be held at Kingston;

XXVI. And whereas, by the law now in force it is provided, that the Courts of General Quarter Sessions of the Peace, in and for the Midland District, shall be holden in the Town of Adolphustown on the fourth Tuesday in the month of January, and on the second Tuesday in the

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month of July; and in the Town of Kingston on the fourth Tuesday in the month of April, and the second Tuesday in the month of October: *And whereas*, by reason of the intended erection of the County of Hastings into a separate District, it will become inexpedient that the said provisions should be continued: *Be it therefore enacted by the authority aforesaid*, That from and after the date of the Proclamation whereby the said County of Hastings shall be declared a separate and distinct District, so much of the several laws of this Province as relates to the place of holding the Courts of Quarter Sessions of the Peace in and for the said Midland District, shall be and the same is hereby repealed; and from thenceforth the said Courts shall be held in the Town of Kingston on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October.

Time of holding the same.

XXVII. This Act not to go into effect till the County of Hastings shall have paid or provided for one-third of the debt now due by the Midland District.

XXVIII. No Court of Assize, &c. to be held in new District until an increase of the Judges of the King's Bench.

[See 7 Wm. 4, chap. 1.]

### 3rd Vic. Chap. 42.

*AN ACT to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to authorise the erection of the County of Hastings into a separate District."*

[Passed 10th February, 1840.]

**WHEREAS** it is deemed expedient to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to authorise the erection of the County of Hastings into a separate District:" *And whereas* the Magistrates of the said District of Victoria have by their petition prayed that a tax on the property of the said inhabitants, for the purpose of liquidating the debt and interest contracted for building the Gaol and Court House therein be continued: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the

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authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the twenty-first and twenty-second clauses of the said Act be and the same are hereby repealed.

21st and 22d secs. 7 Wm 4, chap. 31, repealed.

Magistrates may resolve that an additional rate be imposed on ratable property in District of Victoria;

Resolution to be sent to Clerk of the Peace.

II. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said District, shall have power and authority, and they are hereby authorised and empowered, at their Quarter Sessions assembled, to resolve that an increased tax of one penny in the pound, over and above the ordinary assessment, on all ratable property within the said District, shall be levied and collected, until it shall appear to the said Magistrates that said debt and interest contracted, as aforesaid, shall have been paid, for the purpose of paying said debt and interest; which resolution shall be transmitted to the Clerk of the Peace of said District, signed by the Chairman of the said Quarter Sessions.

Clerk of the Peace shall add this rate to the assessment list, till it is not necessary for paying expense of erecting the Gaol and Court House.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace for the District of Victoria, to add to the assessment list for the several Townships within the said District, the said increased tax of one penny, according to the resolution furnished him, as aforesaid, until by a resolution which shall be passed in open Quarter Sessions, and signed by the Chairman, as aforesaid, it shall appear that it is no longer necessary for the purposes aforesaid.

Collectors to receive and pay over this new rate in the same manner as ordinary assessments.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collectors of the several Townships within the said District, and they are hereby required to collect the moneys authorised by the authority of this Act, to pay the same over to the Treasurer of the said District of Victoria, in the same way and manner as the ordinary assessments of the District have been heretofore collected and paid.

Money so raised to be expended solely in paying debt contracted in building Gaol and Court House.

V. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said District, shall expend the money raised by the authority of this Act, towards paying the debt and interest now contracted for building a Gaol and Court House for the use of the said District, and for no other purpose whatsoever.

per centage to the Treasurer, Assessor or Collector on this rate.

VI. *And be it further enacted by the authority aforesaid,* That no per centage shall be allowed to the Treasurer of the said District, nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

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## 7th Wm. IV. Chap. 116.

*AN ACT erecting certain parts of the Counties of Halton and Simcoe into a new District, by the name of the District of Wellington.*

[Royal Assent promulgated by Proclamation, 20th April, 1838.]

WHEREAS from the increase of the population of the County of Halton, in the Gore District, and the great distance from the District Town, it is expedient to provide, under certain conditions, for erecting part of the said County of Halton, in the Gore District, and part of the County of Simcoe, in the Home District, into a separate District, with the Town of Guelph for the District Town: *And whereas* the Townships of Proton, Luther, Melancthon, and Amaranth, from the County of Simcoe, and Garafraxa, Erin, Eramosa, Guelph, Nichol, Waterloo, Wilmot, Woolwich, and reserved lands west of Woolwich and Nichol, the triangular piece of land adjoining the said tract, in the proposed District of Huron, part of the late purchase from the Indians from Gore, and part of Indian lands, do form the said new District, to be named the District of Wellington: *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 soon as the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected in the Town of Guelph aforesaid, for the security of prisoners, and for the accomodation of such Courts as shall or may be held within the said new District, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, by and with the advice and consent of His Majesty's Executive Council, to declare by Proclamation the aforesaid Townships in the Counties of Halton and Simcoe, and other territory afore-mentioned, a separate and distinct District, by the name of the District of Wellington: *Provided nevertheless*, that nothing in this Act contained shall affect or be construed to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Court of General Quarter Sessions of the Peace, or District Courts, within the Home and Gore Districts: *Provided also*, that if at the time the said Townships in the Counties of Halton and Simcoe, and other territory afore-mentioned, shall be set off into a separate District, any action shall have been commenced or be pending for any cause of action

Preamble.  
(See Statutes of Canada,  
4 & 5 Vic. Chap. 75.)

As soon as a Gaol and Court House is erected in the Town of Guelph, the Governor, with the advice of the Executive Council, may, by Proclamation, declare certain Townships and territory a separate District;

By the name of the District of Wellington;

Nothing in this Act to affect the jurisdiction of the Court of King's Bench, or of the General Quarter Sessions, or District Courts, of the Home or Gore Districts;



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And if at the time of the erection of the new District, any action or indictment be pending, the same may be tried either in the Home or Gore Districts, according to circumstances, unless all parties agree that it shall not be there tried;

Gaol and Court House to be in the Town of Guelph.

Courts and District offices, with like powers and jurisdiction as possessed and enjoyed in other Districts, to be held and enjoyed in the new District after Proclamation

All regulations and matters declared by Act of Parliament respecting other Districts, to be in force in the new District;

Unless otherwise provided for.

Rules and regulations contained in Acts relating to Gaols in other Districts to be in force;

Courts to be held as in other Districts.

Courts of Quarter Sessions, and sittings of the District Court, to be held at times and places specified.

arising therein, or any indictment of any indictable offence that has been committed within the said Counties, or either of them, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Home or Gore Districts, unless all the parties shall agree that the same be not tried in the afore-mentioned Districts: *Provided always*, that such Gaol and Court House shall be erected in the Town of Guelph.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Court of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Request; and every other Court and jurisdiction, with all District offices whatsoever, held, or to be holden, possessed and enjoyed, in and by the other Districts of this Province, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District to be thereby declared and named by virtue of this Act; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be and are hereby extended from thenceforth to that District, to be thereby declared and named as aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules and regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District, as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the Peace; Surrogate; and every other of the aforesaid Courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

IV. *And be it further enacted by the authority aforesaid*, That from and after the declaring and naming the said new District, as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Courts of the said District, shall be respectively commenced and held at the place herein-before appointed for that purpose, on the second Tuesday in the months of January and April, and the fourth Tuesday in

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the months of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions, and sittings of the said District Court, are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

V. *And be it further enacted by the authority aforesaid, That His Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said Counties of Halton and Simcoe, at the time the Townships herein-before mentioned in the said Counties shall be declared and named a separate District, as aforesaid, shall continue to hold, enjoy and exercise, the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the Home and Gore Districts: Provided, that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing commission or office, or lawful authority within, or residing withing the said Townships, forming or hereafter to form such new District, shall not in any wise be longer exercised or continued within the Home and Gore Districts, but that the same, within those Districts, shall from thenceforth cease and determine: Provided, that after naming and declaring such new District, as aforesaid, His Majesty's Justices of the Peace, and others, who thenceforward continue to hold commission or office, or bear lawful authority, within the Home and Gore Districts, shall cease to hold such commission or office, or to exercise such lawful authority within the said new District, to be declared and named, as aforesaid; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Home and Gore Districts, at the time of the formation of such new District, as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend, to the said new District.*

Authority of Justices, and others holding office, who reside within new District, to continue;

Such authority not to be exercised within the Home or Gore Districts, after the new District is declared by Proclamation;

Justices and other officers continuing, after the erection of the new District, to hold authority in the Home or Gore Districts, to have no jurisdiction in the new District.

VI. *And be it further enacted by the authority aforesaid, That the ordinary assessments and rates levied within the Townships forming the new District, as aforesaid, in the Counties of Halton and Simcoe, for the current year at the time the same shall be declared and named a separate District by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province, in the Home and Gore Districts, except in so far as the same may be varied by this Act.*

Rates to be levied and expended in the new District in like manner as authorised by law in the Home and Gore Districts, unless varied by this Act:

VII. *And whereas it is expedient to make provision for the establishment and support of Schools within the said intended District: Be it therefore*

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Provision made for support and establishment of Schools; (See *Statutes of Canada*, 4 & 5 *Vic. Chap. 19.*)

*further enacted by the authority aforesaid*, That from and after the erection of the aforesaid Townships, or parts of the Counties of Halton and Simcoe, into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of one hundred pounds; which said sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School, which may be hereafter erected in the said District.

District School to be held in the Town of Guelph.

VIII. *And be it further enacted by the authority aforesaid*, That the said District School shall be opened and kept in the Town of Guelph, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be under the same regulations as in other Districts.

IX. *And be it further enacted by the authority aforesaid*, That the said District School shall be established in like manner, and under the same rules and regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

Provision made for the establishment of Common Schools; [See *Statutes of Canada*, 4 & 5 *Vic. Chap. 18.*]

X. *And be it further enacted by the authority aforesaid*, That from and after the erection of the Townships herein-before mentioned into a separate District, there shall be granted annually to His Majesty, His Heirs and Successors, from and out of the moneys now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the use of this Province, and unappropriated, the sum of two hundred and fifty pounds; which said sum of two hundred and fifty pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless*, that nothing herein-contained shall be construed or taken to destroy or abridge the right of such new District to participate in the moneys appropriated to the use of Common Schools in this Province, by a certain Act of Parliament of this Province, passed in the fourth year of His late Majesty's reign, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to

Right to participate in moneys granted by statute passed in the 4th year of His late Majesty's reign, not abridged.

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promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

XI. *Provided always, and be it further enacted by the authority aforesaid,* That the moneys herein-before granted to His Majesty, shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and the Receiver-General shall account for the same 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.

Moneys granted to be paid by warrant on Receiver General;

How accounted for.

XII. Justices authorised to obtain plans and estimates for a Gaol and Court House.

XIII. Justices to appoint persons, with whom contracts for the erection of Gaol and Court House may be entered into; Duties and manner of proceeding of persons so appointed; Contractors to give security for the performance of their contract.

XIV. Justices to have the powers possessed by Justices in other Districts quoad erection of Gaols, &c.; Proceedings of building Committee to be recorded; Vacancies of building Committee how filled.

XV. Proportion of the rates levied within the limits of the new District to be retained by the Treasurers of the Home and Gore Districts; Balance to be paid over to the Treasurer of new District; How to be applied.

XVI. Moneys so received to be paid to contractors for building Gaol and Court House.

XVII. Building Committee to render detailed accounts of their expenditure.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates within the Townships forming the said Counties of Halton and Simcoe, forming the said intended new District, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorise and direct the Treasurer, so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected, in the said intended District, a sum not exceeding six thousand pounds, to be applied in defraying the expenses of building the said Court House and Gaol.

Justices to raise by loan a sum not exceeding £6000.

XIX. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear a greater interest than six per cent per annum; and that the Treasurer of the said intended District, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid

Interest on loan not to exceed 6 per cent;

£250 to be annually applied in payment of the loan, besides paying the interest.

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and discharged, apply towards the payment of the same a sum not less than two hundred and fifty pounds, together with the lawful interest on the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands for the use of the said intended District.

Treasurer of the District to retain no poundage on the loan.

XX. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such loan, with the interest thereon, as aforesaid.

Justices of the new District may levy an additional rate of one penny in the pound, for four years;

XXI. *And whereas,* the inhabitants of the said Townships of the Counties of Halton and Simcoe, forming the said intended new District, are willing that a tax be levied on the property of the said inhabitants for the purpose of defraying the expenses of erecting a Court House and Gaol in the Town of Guelph aforesaid: *Be it therefore further enacted by the authority aforesaid,* That the Magistrates of and residing within the aforementioned Townships of the said Counties, shall have power, and they are hereby authorised, at a meeting convened for that purpose, to resolve, that an increased tax, not exceeding one penny in the pound, over and above the ordinary assessment, on all ratable property within the limits of the said intended District, shall be levied and collected for a term of time not exceeding four years; which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within the aforementioned Townships of the said Counties; and copies of such resolution shall be transmitted to the Clerk of the Peace of the Home and Gore Districts, signed by the Chairman of said meeting.

Two-thirds of the Justices concurring;

Copy of resolution to be sent to the Clerks of the Peace of the Home and Gore Districts.

Clerks of the Peace to add such increased rate to the assessment lists.

XXII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerks of the Peace of the Home and Gore Districts, to add to the assessment list, for the several Townships mentioned in this Act, the increased tax, according to the resolution furnished him by the Chairman of the said meeting.

Such rates to be levied and paid by Collectors to the Treasurers of the Home and Gore Districts respectively.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collectors of the several Townships within the parts of the Counties of Halton and Simcoe herein-before mentioned, and included within the intended District of Wellington, and they are hereby required, to collect the moneys authorised to be raised by the authority of this Act, and shall pay the same over to the Treasurer of the Home and Gore Districts, in the same way and manner as the ordinary assessments of the Districts have been heretofore paid.

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XXIV. And be it further enacted by the authority aforesaid, That the Magistrates of and residing within the parts of the said Counties intended to form the new District of Wellington, shall expend the money raised by the authority of this Act, towards defraying the expenses of building a Gaol and Court House, for the use of the same, as provided for by this Act.

Justices of new District to expend such rates in building Gaol and Court House.

XXV. And be it further enacted by the authority aforesaid, That no percentage be allowed to the Treasurers of the Home and Gore Districts, nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

No poundage allowed on rates collected under this Act.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates of the District of Gore, in General Quarter Sessions assembled, on the third day of the next General Quarter Sessions to be holden after the passing of this Act, to define, extend and declare, the boundary line of the Town of Guelph; and to direct a plan of the same to be made and filed in the office of the Clerk of the Peace for the District of Wellington, and a copy thereof to be filed in the office of the Surveyor-General, at the expense and cost of the said District of Wellington; and that such boundary shall be deemed and taken to be, to all intents and purposes of this Act, the boundary lines of the said Town.

Justices of the District of Gore to declare the boundaries of the Town of Guelph;

A plan thereof to be filed in the office of the Clerk of the Peace for the new District.

XXVII. And be it further enacted by the authority aforesaid, That this Act shall not take effect until provision shall be made by law for increasing the number of Judges in His Majesty's Court of King's Bench in this Province, and for defraying such contingent charges of the Circuits, in respect of the new District, intended to be formed by this Act, as were accustomed to be paid before the surrender, by the Crown, of the duties levied under a certain Act of the Parliament of Great Britain, passed in the fourteenth year of the reign of His late Majesty King George the Third, intituled, "An Act to establish a fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec, in America;" nor until provision has been made by law for securing the payment, by the County of Halton, of a just proportion of the debt contracted on the credit of the Gore District, for building the Gaol and Court House.

This Act not to take effect till certain provisions are made respecting the Judges of the Court of King's Bench;

[See 7 Wm. 4, chap. 1.]

Nor till provision is made respecting payment of a proportion of the expense of the Gaol and Court House of the Gore District.

XXVIII. As soon as the Proclamation creating the new District issues, the territory comprised therein to constitute the County of Waterloo.

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## 2nd Vic. Chap. 32.

*AN ACT to authorise the raising of one thousand pounds, by an additional rate or levy of one half-penny in the pound, upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich.*

[Passed 11th May, 1839.]

Preamble.

Petition of inhabitants of Western District, recited;

Additional rate sanctioned for payment of the debt and improvement of the Gaol of the Western District.

**WHEREAS** the Gaol and Court House at Sandwich, in the Western District, are become very much dilapidated and out of repair, and the same are not sufficiently secure or commodious for the detention of prisoners therein: *And whereas* certain persons, inhabitants of the said District, have, in their petition to the Legislature of this Province set forth, that in consequence of various unavoidable expenses to which the said District has of late been subjected, it has become largely indebted to sundry persons, and a considerable sum of money is moreover necessary for the improvement of the Gaol at Sandwich, aforesaid, and that there are not any means of discharging the said debt, or of satisfying the parties, creditors of the said District, or for repairing, enlarging and improving the Gaol where absolutely necessary, unless an Act of Parliament be passed imposing an additional rate upon property within the said District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 as well in order to provide funds for the liquidation and discharge of all and every sum and sums of money, claims and demands, due or payable to any person or persons by the said District, (such claims and demands acknowledged already, or hereafter to be acknowledged or admitted by the Justices of the Peace, in General Quarter Sessions assembled, to be justly due to him, her or them,) as to provide funds for the enlarging, repairing and improving, the common Gaol at Sandwich, aforesaid, with its yards, fences and appurtenances, it shall and may be lawful for the Justices of the Peace of the said District, in General Quarter Sessions assembled, and they are hereby required, to levy, by assessment to be made on each and every inhabitant householder in the said District, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said District, an additional

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rate of one half-penny in the pound, upon all assessable property within the said District, until the sum hereinafter authorised to be borrowed for paying the said debt, and for defraying the expenses of repairing the said Gaol, and all interest thereon, shall be fully discharged.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any five or more of Her Majesty's Justices of the Peace in and for the said Western District, in General Quarter Sessions assembled, either at the next or any subsequent Court to be holden after the passing of this Act, together with any other person or persons by them appointed, and in the name or on the behalf of the inhabitants of the said District, to contract, and the said other person or persons is and are hereby authorised to contract with any person, who may be willing to alter, repair, enlarge or otherwise improve, the said Gaol and Court House, with the fences and appurtenances belonging thereto.

Magistrates empowered to contract on behalf of the inhabitants, for improvement of the Gaol, &c.

III. *And be it further enacted by the authority aforesaid,* That the said Justices of the Peace, so assembled as aforesaid, shall have power to raise by loan, at a rate of interest not greater than six per cent per annum, from such person or persons, bodies politic or corporate, as may be willing to lend the same on the credit of the said District, a sum not exceeding one thousand pounds, to be paid and appropriated, by the Treasurer of the said District, as follows, (that is to say :) a sum not exceeding six hundred and fifty pounds to discharge all such debts, claims and demands, due by the said District, and the remainder of the said sum of one thousand pounds to the repairing, altering, enlarging or otherwise improving, the said Gaol and Court House, with the yard and appurtenances belonging thereto; and that the bond or agreement, under the hand and seal of the Treasurer of the said District, to be given for the repayment of such loan under the authority of this Act, (which bond or agreement the said Treasurer is hereby authorised to give,) shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such Treasurer in his individual and personal capacity.

Magistrates authorised to raise a loan of £1,000;

Appropriation;

The debt a charge upon the District Treasury.

3rd Vic. Chap. 72.

AN ACT for the relief of John Stuart.

[Royal Assent promulgated on the 18th June, 1841.]

FORASMUCH as John Stuart, of the Town of London, in the District of London, and Province of Upper Canada, Esquire, hath by his petition humbly set forth, that he and Elizabeth Van Rensselaer Stuart, formerly Elizabeth Van Rensselaer Powell, are both natives of the said Province

Preamble.



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of Upper Canada; that a marriage was in due form of law had and solemnized between them at the City of Toronto, in the said Province, in the year of our Lord one thousand eight hundred and thirty-four; that he has had three children, daughters, born to him by his said wife, all of whom are still living, who are between the ages of two and five years; that he continued to enjoy the comfort and assistance of his said wife, from the time of such marriage until on or about the twenty-fifth day of June, now last past, when on a visit to her mother in the City of Toronto, aforesaid, being seduced by one John Grogan, then a Lieutenant in Her Majesty's Thirty-second Regiment of Foot, and at that time stationed in the said City of Toronto, and immediately before stationed at the Town of London, aforesaid, she, the said Elizabeth Van Rensselaer Stuart, committed adultery with the said John Grogan, and eloped from him, the said John Stuart, and has continued ever since to live apart from him, the said John Stuart; and that the said John Stuart commenced an action in Her Majesty's Court of Queen's Bench against the said John Grogan, for the said seduction of his said wife, in which such proceedings were had, that a judgment was therein rendered for him, the said John Stuart, against the said John Grogan, for the sum of six hundred and seventy-one pounds fourteen shillings and three pence, damages and costs, as by the record of the said judgment, reference being thereunto had, will more fully appear; and hath humbly prayed that he might be divorced *à vinculo matrimonii* from his said wife: *And whereas*, the said John Stuart hath made proof of the facts above recited, and it is expedient that the prayer of the said petitioner should be granted: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said marriage between the said John Stuart, and the said Elizabeth Van Rensselaer Stuart, his wife, shall from henceforth be null and void, and the same is hereby declared, adjudged and enacted, to be null and void, to all intents and purposes whatsoever.

Marriage annulled.

Right to contract matrimony with other parties.

II: *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said John Stuart, and the said Elizabeth Van Rensselaer, respectively, at any time hereafter, to contract matrimony and to marry with any other woman or man, with whom either of them might lawfully marry in case the said marriage had not been solemnized.

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III. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to affect the legitimacy of Mary Sophia Stuart, Caroline Elizabeth Stuart and Agnes Grant Stuart, issue of the said John Stuart and his said wife Elizabeth Van Rensselaer, but that the said Mary Sophia, Caroline Elizabeth and Agnes Grant, and each of them, is and are, to all intents and purposes, legitimate, and that the rights of them and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit, all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever to any person or persons whomsoever, shall remain the same as they would have remained, to all intents and purposes whatsoever, as if this Act had not been passed. Legitimacy o issue.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That in case of the said John Stuart, and the said Elizabeth Van Rensselaer Stuart, or either of them, again contracting matrimony with any person or persons with whom it would have been lawful for them to contract matrimony if they, the said John Stuart, and Elizabeth Van Rensselaer Stuart, had not intermarried, and have any issue born to them, or either of them, that the said issue so born shall be, and are hereby declared to be, to all intents and purposes legitimate, and that the rights of them the said issue, and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit, all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, as if the marriage between the said John Stuart and Elizabeth Van Rensselaer had never taken place. Issue of new marriage.

### 8th Geo. IV. Chap. 18.

*An ACT to provide for the construction of a Harbour at the mouth of Kettle-Creek, in the London District.*

[Passed 17th February, 1827.]

**WHEREAS** it is expedient and desirable to construct a Harbour at the mouth of Kettle-Creek, on the shores of Lake Erie, in the County of Middlesex, in the London District, and for that purpose to provide for the raising of the sum of three thousand pounds by debenture, and for the appointment of Commissioners to contract for and superintend the same: Preamble.  
[See 2 Vic. chap. 54;  
1 Wm. 4, chap. 25;  
Statutes of Canada  
4 & 5 Vic. ch. 38, sec. 17.]  
*Be it therefore enacted, &c.*

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£3000 to be raised by debenture, and applied to constructing a Harbour at the mouth of Kettle Creek, in the District of London.

II. Debentures, how to be prepared and issued; To be redeemable within twenty years.

III. Accounts to be rendered by the Receiver General, for the information of the Legislature, of the debentures issued, payments of interest, &c. &c. &c

IV. Payment of interest; Warrants to issue.

V. Payment and cancelling of debentures.

VI. General provisions respecting the debentures to be issued under this Act; Forgery.

VII. Debentures and interest charged upon the Provincial revenue.

VIII. No deduction to be made for poundage to the Receiver General.

IX. Calling in debentures.

X. Commissioners to be appointed for making contracts and superintending the work; Contractors to give security; Report to be made once in three months, of the progress of the work.

XI. *And be it further enacted by the authority aforesaid,* That so soon as the said Harbour shall be completed, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the Province, to nominate and appoint a careful and discreet person to collect the toll and dues imposed by this Act; who shall account to His Majesty's Inspector-General of this Province on the thirtieth day of June and the thirty-first day of December in each and every year; which account shall be rendered in detail on oath, and specify the number of barrels, packages, and all other articles passing through the said Harbour, together with the number of vessels, boats and other craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen; and shall retain to his own use five per cent on all moneys to be collected and paid by him.

Toll-keeper to be appointed;

To account to the Inspector General on oath;

Remuneration.

Tolls authorised to be paid to the Receiver General.

XII. *And be it further enacted by the authority aforesaid,* That the toll and dues mentioned in the following schedule, and no other, shall be exacted and paid on all goods, wares, merchandize, produce, lumber, vessels, boats, raft or craft, previous to their passing through or into the said Harbour; and the said money, so to be raised and collected, shall be paid by the said Collector into the hands of the Receiver-General of this Province, to be by him applied to and for the redemption of the said Debentures, and the interest thereon annually accruing.

XIII. Warrants to be issued in favour of the Commissioners for the moneys granted by this Act.

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XIV. Moneys, how to be paid and accounted for.

XV. *And be it further enacted by the authority aforesaid,* That the limits of the said Harbour shall extend from the centre of the mouth of the said Creek half a mile East and West, along the shores of the said Lake. Limits of the Harbour.

XVI. *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 Collector to be appointed to receive such tolls or dues, to seize and detain such vessel or boat, or the goods on which the same were due and payable, until such dues and tolls shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said Collector shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said toll or dues, by public auction, after ten days public notice. Remedy to enforce payment of the tolls.

XVII. Survey and estimate to be made before Commissioners are appointed.

XVIII. *And be it further enacted by the authority aforesaid,* That the tolls or dues to be collected at the mouth of Kettle Creek, aforesaid, as soon as the intended pier or breakwater shall be so far completed as to afford shelter for vessels, shall be in accordance with the following scale: Rates of toll.

Pot and pearl ashes, per barrel, one shilling;  
 Salt, pork, whiskey or oil, per barrel, seven pence half-penny;  
 Flour, per barrel, six pence;  
 Ditto, per cwt. three pence;  
 Lard and butter, per keg, five pence;  
 Sugar, per cwt. five pence;  
 Hollow ware, per cwt. seven pence half-penny;  
 Boards and lumber, per thousand feet of board measurement, one shilling and three pence;  
 Boats, under twelve tons, two shillings and six pence;  
 Boats and vessels, from twelve tons and upwards, per ton measurement, two pence half-penny;  
 Wheat, per sixty pounds, two pence:

All other articles not enumerated to pay in proportion to the above rates, subject to the direction of the said Commissioners appointed by virtue of this Act: *Provided nevertheless,* that any boat, vessel or craft, entering the said Harbour, shall be at liberty to pass and return through the same on payment of the toll or dues herein specified, and such toll shall not be exacted more than once for such passing and return.

No return tolls to be charged.

## HARBOURS.

KETTLE CREEK, &amp; OAKVILLE.

## 1st Wm. IV. Chap. 25.

*AN ACT to make further provision for completing the Kettle Creek Harbour, in the District of London.*

[Passed 16th March, 1831.]

Preamble; £3,500 to be raised by Debenture for the completion of Kettle Creek Harbour. 2. Receiver General to issue Debentures. 3. Provisions contained in the 8th Geo. IV. Chap. 18, to be applicable to Debentures issued under this Act.

## 2nd Vic. Chap. 54.

*AN ACT granting a sum of money to improve and keep in repair the Kettle Creek Harbour, at Port Stanley.*

[Passed 11th May, 1839.]

Preamble; £2,000 granted for Harbour at Port Stanley. 2. Commissioners, &c. for expending money granted. 3. Civil Engineer to be appointed for purposes of this Act; Money to be applied according to Engineer's plan. 4. Detailed report of expenditure to be made by Commissioners.

## 9th Geo. IV. Chap. 19.

*AN ACT to enable William Chisholm, Esquire, to erect a Harbour at the Sixteen-mile-Creek, in the Township of Trafalgar, in the Gore District.*

[Passed 25th March, 1829.]

Preamble.

[See 1 Wm 4, chap. 24;  
3 Vic. Chap. 50.]

WHEREAS the construction of a Harbour at the entrance of the Sixteen-mile-Creek into Lake Ontario, in the Township of Trafalgar, in the District of Gore, would be of great advantage to the owners of vessels navigating the said Lake, as well as to persons in general living in the adjacent country: *And whereas* William Chisholm, Esquire, the owner of the land on both sides of the said stream near the mouth, where the said Harbour can alone be constructed, hath, by his petition to the different branches of this present Parliament, prayed that permission be granted to him by a Legislative enactment to construct a Harbour at the mouth of the said Creek, upon being allowed a reasonable toll upon goods and other commodities passing into or out 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

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Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said William Chisholm, his heirs, executors and assigns, within five years from the passing of this Act, to construct a Harbour at the place aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description and burthen of vessels as commonly navigate the said Lake; that it shall and may be lawful for the said William Chisholm, his heirs, executors and assigns, to erect and build all such needful moles, piers, wharves, erections, buildings and edifices, as shall be useful and proper for the protection of the said Harbour, and for the accommodation of vessels entering or lying within the same.

Authority given to William Chisholm, Esquire, his heirs, &c. to construct a harbour at the mouth of the Sixteen Mile Creek, in Trafalgar.

With piers, wharves, &c.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of admitting the free passage of vessels into the same, the said William Chisholm shall have full power and authority to ask and demand toll, as hereinafter mentioned.

Permission to levy toll.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said William Chisholm, his heirs, executors and assigns, to ask, demand and receive, toll of and from all and every master, owner or person in charge, of any vessel or boat, passing into the said Harbour, and also on any goods, wares or commodities, loading or unloading within the same, according to the rates following, that is to say:

Rates of toll.

## RATE OF FEES.

Pot and pearl ash, per barrel, four pence ;  
 Salt pork, beef and whiskey, per barrel, three pence ;  
 Flour, per barrel, two pence ;  
 Lard and butter, per barrel, three pence ;  
 Lard and butter, per keg, one penny ;  
 Boards, per thousand feet, one shilling and three pence ;  
 Lumber, per thousand feet, board measure, one shilling and three pence ;  
 Pipe staves, per thousand, ten shillings ;  
 West India ditto, two shillings and six pence ;  
 Wheat and all other grain, for exportation, per bushel, one penny ;  
 Merchandize, per barrel bulk, nine pence ;  
 Merchandize, per hundred weight, three pence ;  
 Boats, under twelve tons, one shilling and three pence ;  
 All boats or vessels under ten tons burthen, free ;

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Boats and vessels, above twelve tons and under fifty, two shillings and six pence;

All vessels over fifty tons, five shillings;

All other articles of merchandize, not here enumerated, per barrel bulk, nine pence;

All other articles of merchandize, not here enumerated, per hundred weight, three pence.

Remedy for compelling payment of tolls and dues.

IV. *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 William Chisholm, or his agent to receive such tolls or dues, to seize and detain such vessel or boat, or the goods on which the same were due and payable, until such dues shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said William Chisholm, or his agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said toll or dues, by public auction, after ten days public notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

After thirty years the Legislature may purchase the entire estate in the Harbour, &c. upon an estimation of the value;

V. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty at any time beyond the space of thirty years to purchase the entire estate, property and use of the said Harbour from the said William Chisholm, his heirs and assigns, by paying to the said William Chisholm, his heirs and assigns, the estimated value of the works so erected by him, the said William Chisholm, his heirs and assigns, at the time that they shall be so purchased, to be ascertained by arbitration of three persons, one of whom shall be appointed by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, another by the said William Chisholm, his heirs or assigns, and a third by such two arbitrators, together with twenty per cent advance thereupon; to the credit of which payment all revenue exceeding twenty per cent upon the said bonâ fide expenditure, and over and above the expense of maintaining and repairing the said Harbour, shall be charged and taken; and it is also hereby provided and declared, that if any deficiency of the said twenty per cent annual profit should occur in the receipt of the tolls or dues of the said Harbour, as hereinbefore established, such deficiency shall be also charged against the increasing revenue of the subsequent years, so that the said William Chisholm, his heirs and assigns, may fairly and actually receive the sum of twenty per cent on the capital expended for the whole time for which he or they shall have been in legal possession and enjoyment of the said Harbour.

To be settled by arbitration, and 20 per cent advance upon such value to be paid in addition;

Any excess of tolls above 20 per cent on the amount expended, which W. Chisholm shall have received during the period, shall be taken into account as part of the sum to be paid him, and credited to the public accordingly.

VI. *And be it further enacted by the authority aforesaid,* That whenever the said tolls shall, in the annual receipts, exceed in amount a sum suffi-

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cient to defray the expenses of maintaining and repairing the said Harbour, and to afford an annual income to the said William Chisholm, his heirs and assigns, of twenty per cent profit upon the capital actually expended in the construction of the said Harbour, from the time of the commencement of its use by vessels, as aforesaid, then and in such case the increasing surplus revenue of the said tolls shall be charged against the said William Chisholm as so much by him received in the nature of a sinking fund, by means whereof to purchase from the said William Chisholm, his heirs and assigns, the entire estate, use and property, of the said Harbour, or with the wharves, piers and other appurtenances, to and for the use of the public, in such manner and form as the Legislature of this Province may hereafter provide.

Excess of the tolls above 20 per cent on the capital invested, shall be regarded as a sinking fund, to accumulate for the purpose of purchasing the said Harbour for the public use.

VII. *And be it further enacted by the authority aforesaid,* That the said William Chisholm, his heirs and assigns, shall, at any time when so required by either branch of the Legislature, furnish a true and correct copy, verified upon oath, of the imports and exports into and out of the said Harbour, and of the tolls and dues levied and collected on the same; and that after the first day of January, in the year of our Lord one thousand eight hundred and thirty-eight, the rate of tolls to be charged and taken by the said William Chisholm, his agent or agents, at the said Harbour on all goods imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

W. Chisholm to account;  
After the 1st January, 1838, the tolls may be further regulated by the Legislature.

VIII. *And be it further enacted by the authority aforesaid,* That this Act shall continue in force for the space of fifty years from the time of the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, at which time the estate, right, title, tolls and rates of the said Harbour, together with the piers, wharves, waters and navigation thereof, shall vest in His Majesty, His Heirs and Successors, to and for the public use of this Province, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act of the Legislature for that purpose at any time hereafter enacted.

Act to be in force for 50 years, at the end of which period the Harbour, and all right to tolls, &c. shall vest in His Majesty.

## 1st Wm. IV. Chap. 24.

*AN ACT for affording aid to William Chisholm, Esquire, towards the completion of the Harbour at Oakville, in the Township of Trafalgar.*

[Passed 16th March, 1831.]

[SEE 3 VIC. CHAP. 50.]

Preamble; £2,500 authorised to be raised by Debentures to be loaned to William Chisholm, Esquire. 2. Receiver General to issue the Debentures. 3. Provisions of a former Act to be applicable to the Debentures issued under this Act. 4. Mr. Chisholm to give security to the Receiver General before the money is advanced.



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## 3rd Vic. Chap. 50.

*AN ACT to extend the time for re-paying the loan to the Oakville Harbour.*

[Passed 10th February, 1840.]

Preamble.

WHEREAS by an Act passed in the first year of the reign of His late Majesty King William the Fourth, intituled, "An Act for affording aid to William Chisholm, Esquire, towards the completion of the Harbour at Oakville, in the Township of Trafalgar," a loan of two thousand five hundred pounds was granted to the said William Chisholm, payable with interest in ten years: *And whereas* the period for the re-payment will soon arrive: *And whereas* the said William Chisholm has prayed for further time to pay the principal, and also to pay certain arrears of interest now due thereon: *And whereas* the Harbour now produces a revenue sufficient to indemnify the Province against the interest of the said loan, and will also afford a security for the re-payment of the principal: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the period for the payment of the principal sum of two thousand five hundred pounds, loaned to the said William Chisholm, shall be and the same is hereby extended to the period of ten years, from and after the day on which this Act shall receive the Royal Assent.

Time for payment of loan to Oakville Harbour extended for ten years.

Mortgage of the Harbour and tolls to be made to secure payment of loan and interest.

II. *Provided always, and be it further enacted by the authority aforesaid,* That the said William Chisholm shall, on or before the first day of June next, execute an assignment, by way of mortgage, of the said Harbour and the tolls thereof, to such persons as the Governor may appoint in trust to receive the said tolls, and to pay the current interest on the said loan and the arrears of interest, and to satisfy the principal of two thousand five hundred pounds, when the same shall become payable according to the provisions of this Act, or gradually to reduce the same, with power to appoint a receiver, if necessary, and all other such necessary power as may be in behalf of this Province required by Her Majesty's Attorney General.

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## 10th Geo. IV. Chap. 11.

*AN ACT to improve the navigation of Lake Ontario, by authorising the construction of a Harbour at Cobourg, by a Joint Stock Company.*

[Passed 20th March, 1829.]

WHEREAS the construction of a safe and commodious Harbour at Cobourg, in the District of Newcastle, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas* Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash and Archibald M'Donald, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled; 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash and Archibald M'Donald, 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 Cobourg 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 or 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 Cobourg Harbour," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit

Preamble;

(See 2 Wm 4, chap. 92;  
5 Wm 4, chap. 43;  
2 Vic. Chap. 42;)Petition for an Act of  
incorporation to make  
a Harbour at Cobourg;A Company incorporated,  
to be called the President,  
Directors and Company  
of the Cobourg Harbour;Powers and privileges of  
the Company;

Seal;

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Not to carry on the  
business of banking.

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.

Company authorised to  
construct a Harbour at  
Cobourg.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour at Cobourg, aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections, whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading, within the same, and to alter and amend, repair and enlarge, the same, as may be found expedient and necessary.

To contract for the purchase of lands required for making the Harbour;

III. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to recover from the said Company in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut, made 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 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by

Or to compromise for  
damages done by them;

In case of disagreement,  
an arbitration provided  
for;

Nomination of  
Arbitrators;

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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 reference may be again made to arbitrators, as herein-before provided.

Regulations respecting the award.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take as toll, to and for their own proper use and 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, between the East boundary of lot number thirteen, and the West boundary of lot number nineteen, in the Township of Hamilton, in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say :

Tolls and rates appointed.

Pot and pearl ash, per barrel, nine pence ;  
 Pork, whiskey, salt, beef and lard, per barrel, six pence ;  
 Flour, per barrel, four pence ;  
 Merchandize, per barrel bulk, six pence ;  
 Lard and butter, per keg, one penny half-penny ;  
 Merchandize, per ton, seven shillings and six pence ;  
 West India staves, per M., two shillings and six pence ;  
 Pipe staves, per M., twelve shillings and six pence ;  
 Wheat and other grain, per sixty pounds, one penny ;  
 Lumber, per M. feet, board measure, one shilling and three pence ;  
 Boats and vessels, under twelve tons, one shilling and three pence ;  
 Boats under five tons, free ;  
 Boats or vessels, above twelve tons, and not over fifty, two shillings and six pence ;  
 Vessels over fifty tons, five shillings.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors forever.

Harbour, &c. vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be

Compelling payment of tolls.

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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.

Directors how chosen;

To be seven in number.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year; which said Directors shall be Stockholders to the amount of at least four shares, as well as inhabitants of this Province, and be elected on the first Monday in February in every year, at Cobourg, 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 the Upper Canada Gazette, or 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 herein-before authorised to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be 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.

President.

Voting regulated.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he 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 rules, that is to say: one vote for each share not exceeding four; five

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votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of Directors should not be made on any day when, pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day 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. Default of making election on the day appointed.

X. *And be it 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. Directors to make rules; Appoint officers and assign salaries, &c.

XI. First Directors, how and when to be chosen.

XII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value seven thousand five hundred pounds; to be held in six hundred shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to 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. Amount of capital; [See 2 Vic. Chap. 42.] Number of shares; Transfer of shares.

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 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 instalment shall exceed ten per cent, nor become payable in less than thirty days. Calling in instalments.

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after public notice in the Gazette, or in any newspaper or newspapers that may be published in the said District: *Provided always*, that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Shares forfeited if instalments shall not be paid in;

XIV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares 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 moneys 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 that may be published in the District of Newcastle, 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.

Sale of forfeited shares.

Dividends of profits;

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.

Accounts to be open to Stockholders.

To be deemed a Public Act.

XVI. *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.

After fifty years His Majesty may assume the possession of the Harbour;

XVII. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Harbour, 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

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making and completing the said Harbour, together with such further sum as will amount to twenty-five per cent upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption, in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to the provisions of any Act of the Legislature of this Province, that may be passed of or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances, as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

On what conditions.

XVIII. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within one year, 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.

Appropriation of tolls after such assumption by His Majesty;

Time for commencing and completing the Harbour  
[See 2 Vic. chap. 42.]

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## 2nd Wm. IV. Chap. 22.

*AN ACT to authorise a loan to the President, Directors and Company, of the Cobourg Harbour.*

[Passed 28th January, 1832.]

Preamble; £3000 to be raised by debenture, to be loaned to the President, Directors and Company, of the Cobourg Harbour, to be applied towards the completion thereof. 2. Debentures to be issued for a sum not exceeding £3000, redeemable at not less than 10 years, at not more than 6 per cent interest. 3. The provisions of 7 Geo. IV. chap. 20, respecting debentures issued under that Act, to be applicable to those issued under this. 4. Security to be given by the said Company before any money advanced.



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## 5th Wm. IV. Chap. 43.

*AN ACT granting a loan to the Cobourg Harbour Company.*

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN:

Preamble:

[See 10 Geo 4, Ch. 11;  
2 Vic. chap. 42, Sec. 3.]Loan of £1,000 to the  
Company for four years,  
at six per cent;Security by bond for  
£2,000 to be first given.Loan to be paid upon  
warrant to the Receiver  
General;

And accounted for;

£500 to be advanced in  
1835, and remainder  
in 1836.

**WHEREAS** it is expedient that a further loan should be granted to the Cobourg Harbour Company, to enable them to complete the said Harbour; We therefore beseech your Majesty that it may be enacted, *and be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for His Excellency the Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to direct His Majesty's Receiver General to loan to the President and Directors of the Cobourg Harbour Company the sum of one thousand pounds, for four years, at an interest of six per centum per annum: *Provided always*, that before the said sum of one thousand pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall lodge in his hands a bond, with a penalty of two thousand pounds, for the payment of the interest accruing on the said sum of one thousand pounds, half-yearly, from the period of making said loan, and for the payment of the principal in four years.

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

III. *And whereas* it is expedient to extend the time allowed in the charter of the said Company for finishing the contemplated Harbour, to

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the period of ten years from the passing of their Act of Incorporation :  
*Be it therefore enacted by the authority aforesaid,* That the period allowed by law for the completing the said Harbour, according to the Act of Incorporation, be extended to ten years from the passing of said Act, any thing therein contained to the contrary thereof in anywise notwithstanding.

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

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

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

## 2nd Vic. Chap. 42.

*AN ACT to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the same.*

[Passed 11th May, 1839.]

**WHEREAS** the period for the completion of the Harbour at Cobourg has expired: *And whereas* it has been found impracticable to complete the same within the period allowed for that purpose, or for the sum limited by the Act of incorporation, in consequence whereof it is deemed expedient to extend the said period for the completion of the said Harbour, and to increase the capital stock of the Cobourg Harbour Company: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act of incorporation shall be and is hereby revived, and the period for the completion of the said Harbour shall be and is hereby extended to four years from and after the passing of this Act.

Preamble.

Time for completion of Cobourg Harbour extended.

II. *And be it further enacted by the authority aforesaid,* That the capital stock of the said Company shall be increased to ten thousand pounds, in shares of twelve pounds ten shillings each, to be subscribed.

Stock increased to £10,000.

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for in such manner as the Directors shall appoint, of which due notice shall be given in some newspaper of the District.

Annual payment of interest on loans previous to making any dividends.

III. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the Directors of the said Company, and they are hereby required to pay annually out of any surplus profits they may receive, and before any dividend is made upon the stock of the said Company, the interest now due, or which may hereafter become due on the loans made to the said Company by the Province: *Provided always,* that nothing herein-contained shall be taken or construed to interfere with any security given for the re-payment of the said loans to the said Company.

## 10th Geo. IV. Chap. 12.

*AN ACT to incorporate certain persons therein named, under the style and title of the "Port Hope Harbour and Wharf Company."*

[Passed 20th March. 1829.]

Preamble.

[Sec 2 *Wm. 4, chap. 23;*]

**W**HEREAS a safe and commodious Harbour and Wharf, at the Village of Port Hope, in the District of Newcastle, in this Province, would be a valuable public improvement: *And whereas,* John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla and John Huston, have petitioned to be incorporated for the purpose of constructing the same 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province,"* and by the authority of the same, That the said John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla and John Huston, together with all such persons as shall become Stockholders in such joint stock or capital as is hereinafter mentioned, and their successors, shall be and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact, and by the name of the "President, Directors and Company, of the Port Hope

A Joint Stock Company incorporated for making a Harbour at Port Hope;

Corporate name;

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Harbour and Wharf 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 causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter <sup>Seal;</sup> the same at their will and pleasure; and also, that they and their successors, by the same name of the "President, Directors and Company, <sup>May hold and dispose of real estate;</sup> of the Port Hope Harbour and Wharf 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*, that nothing <sup>May not carry on the business of banking.</sup> 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 cost and charge, to construct a Harbour at Port Hope, 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 useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same; and to alter, amend, repair and enlarge the same, as may be found expedient and necessary. <sup>The Company empowered to construct a Harbour at Port Hope;</sup> <sup>To build piers, &c. &c.</sup>

III. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to dredge, cut, and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, 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 recover from the said Company, in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut, made and constructed, in and upon his, her or their, respective lands; and in case of any disagreement between <sup>Provision for compensating owners of lands for property taken, damages done, &c.</sup> 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 shall think fit, for each owner or occupier so disagreeing with <sup>Arbitration;</sup> the said Directors, either upon the value of the lands and tenements

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proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration, as herein-before provided.

Arbitrators to be sworn;

Award may be set aside by King's Bench for legal cause.

Tolls to be exacted.

IV. *And be it further enacted by the authority aforesaid*, That so soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take as toll, to and for their own use and benefit, and 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 between the eastern boundary of lot number one, and the western boundary of lot number ten, in the first and broken concession of the Township of Hope, in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say:

Pot and pearl ash, per barrel, nine pence;  
 Pork, whiskey, salt, beef, and lard, per barrel, six pence;  
 Flour, per barrel, four pence;  
 Merchandize, per barrel bulk, six pence;  
 Lard and butter, per hundred weight, two pence;  
 Merchandize, per ton, seven shillings and six pence;  
 West India staves, per M. two shillings and six pence;  
 Pipe staves, per M. twelve shillings and six pence;  
 Deals, per hundred pieces, five shillings.  
 Wheat and other grain, per bushel of sixty pounds, one penny;  
 Lumber, per thousand feet, board measure, one shilling and three pence;

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Boats and vessels under twelve tons, one shilling and three pence;  
 Boats under five tons, free;  
 Boats or vessels above twelve tons, and not over fifty, two shillings and six pence;  
 Vessels above fifty tons, five shillings.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors forever. Harbour, &c. and tolls vested in the Company.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls and 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. Compelling payment of tolls.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year; which said Directors shall be Stockholders to the amount of at least four shares, as well as inhabitants of this Province, and be elected on the first Monday in January in every year, at Port Hope, 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 the Upper Canada Gazette, and 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, herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which Seven Directors to be chosen;  
Time and manner of election;  
Notice of day of election;  
Ballot;

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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.

President;

How vacancies to be supplied.

Regulation as to voting.

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

Corporation not to be dissolved for failure of choosing electors on the day appointed;

Provision in such case.

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

Directors may make by-laws;

Manage the affairs of the Company;

Appoint clerks and servants;

Limit salaries, &amp;c.

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 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 carrying on the said business, with such salaries and allowances as to them shall seem fit.*

XI, *First election of Directors; No meeting to be held until shares shall be taken to the amount of £2500.*

Capital limited to £7500;

Number of shares;

[See 6 Wm 4, chap. 17; 3 Vic. Chap. 52.]

Transfer of shares.

XII. *And be it further enacted by the authority aforesaid, That the whole capital or stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value seven thousand five hundred pounds, to be held in six hundred shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding*

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the same, to 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.

XIII. *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 the Gazette, or other 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 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 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 Gazette, or other paper or papers as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Instalments how to be called in.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares 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 moneys 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 the Upper Canada Gazette, and in any newspaper or newspapers that may be published in the District of Newcastle, 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.

For non-payment of instalments, shares to be forfeited;

Regulations respecting the sale of forfeited shares.

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,

Dividends of profits to be made annually;



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Accounts to be exhibited. profits and losses; such statements to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.

Public Act. XVI. *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.

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

On what conditions.

How the tolls, &c. shall be appropriated in case His Majesty shall assume the Harbour; XVIII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always,* that the said Harbour shall be commenced within one year, 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.

Time for commencing and completing the Harbour.  
[See 6 Wm. 4, chap. 17.]

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## 2nd Wm. IV. Chap. 23.

*AN ACT to authorise a loan to the President, Directors and Company, of the Port Hope Harbour and Wharf Company.*

[Passed 28th January, 1832.]

Preamble; £2000 to be loaned to the Port Hope Harbour and Wharf Company. 2. Receiver-General may issue debentures therefor; Debentures, when redeemable. 3. The provisions of 7 Geo. 4, respecting debentures, to be applicable to the debentures to be issued under this Act. 4. Security to be given to the satisfaction of the Governor in Council, before the said loan shall be made. 5. Warrant to be issued to Receiver-General, upon security being completed.

## 6th Wm. IV. Chap. 17.

*AN ACT to amend the Charter of the Port Hope Harbour and Wharf Company.*

[Passed 20th April, 1836.]

**WHEREAS** it is expedient to increase the Capital Stock of the Port Hope Harbour and Wharf Company, to enable them to make further improvements in completing the works of the said Harbour: *And whereas also*, it is expedient to extend the time allowed in the Charter of the said Company for finishing the contemplated Harbour: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the capital stock of the said Company be increased from six hundred shares to eight hundred shares, of twelve pounds ten shillings each, making the capital stock of the said Company *ten thousand pounds*, instead of seven thousand five hundred pounds; and that the said new stock shall be opened for subscription on the first Monday in July next, and that the shares so subscribed shall be payable at such time and in such manner as the Directors shall appoint: *Provided always*, that thirty days notice of opening the books shall be published in the Upper Canada Gazette, and in the papers of the Newcastle District, and the books shall be opened in Toronto, Port Hope and Montreal: *And provided also*, that not more than twenty per

Preamble.

[See 10 Geo. 4, chap. 12; 3 Vic. Chap. 52.]

Capital of the Company increased from £7,500 to £10,000;

[See 3 Vic. Chap. 52.]

New stock to be opened first Monday in July next;

Notice of opening the books.

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cent shall be called in at any one time on the new stock so subscribed, of which thirty days notice shall be published in manner aforesaid.

Period of completing the Harbour extended to eleven years.

II. *And be it further enacted by the authority aforesaid,* That the period allowed for completing the said Harbour, according to the Act of incorporation, shall be extended to eleven years from the passing of the said Act, any thing therein contained to the contrary thereof in any wise notwithstanding.

### 3rd Vic. Chap. 52.

*AN ACT to increase the Capital Stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour.*

[Passed 10th February, 1840.]

Preamble.

WHEREAS the President, Directors and Company of the Port Hope Harbour and Wharf Company, have by petition set forth, that they have expended six hundred pounds over and above the amount of capital stock authorised to be subscribed for the construction of the said Harbour, which has proved inadequate for the purpose, and that they are desirous that the capital stock of the said Company should be increased two thousand pounds, and that the period for completing the said Harbour should be extended four years from the passing of this Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,'" and to make further provision for the Government of the said Province," and by the authority of the same, That the capital stock of the Port Hope Harbour Company shall be increased in the sum of two thousand pounds, to be taken in shares of the like amount as those formerly taken; and to be subscribed for in such manner and time as the Directors of the said Company shall direct, of which at least thirty days notice shall be given in the Upper Canada Gazette, and in one or more newspapers published in the District of Newcastle.

Capital stock of the Port Hope Harbour Company increased;

How to be subscribed;

Notice.

Period for completing the Harbour extended.

II. *And be it further enacted by the authority aforesaid,* That the period for completing the said Harbour shall be extended to four years from the passing of this Act.

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## NIAGARA HARBOUR AND DOCK COMPANY.

III. *Provided always, and be it further enacted by the authority aforesaid,* That this Act shall not go into operation until the interest now due to the Province, by the said Company, be first paid. Interest due the Province from the Company to be paid before this Act takes effect.

## 1st Wm. IV. Chap. 12.

*AN ACT to Incorporate the Niagara Harbour and Dock Company.*

[Passed 16th March, 1831.]

**WHEREAS** James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart and Robert Kay, and others of the Town and neighbourhood of Niagara, have by petition prayed to be incorporated as a Joint Stock Company, for the purpose of constructing, erecting and managing a harbour, wharf, dry and wet docks, in conjunction with an iron marine rail way, for the constructing, repairing and refitting any shipping, vessels or crafts navigating Lake Ontario, at the mouth of the Niagara River: *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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart and Robert Kay, 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 Niagara Harbour and Dock 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 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

Preamble.

The Niagara Harbour and Dock Company incorporated;

General powers.

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successors, by the same name of "the Niagara Harbour and Dock 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.

Company authorised to construct a Harbour, &c. at Niagara.

II. *And be it further enacted by the authority aforesaid,* That the said Company may be authorised and empowered, at their own costs and charges, to construct a harbour and wharf and wharves, with a dry dock or rail way, regulated for refitting and repairing all shipping at Niagara aforesaid; which said wharf or wharves, harbour and dry dock, or rail way, shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of sail or steam vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful moles, piers, wharves, break-waters, or other erection or constructions whatsoever, as shall be useful and proper for the purposes aforesaid; and the protection of the harbour, wharf or wharves, docks or rail ways, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting or laying up in the same; and to alter, amend, repair and enlarge the said harbour, wharf or wharves, and docks or rail way, as aforesaid, as may from time to time be found necessary and expedient.

Company may agree with owners of any property upon which their improvements may be made for the purchase thereof or for damages done by the Company;

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract, compound, compromise and agree, with the owners or occupiers of any lands or private easements, rights or privileges, upon which they may determine to dredge, cut, and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements 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 Harbour, roads, streets and approaches thereto, being cut, made 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 shall think fit, for each owner or occupier, so disagreeing with the said Directors, 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 Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be arbitrators to award, determine, adjudge and order,

Arbitrators may be appointed to settle all differences between the Company and individuals;

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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 they are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act, shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Award may be made a rule of the Court of King's Bench.

IV. *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 regulate, fix and establish, the rates of wharfage, tolls, dues or duties, payable by persons navigating or owning rafts, vessels, boats or other crafts on Lake Ontario, and which may from time to time partake of the benefits and advantages of the said Harbour, wharves, docks or rail-way, or of the store-houses or other protections and erections for the safe-keeping, repairing and refitting, of all vessels, boats, crafts and rafts, of any description, and of goods, wares and merchandize, shipped or unloaded within the limits established by this Act, and to alter the said tolls, dues, duties and demands, aforesaid, as they may deem proper and expedient; and also for regulating the discharging of ballast, as well in the said Harbour as in the River immediately adjacent thereto, a copy of which tolls, rates and dues, shall be affixed up in not less than three public places adjacent to the said Harbour and docks, and rail-way, respectively.

Directors to fix the rates of toll and wharfage.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, and wet-dock and dry-dock, or rail-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 merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

The Harbour, &c. shall be vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That so soon as the said Harbour, wharves, wet-dock and rail-way, shall be so far com-

Period when Company shall begin to demand tolls.

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pleted as to be capable of receiving, sheltering and repairing vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, the tolls and dues to be established by virtue of this Act, to and for their own proper use and benefit, on all goods, merchandizes and articles whatsoever, shipped on board or landed out of any vessel or boat entering, using or occupying, the said Harbour, wharves, wet-dock and rail-way, or any other convenience; erection or improvement built, occupied or owned by the said Company.

Harbour, &c. to be constructed between the Ferry lot on the Niagara River and the termination of King Street on the Bank of the said River.

VII. *And be it further enacted by the authority aforesaid,* That the said Company, or their servants or agents, at any time after the passing of this Act, under and by virtue of its provisions, shall and may excavate, dig, dredge, construct, erect and finish, the said Harbour, wharves, wet-dock and rail-way, respectively, or any of them, on any part or portion of the land or beach lying immediately adjacent to the Niagara River, and between the ferry lot in the occupation of Andrew Heron, junior, in the rear of the present Government wharf and ware-house, and the lot in the possession of Andrew Heron, senior, situate at the termination of King street, in the Town of Niagara: *Provided always,* that the said area or space between the said limits, so defined, do not recede or extend in the rear from the river further than the summit of the hill or bank adjacent; and also, that the said erections or constructions contemplated by this Act shall not in any degree interfere with, or encroach on any fee simple right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained, either by the consent of such owner or owners thereof, or by virtue of reference authorised by this Act.

Goods, vessels and boats may be seized for non-payment of tolls.

VIII. *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 shall be due and payable, until such tolls shall be paid; and if the same shall remain 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 or dues, by public auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

Seven Directors to be elected annually, one whereof to be the President;

IX. *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 Niagara, at such time of the day

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as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said District of Niagara, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be 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.

Mode of electing Directors;

How vacancies occurring during the year are to be filled.

X. *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.

Stockholders to have votes in proportion to their shares in the capital stock.

XI. *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 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.

Corporation not dissolved by neglect to choose Directors on the day appointed.

XII. *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

Directors may make by-laws.



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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.

First meeting of Stockholders.

XIII. *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 Niagara, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until the amount of stock shall have been taken up, and at least thirty days notice thereof be given in any paper or papers published in the District of Niagara.

Capital stock not to exceed £25,000.

XIV. *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 twenty-five thousand pounds, to be held in two thousand shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to 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.

Stock to be called in by instalments.

XV. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed, as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any paper or papers published in the said District of Niagara, for an instalment of ten per cent upon each share which they, or any of them, 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 proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed ten per cent, nor become payable in less than thirty days after public notice in the paper or papers, as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour, wharves and docks, or rail-way, until the first instalment shall be paid in respect of each of

Stock forfeited upon default of payment of instalments called for.

XVI. *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 law-

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fully 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 in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares, so purchased as aforesaid: *Provided always*, that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the District of Niagara, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

XVII. *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 statements to appear on the books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

Directors to declare the dividends;

And to render an account of the affairs of the Company annually to the Stockholders.

XVIII. *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.

This to be deemed a Public Act.

XIX. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of the then respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, wharves, wet dock and dry dock, or rail-way, together with such further sum as will amount to twenty-five per cent upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour, wharves, wet dock and dry dock, or rail-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

After fifty years the King may assume the possession of the Harbour, &c. on paying therefor.

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respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, wharves, wet dock, dry dock, or rail-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.

Tolls thereafter to be paid to the Receiver General;

XX. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, wharves, wet dock and dry dock, or rail-way, shall have been assumed by His Majesty, His Heirs and Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury; in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour, wharves, wet dock, dry dock or rail-way, shall be commenced within one year, and completed within five years after the passing of this Act, otherwise this Act, and every matter and thing herein-contained, shall cease and be utterly null and void.

How to be accounted for.

All Government vessels may use the Harbour toll free.

XXI. *And be it further enacted by the authority aforesaid*, That all ships, vessels, rafts or other crafts, owned by, belonging to, or in the use and occupation of the Parent or Provincial Government, shall from time to time have free access and privilege of occupancy, and sheltering under and using the privileges, safeties and advantages, of the said Harbour and wharves, wet dock, dry dock or rail-way, without being subject to any charge for toll or dues whatsoever.

## 2nd Wm. IV. Chap. 14.

*AN ACT for incorporating a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Dover Harbour.*

[Passed 28th January, 1832.]

Preamble.

[See 5 Wm. 4, chap. 23;  
7 Wm. 4, chap. 86;  
Statutes of Canada,  
4 & 5 Vic. chap. 77.]

**WHEREAS** the construction of a safe and commodious Harbour at Port Dover, at the mouth of Patterson's Creek, in the District of London, would manifestly tend to the improvement of that part of this Province,

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as well as be of great advantage to all persons in any way concerned in the navigation of Lake Erie: *And whereas*, Colin McNeilledge, Mahlon Burwell, John Clark, Duncan McCall, William Wilson, Charles Ingersoll and Thomas Clark, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Colin McNeilledge, Mahlon Burwell, John Clark, Duncan McCall, William Wilson, Charles Ingersoll and Thomas Clark, 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 Port Dover 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 or 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 change and alter the same at their will and pleasure; and also, that they and their successors, by the name of "the President, Directors and Company, of the Port Dover Harbour," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit, and on 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.

Company incorporated  
by the style of the Presi-  
dent, Directors and  
Company of the Port  
Dover Harbour;

General powers of the  
Company;

Seal.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charge, to construct a Harbour at Port Dover, aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading, within the same, and to

Authority to construct a  
Harbour at Port Dover.

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alter and amend, repair and enlarge the same, as may be found expedient and necessary.

May contract for the purchase of lands necessary for the Harbour, and may compound for damages done;

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and they are hereby empowered, to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut and made and constructed in and upon his, her or their, respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful, from time to time, as often as the said Directors 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as herein-before provided.

Arbitrators to be appointed for settling disputes;

Arbitrators required to attend;

Awards may be set aside on motion in the King's Bench.

When tolls may be exacted;

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, as toll, to and for their

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own proper use and benefit and behoof, on all goods, wares and merchandize, shipped on board or landed out of any vessel or boat from or upon any part of the Lake shore between one half mile East, and one half mile West of the said Creek, in the Township of Woodhouse, in the said District of London, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say:

Extent of the Harbour.

Pot and pearl ashes, per barrel, nine pence;  
 Pork, whiskey, salt, beef and lard, per barrel, five pence;  
 Flour, per barrel, three pence half-penny;  
 Flour, per hundred weight, two pence;  
 Wheat, per sixty pounds, one penny;  
 Merchandize, per barrel bulk, six pence;  
 Merchandize, per hundred weight, two pence;  
 Hollow ware, per hundred weight, three pence;  
 Bar and pig iron, two pence half-penny;  
 Boards and lumber, per thousand feet, board measure, one shilling and three pence;  
 Boats, under twelve tons, one shilling and three pence;  
 Boats and vessels, from twelve tons upwards, two shillings per ton:

Rate of tolls.

And all other articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Property vested in the Company.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels 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 the 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 to return the overplus, if any, to the owner or owners thereof.

Vessels and goods may be seized for non-payment of tolls.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company, shall be managed

Seven Directors to be chosen;

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and conducted by seven Directors, one of whom shall be chosen President, who shall hold their office for one year; which said Directors shall be Stockholders to the amount of at least four shares, as well as inhabitants of this Province; and to be elected on the second Monday in May in every year, at Port Dover, 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 the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the said District of London, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to elect by ballot until it is ascertained 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.

Time and manner of election;

(See 5 Wm 4, chap 23, Sec. 2.)

How vacancies to be filled up.

Ratio of voting.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he 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 rules, viz: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Corporation not dissolved by non election of Directors.

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

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to

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make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties 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.

Directors may make by-laws, and appoint their servants.

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at Port Dover, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who, during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of two thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice given in the Gazette, or in any newspaper or newspapers that may be published in the said District.

First meeting of Stockholders on the 2d Monday in May next;

Provided £2,000 shall have been previously subscribed;

(See 5 Wm 4, chap. 23, Sec. 3.)

XII. [Repealed by 7 Wm. IV. Chap. 86, Secs. 1 & 2.]

Capital not to exceed £5,000;

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 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 instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Gazette, or in any newspaper or newspapers that may be published in the said District: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Instalments when to be called in;

No instalment to exceed 10 per cent;

Harbour not to be commenced until first instalment paid in.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been pre-

Upon neglect to pay instalments shares to be forfeited;



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viously 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 moneys 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 such forfeited shares shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the District of London, 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.

Forfeited shares to be advertised in the Gazette.

Directors to make annual dividends.

XV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable; and that once in each year an exact and particular statement 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.

This a Public Act.

XVI. *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.

Government may assume stock at the end of fifty years.

XVII. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per cent upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to the provisions of any Act of the Legislature of this Province that may be passed of or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances as

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aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every one hundred pounds they shall be possessed of in the said concern.

XVIII. *And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: Provided always, that the said Harbour shall be commenced within two 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.*

Upon the assumption of the stock by the Government, how tolls, &c. to be accounted for;

Harbour to be commenced and completed in seven years;

(See Statutes of Canada, 4 & 5 Vic. Chap. 77.)

### 5th Wm. IV. Chap. 23.

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

[Passed 16th April, 1835.]

**WHEREAS** William Wilson and Colin McNeillidge, Esquires, and others, by their petition have set forth, that the Act of the Legislature of this Province, passed in the second year of the reign of His Majesty King William the Fourth, intituled, "An Act for incorporating a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Dover Harbour," has not been acted upon, in consequence of the difficulties heretofore experienced, but which the petitioners consider now to be removed; and that it is stipulated in the said Act, that the said Harbour shall be commenced within two years after the passing thereof, which period of time has expired; also, that the establishment of said Harbour will be attended with advantage to the Province generally, and to the London and Western Districts particularly; and praying for a renewal of the said charter or Act of incorporation,

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and that the time for commencing the said Harbour may be extended : *And whereas* it is expedient that the prayer of the said petition should be acceded to, and that the said Act should remain and be in force: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act, intituled, "An Act for incorporating a Joint Stock Company under the style and title of the President, Directors and Company, of the Port Dover Harbour," as aforesaid, be and the same is hereby continued from and after the passing of this Act, except in so far as the same may be varied or altered by this Act.

Continuation of the charter.

Meeting of the Stockholders for the election of Directors.

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

Commencement of the works.

III. *Provided always, and be it further enacted by the authority aforesaid*, That it shall not be lawful for the said Company to commence the construction of the said Harbour until shares to the amount of one thousand pounds of the capital stock of the said Company shall have been taken: *And provided likewise*, that the said Harbour shall be commenced within two years and completed within seven years after the passing of this Act, otherwise this Act shall cease and be utterly null and void.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAP. 77.]

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## 7th Wm. IV. Chap. 86.

*AN ACT to grant a loan to the Port Dover Harbour Company, and increase the Capital Stock of the said Company.*

[Passed 4th March, 1837.]

**WHEREAS** an Act was passed in the second year of His Majesty's reign, intituled, "An Act for incorporating a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Dover Harbour," and the said President, Directors and Company, have, by their petition to the Legislature, prayed that the capital stock of the said Company may be increased to the sum of ten thousand pounds; and also for a loan of three thousand five hundred pounds, to enable them more readily to complete the said Harbour: *And whereas* the said Company have already expended, from their own means, the sum of two thousand one hundred and twenty-five pounds, and have constructed a substantial Pier, extending six hundred and sixty feet in length; and the situation of Port Dover, and the advantages likely to accrue to the navigation and commerce of Lake Erie, render it desirable that the work should be proceeded with, and completed without further delay: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the twelfth clause of the above recited Act be and the same is hereby repealed.

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Act, intituled, "An Act for incorporating a Joint Stock Company under the style and title of the President, Directors and Company, of the Port Dover Harbour";

12th clause repealed.

II. *And be it further enacted by the authority aforesaid*, That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall henceforth not exceed in value ten thousand pounds, to be held in sixteen hundred shares, of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Stock, inclusive of real estate, not to exceed £10,000, in shares of £6 5s. each;

Shares may be transferred, after first instalment paid.

III. *And be it further enacted by the authority aforesaid*, That books of subscription may be opened at such times and places, and by such person or persons, and under such rules and regulations, as a majority of the Directors, for the time being, shall deem most beneficial.

Books of subscription to be opened.

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IV. Loan of £3,500 to be raised by debenture.

V. Receiver General authorised to issue debentures.

VI. Act relating to Welland Canal, passed in the seventh year of His late Majesty, so far as relates to debentures, made applicable to this Act.

Security to be given for re-payment of loan.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of three thousand five hundred pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver-General, the said Company shall give such security to the Receiver-General as the Governor, Lieutenant-Governor, or Person Administering the Government, shall, by and with the advice of His Majesty's Executive Council of this Province, deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the aforesaid term of ten years.

VIII. Money borrowed to be applied to completion of work.

[SEE STATUTES OF CANADA, 4 & 5 VICTORIA, CHAP. 77.]

## 2nd Wm. IV. Chap. 15.

*AN ACT to incorporate a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Burwell Harbour.*

[Passed 28th January, 1832.]

Preamble.

[See 7 Wm 4, chap. 72.]

WHEREAS the construction of a safe and commodious Harbour at Port Burwell, in the County of Middlesex, and District of London, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Erie: *And whereas,* Charles Ingersoll, Colin McNeillage, William Willson, William Elliot, William Berczy, Roswell Mount and Mahlon Burwell, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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

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Province of 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 Charles Ingersoll, Colin McNeilledge, William Willson, William Elliot, William Berczy, Roswell Mount and Mahlon Burwell, 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 Port Burwell Harbour;" and by this name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, 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 Port Burwell Harbour," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on 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.

The President, Directors and Company of the Port Burwell Harbour, incorporated;

General powers.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charge, to construct a Harbour at Port Burwell, aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading, within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Company may construct a Harbour at Port Burwell.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and they are hereby empowered, to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require

Directors may agree with the owners of lands for the purchase thereof, or damages done thereto, in constructing Harbour;

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Disputes to be settled by arbitration;	<p>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 Harbour, roads, streets and approaches thereto being cut, made 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 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any 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: <i>Provided always</i>, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as herein-before provided.</p>
Arbitrators how appointed;	
Time and manner of proceeding by the arbitrators;	
Award subject to the control of the Court of King's Bench.	
Tolls when to be levied;	<p>IV. <i>And be it further enacted by the authority aforesaid</i>, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive and take, as tolls, to and for their own proper use and 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 between the East boundary of lot number nine, and the West boundary of lot number sixteen, in the first concession of the Township of Bayham, on Lake Erie, in the said District of London, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say :</p>
Extent of the harbour;	
Rate of tolls.	<p>Pot and pearl ashes, per barrel, nine pence; Pork, whiskey, salt, beef and lard, per barrel, six pence;</p>

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Flour, per barrel, four pence;  
 Merchandize, per barrel bulk, six pence;  
 Lard and butter, per keg, one penny half-penny;  
 Merchandize, per ton, seven shillings and six pence;  
 West India staves, per thousand, two shillings and six pence;  
 Shingles, per thousand, six pence;  
 Shingle bolts, per cord, five shillings;  
 Pipe staves, per thousand, twelve shillings and six pence;  
 Deals, per hundred pieces, five shillings;  
 Wheat and other grain, per sixty pounds, one penny;  
 Lumber, per thousand feet, board measure, one shilling and three pence;  
 Boats, under five tons, free;  
 Boats and vessels, 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.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour and appurtenances vested in the Company, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors forever.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels 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 and 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.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, and three of whom shall be a quorum, who shall hold their office for one year; which said Directors shall be Stockholders to the amount of at least eight shares, as well as inhabitants of this Province, and be elected on the third Monday in June in every year, at Port Burwell, 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 the Upper Canada Gazette, or in any newspaper or newspapers that may be published



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

Vacancies in direction how filled up.

Ratio of voting for Stockholders.

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

Corporation not dissolved by reason of the non-election of Directors.

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

Directors may make by-laws;

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 duties of the officers, clerks and servants, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

And appoint the officers and clerks of the Company.

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XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in June after the passing of this Act a meeting of the Stockholders shall be held at Port Burwell, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of three thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof given in the Gazette, or any newspaper or newspapers that may be published in the said District.

When first meeting of the Stockholders to take place;

No meeting of Stockholders to be held unless £3000 stock shall have been taken up.

XII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value seven thousand five hundred pounds, to be held in twelve hundred shares, of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to 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.

Capital stock not to exceed £7,500;

Shares £6 5s. each.

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 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 share 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 instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Gazette, or in any newspaper or newspapers that may be published in the said District: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Instalments when and how to be called in;

No instalment to exceed ten per cent, nor to be called for in less than thirty days;

Harbour not to be commenced until first instalment paid in.

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

Shares of stock to be forfeited if instalments not paid in when called for;

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Forfeited shares to be sold.

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 in, shall be accounted for and applied in like manner as other moneys 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 that may be published in the District of London, and that the instalment due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Annual dividends to be made of the profits;

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 statement of the affairs of the Company to be prepared for the inspection of the Stockholders.

This a public Act.

XVI. *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.

The Crown may assume the property of the harbour after fifty years, upon paying the Stockholders the sum expended and twenty-five per cent premium thereon;

XVII. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Harbour, 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 Harbour, together with such further sum as will amount to twenty-five per cent upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed of or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty

Harbour thereafter to be vested in His Majesty;

## HARBOURS.

## PORT BURWELL.

years, to assume the possession and property of the said Harbour, with its appurtenances, as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

Crown not to assume possession unless Stockholders have received annually 12½ per cent dividends upon the capital expended.

XVIII. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided* always, that the said Harbour shall be commenced within one year, 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.

Upon the Crown assuming the property of Harbour, tolls to be paid to His Majesty's Receiver General.

Tolls how then accounted for.

## 7th Wm. IV. Chap. 72.

*AN ACT granting a sum of money to the Port Burwell Harbour Company, by way of loan.*

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** it appears by the petition of the President of the Port Burwell Harbour Company, that the said Company have commenced and are carrying on sundry expensive works at the said Harbour, by which great accomodation has been already afforded to the shipping interests of Lakes Erie and Ontario, and the trade of the Province increased, but that for want of means to complete the same in an effectual manner, the public interests and the trade of that portion of the Province are deprived of the full benefits to be derived from the completion thereof, and it is expedient and necessary that the said Harbour should be completed with the least possible delay: 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

Preamble;  
[See 2 Wm. 4, chap. 15.]

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£3000 loaned to Company to be raised by debentures.

by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to 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 three thousand pounds, at a rate of interest not exceeding six per centum; which said sum of three thousand pounds shall be advanced by way of loan to the President, Directors and Company, of the said Harbour, at the same rate of six per centum interest, to be by them applied to the completion of the said Harbour.

Receiver General to issue debentures;

Terms and conditions upon which debentures are to be issued and redeemed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said 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 said sum of three 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 that for each loan or advance a debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of three thousand pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding twenty years, and which debentures shall be signed by the said Receiver General.

Act authorising loan to Welland Canal made applicable to debentures issued under this Act.

III. *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, intituled, "An Act to authorise the Government to borrow a certain sum of money upon debentures, to be loaned to the Welland Canal Company," respecting the debentures authorised by the said Act passing with Public Accountants, and the suspension of interest in certain cases; the submitting to the Legislature the accounts of such debentures; the paying off and cancelling the said debentures; and the punishment awarded for forging any of the said debentures, or of any thing relating thereto, shall apply to and be in force in respect to the debentures which shall be issued under the authority of this Act.

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IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of three thousand pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General as the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice of the Executive Council of this Province, shall deem satisfactory for the regular payment of the interest and the final re-payment of the principal of the sum so loaned within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company, under the provisions of this Act, shall by the said Company be applied towards the completion of the said Harbour, and to no other purpose whatsoever.

Security to be given for repayment of loan and interest before debentures are issued.

V. *Provided also, and be it further enacted by the authority aforesaid,* That the said Company, who from their own private means, and hitherto without any return, have brought the said Harbour to its present state of usefulness, shall not be permitted to apply any of the tolls and dues that may be collected at the said Harbour towards their own reimbursement, but such as may accrue over and above paying the annual interest of the sum authorised to be loaned to the said Company by this Act.

Tolls and dues of harbour to be first applied towards payment of interest on loan.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his Warrant to the Receiver General, for the said sum of three thousand pounds, in favour of the Treasurer of the said Company, for the time being, so soon as security is given, as aforesaid; and which sum of three thousand pounds shall be accounted for by the said Receiver General, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

Money to be advanced on warrants to the Receiver General;

And accounted for through Lords of the Treasury.

### 3rd Wm. IV. Chap. 22.

*AN ACT to incorporate a Joint Stock Company, for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario.*

[Passed 13th February, 1833.]

**WHEREAS** the construction of a safe and commodious Harbour at the mouth of the Twenty Mile Creek, in the Niagara District, would manifestly tend to the improvement of that part of this Province, as well

Preamble.

[See 7 Wm. 4, chap C7.]

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as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas*, James William Osgoode Clark, George Henry Kerr, James Secord, Peter Ware, John Weismer, Cyrus Culp, Isaac Overholt, and others, have petitioned to be by law incorporated for the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said James William Osgoode Clark, George Henry Kerr, James Secord, Peter Ware, John Weismer, Cyrus Culp, Isaac Overholt, together with all such other persons as shall become Stockholders in such joint stock or capital as is hereinafter mentioned, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by and under the name and style of "the President, Directors and Company, of the Louth 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 or places whatsoever, in all manner of suits, actions and complaints, matters and causes, whatsoever; and that they and their successors may and shall have a common seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President, Directors and Company, of the Louth Harbour, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on 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.

The Louth Harbour  
Company incorporated;

May have a common seal.

Company may construct  
a Harbour at the mouth  
of the Twenty Mile  
Creek.

II. *And be it further enacted by the authority aforesaid*, That the said Company be and they are hereby authorised and empowered, at their own costs and charge, to construct a Harbour at the mouth of the Twenty Mile Creek, in the Township of Louth, in the Niagara District aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the

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protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading, within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company in consequence of the said Harbour, roads and streets, and approaches thereto, being cut and made and constructed in and upon his, her or their, respective lands, other than the pond of the said Twenty Mile Creek, which is hereby vested in the said Company; and in case of any disagreement between the said Directors and the owners or occupiers aforesaid, it shall and may be lawful for the Directors, from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be the arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall and are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days previous notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as herein-before provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award,

Company may agree with the occupiers of ground for land taken, or damages done in the construction of the Harbour;

Arbitrators may be appointed to determine disputes;

Award may be made a rule of Court.



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or a tender thereof made to the party or parties therein interested, and shall not in any manner obstruct or interfere with the highway now passing the mouth of the said Twenty Mile Creek, and shall construct and maintain a good and sufficient bridge across the same, without any charge to the public.

When tolls may be exacted;

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand and receive, recover and take as toll, to and for their own proper use and benefit and behoof, on all goods and merchandize shipped on board or landed out of any vessel or boat, or other craft, from or upon any part of the lake shore between one-half mile east and one-half mile west of the mouth of the said Creek, in the Township of Louth, in the said Niagara District, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say:

Extent of Harbour.

Rates of tolls.

Pot and pearl ashes, per barrel, six pence ;  
 Pork, whiskey, salt, beef, and lard, per barrel, four pence half-penny ;  
 Flour, per barrel, two pence ;  
 Lard and butter, in barrels, three pence ;  
 Lard and butter, in kegs, one penny ;  
 Wheat, per sixty pounds, and all other grain for exportation, one penny ;  
 Merchandize, per barrel bulk, six pence ;  
 Merchandize, per hundred weight, two pence ;  
 Boards and lumber, per thousand feet, board measure, one shilling and three pence ;  
 Pipe staves, per M. seven shillings and six pence ;  
 West India staves, per M. two shillings and six pence ;  
 Boats under twelve tons, one shilling and three pence ;  
 Boats and vessels over twelve tons, and under fifty tons, five shillings ;  
 Boats and vessels, from fifty tons and upwards, seven shillings and six pence.

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

Harbour, &c. vested in the Company.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

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VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels, boats, or other craft on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant aforesaid, may sell or dispose of the said goods, vessels, boats, or other craft, or such parts thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and to return the overplus, if any, to the owner or owners thereof.

Goods or vessels may be seized for non-payment of tolls.

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

Seven Directors to be elected;

Directors, qualification of

Time and manner of election;

Vacancies how filled up.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he, she or they, as aforesaid, shall have held in

Ratio of voting.

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his, her or their, own name, at least one month prior to the time of voting, according to the following rate, viz.: one vote for every share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten.

Corporation not dissolved by non-election of Directors.

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

Directors may make by-laws.

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

First meeting of Stockholders when and where to be held;

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of two thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice given in any newspaper or newspapers that may be published in the said Niagara District, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour, as before directed by this Act.

No meeting to be held until £2,000 subscribed.

Capital stock £5,000;

Number of shares 800;

Shares when and how transferable.

XII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value five thousand pounds, to be held in eight hundred shares of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same, to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

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

Instalments when and how called in.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares shall be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased, as aforesaid: *Provided also,* that thirty days notice of the sale of such forfeited share or shares shall be given, in the manner herein-before directed, and that the instalment due may be received in redemption of any such forfeited share or shares at any time before the day appointed for the sale thereof.

Shares forfeited on non-payment of instalments;

Forfeited, to be sold.

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

Directors to make dividends.

XVI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and pro-

His Majesty may assume the possession of the Harbour after fifty years.

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perty of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective share or shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per cent upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to any Act of the Legislature of this Province that may be passed for or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances, as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings, for every one hundred pounds they shall be possessed of in the said Company.

Tolls, &c. how to be appropriated after the Harbour shall have been assumed by His Majesty;

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

And accounted for.

Company to enjoy no exclusive right of fishing.

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

Penalty for catching fish near the Harbour.

XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall be duly convicted by the oath of one or more

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credible witness or witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill any fish in manner aforesaid, such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding five pounds, nor less than five shillings, for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment, to be committed to the common Gaol of such District, as aforesaid, for a term of not more than thirty days nor less than two days, unless the fine and costs are sooner paid.

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## 7th Wm. IV. Chap. 67.

*AN ACT granting a loan to the Louth Harbour Company, in the Niagara District.*

[Passed 4th March, 1837.]

Preamble; A loan of 1000 to be raised by debenture. 2. Debentures to be made out by Receiver General, redeemable in ten years. 3. Act authorising loan to Welland Canal Company, 7th Geo. IV. made applicable to loan under this Act, so far as respects the debentures to be issued.

IV. *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 said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General, as the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice of His Majesty's Executive Council of this Province, shall deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company, under the provisions of this Act, shall, by the said Company, be applied towards the completion of the said Harbour, and for no other purpose whatsoever.

Security to be given for re-payment of principal and interest, before loan advanced.

[SEE 3 WILLIAM IV. CHAP. 22.]

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## 3rd Wm. IV. Chap. 31.

*AN ACT granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

MOST GRACIOUS SOVEREIGN:

Preamble.

[See 7 Wm 4, chap. 64.]

£2,000 granted to His Majesty for constructing improvements in the Harbour of the Town of York.

**W**HEREAS it is necessary to grant a sum of money for the improvement and preservation of the Harbour of York, in the Home District: We, Your Majesty's faithful Commons of Upper Canada, in Provincial Parliament assembled, 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, out of the rates and duties raised, levied and collected, or hereafter to be levied and collected, and in the hands of the Receiver General, unappropriated, the sum of two thousand pounds, which sum shall be applied in constructing works for the improvement and preservation of the said Harbour of York.

Commissioners appointed for carrying the objects of the Act into effect.

II. *And be it further enacted by the authority aforesaid*, That William Chisholm, Hugh Richardson, and James G. Chewett, be Commissioners for superintending the construction of such works as by them shall be thought necessary for the improvement and preservation of the said Harbour.

Tolls to be imposed for raising a fund for defraying the principal and interest of the sum granted.

III. *And be it further enacted by the authority aforesaid*, That for the purpose of raising a fund for the re-payment into the public Treasury of the Province, of the annual interest of six per cent, on the said sum of two thousand pounds granted by this Act, and for the gradual re-payment of the said principal sum, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of the Executive Council of the same, from time to time, to impose such rates and tolls upon the cargoes of vessels coming into the Port of York, and unladen within the same, and for wharfage on vessels lying under and protected by any work which may be constructed by the said Commissioners, as shall be

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deemed necessary to pay the said annual interest, and for the gradual re-payment of the said principal sum of two thousand pounds.

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, by and with the advice and consent of the Executive Council, from time to time, to make and declare such regulations for the levying and collecting of the tolls and wharfage to be imposed under and by virtue of this Act, as shall be thought most effectual and convenient.

Governor and Council to make regulations for levying tolls.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall refuse to comply with, or shall wilfully violate any rule or regulation made or declared by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of the Executive Council, such person or persons, for any such offence, shall forfeit and pay the sum of twenty pounds, to be recovered by information in any Court of record in this Province, one half thereof to be given to the informer, and the other half shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province.

Penalty for disobeying the Port regulations.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector of the Customs for the Port of York, for the time being, to demand and receive all moneys levied under and by virtue of this Act, and to pay the same into the hands of His Majesty's Receiver General, at the times prescribed by law for paying rates and duties levied and collected on imports at the said Port of York.

Collector of the customs to levy tolls.

VII. *And be it further enacted by the authority aforesaid,* That so soon as the said sum of two thousand pounds granted by this Act, and the interest thereon, shall have been re-paid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to annul all orders for the levying of rates and tolls upon the cargoes of vessels coming into the said Port, and for wharfage on vessels lying under and protected by any work erected in pursuance of this Act.

Tolls to cease on re-payment of the sum granted, and interest.

VIII. *And be it further enacted by the authority aforesaid,* That all moneys granted by this Act, and all moneys collected under and by virtue of the same, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Moneys how to be accounted for.



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## 7th Wm. IV. Chap. 64.

*AN ACT granting a certain sum of money to complete the improvement of the Harbour at Toronto.*

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

[See 3 Wm. 4, chap. 31.]

WHEREAS the sum of money heretofore granted for the improvement and preservation of the Harbour of the City of Toronto, in the Home District, is insufficient: *And whereas*, it is necessary that a further sum should be granted to complete the same; We Your Majesty's faithful Commons of Upper Canada, in Provincial Parliament assembled, 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 of the authority the same, That there be granted to His Majesty, His Heirs and Successors, out of the duties raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, unappropriated, the sum of two thousand five hundred pounds, which sum shall be applied in completing the works for the improvement and preservation of said Harbour.

£2,500 granted to complete works for improvement and preservation of the Harbour of Toronto.

Governor to appoint three persons to superintend expenditure of money.

II. *And be it further enacted by the authority aforesaid*, That the Governor, Lieutenant Governor, or Person Administering the Government, shall appoint three fit and discreet persons to superintend the expenditure of the said sum.

Rates and tolls imposed by former Act, to be levied before money is advanced.

III. *And be it further enacted by the authority aforesaid*, That the rates and tolls authorised to be imposed by and under the authority of an Act passed in the third year of the reign of His Majesty, intituled, "An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned," shall be, and they are hereby directed and required to be imposed, before any part of the sum of two thousand five hundred pounds granted by this Act shall be advanced.

Money advanced to be accounted for through Lord of the Treasury.

IV. *And be it further enacted by the authority aforesaid*, That the money hereby granted shall be paid by the Receiver General, in discharge

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of such warrant or warrants as shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

### 4th Wm. IV. Chap. 32.

*AN ACT to incorporate certain persons therein mentioned, under the style and title of the President, Directors and Company, of the Credit Harbour.*

[Passed 6th March, 1834.]

**WHEREAS** the construction of a safe and commodious Harbour 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 Harbour by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Thompson, John Barnhart, John McGill, Alexander Proudfoot, Robert Young, Willlam 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

Preamble.  
[See 7 Wm 4, chap. 70.]

Petitioners;

Incorporated by the name and style of the President, Directors and Company of the Credit Harbour;

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Capable of purchasing and conveying real or personal estate;

Not to carry on business of banking.

Empowered to construct Harbour at the mouth of the Credit.

Capital not to exceed £3,000;

In 400 shares;

200 shares to be left open 60 days for Mississagua Indians.

Commissioners to determine land necessary for the Harbour;

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 Harbour," 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 Harbour 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 Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge, the same, as may be found expedient and necessary.

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 Harbour, with all necessary and convenient roads, streets, and approaches thereto, (which portion or portions of land, so ascertained

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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 Harbour, 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.

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.

V. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, 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 Harbour, according to the rates following, that is to say:

When tolls to be taken.

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;

Table of tolls.

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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 Harbour, 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 herein-before is provided, together with the said tolls on goods, wares or merchandize, as herein-before 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.

Seven Directors to be elected annually, one of whom to be chosen President;

Qualification;

Time of election;

Notice in Gazette, &c;

Manner of election;

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

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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, herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be 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.

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 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.

Stockholders votes in proportion to number of shares, held one month previous to election.

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.

Corporation not dissolved by non-election at time appointed.

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.

Power to frame rules and regulations;

Officers, clerks and servants.

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 herein-before pro-

Meeting to be held 1st Monday in May.

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vided, 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 Stockholders shall agree;

No instalment to exceed 10 per cent.

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 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 Harbour until the first instalment shall be paid in.

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.

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 moneys 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.

Annual dividends,

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or the majority of them, shall

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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.

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 Harbour shall be begun within two years, and completed within five years from the passing of this Act.

Harbour to be begun within two years, and completed within five.

XVII. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing of the said Harbour, 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 Harbour, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the moneys 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 Harbour, 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 Harbour or undertaking.

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.

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.

Provisions of this Act may be altered by Legislature.



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## 7th Wm. IV. Chap. 70.

*AN ACT authorising His Majesty to loan a sum of money to the Credit Harbour Company.*

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

(See 4 Wm 4. chap. 32.)

**WHEREAS** it appears by the petition of the President, Directors and Company, of the Credit Harbour Company, that the said Company have commenced, and are carrying on sundry expensive works at the said Harbour, by which great accommodation has already been afforded to the shipping interests of Lakes Erie and Ontario, and the trade of the Province increased, but that for want of means to complete the same, in an effectual manner, the public interests and trade of that portion of the Province are deprived of the full benefits to be derived from the completion thereof, and it is expedient and necessary that the said Harbour should be completed with the least possible delay : May it therefore please Your Majesty that it may be enacted : *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That 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, 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 one thousand five hundred pounds, at a rate of interest not exceeding six per centum ; which said sum of one thousand five hundred pounds shall be advanced by way of loan to the President, Directors and Company of the said Harbour, at the same rate of six per centum interest, to be by them applied to the completion of the said Harbour.

£1,500 authorised to be loaned, to be raised by debenture, &c.

Manner of issuing debentures, and conditions of the same.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said 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 said sum of one thousand five hundred 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

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shall think most safe and convenient, and that for each loan or advance a debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of one thousand five hundred pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and which debentures shall be signed by the said Receiver General.

III. *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, intituled, "An Act to authorise the Government to borrow a certain sum of money upon debentures, to be loaned to the Welland Canal Company," respecting the debentures authorised by the said Act passing current with Public Accountants, and the suspension of interest in certain cases; the submitting to the Legislature the accounts of such debentures; the paying off and cancelling the said debentures; and the punishment awarded for forging any of the said debentures, or of anything relating thereto, shall apply to and be in force, in respect to the debentures which shall be issued under the authority of this Act.

Act relating to debentures issued for loan to Welland Canal, made applicable to this Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of one thousand five hundred pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General, as the Governor, Lieutenant Governor or Person Administering the Government, by and with the advice of the Executive Council of this Province, shall deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company under the provisions of this Act, shall, by the said Company, be applied towards the completion of the said Harbour, and to no other purpose whatsoever.

Security to be given for repayment of loan, before the same is advanced.

V. *Provided also, and be it further enacted by the authority aforesaid,* That the said Company, who from their own private means, and hitherto without any return, have brought the said Harbour to its present state of usefulness, shall not be permitted to apply any of the tolls and dues that may be collected at the said Harbour towards their own re-imburement, but such as may accrue over and above paying the annual interest of the sum authorised to be loaned to the said Company by this Act.

Tolls to be first applied to payment of interest on loan.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his warrant to the Receiver General for the said sum of one thousand five hundred pounds,

Money to be advanced by Receiver General, and accounted for through Lords of the Treasury.

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in favour of the Treasurer of the said Company, for the time being, so soon as security is given as aforesaid; and which sum of one thousand five hundred pounds shall be accounted for by the said Receiver General, 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.

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### 5th Wm. IV. Chap. 14.

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

[Passed 16th April, 1835.]

Preamble.

**WHEREAS** the construction of a safe and commodious Harbour at the mouth of Stoney Creek, in the Township of Saltfleet, in the District of Gore, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas* Ephraim Hopkins, and others, have petitioned to be by law incorporated for the construction of such Harbour, by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Ephraim Hopkins and Andrew Miller, John Simons, Joseph Hopkins, Abner Everitt, Daniel Everitt, Richard Arnold, Thomas Waddell, Thomas Bingle, John McCrimmon, Charles Pettit, Gilbert Sweazie, Alexander Campbell, and George Smith, together with all such other persons as shall become Stockholders in such joint stock or capital as is hereinafter mentioned, shall be and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in law, by and under the name and style of the President, Directors and Company, of the Stoney Creek Harbour; and that by this name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, in all manner of suits, actions and complaints, matters and causes whatsoever; and that they and

Petitioners names;

Incorporation;

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their successors may and shall have a common seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President, Directors, and Company of the Stoney Creek Harbour, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of banking.

Common seal;

May hold lands, &amp;c;

Proviso against banking.

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

Power to construct a Harbour.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets, and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover, from the said Company, in consequence of the said Harbour, roads and streets, and approaches thereto, being cut and made and constructed in and upon his, her or their, respective lands; and in case of any disagreement between the said Directors and the owners or occupiers aforesaid, it shall and may be lawful for the Directors, from time to time, as often as the said Directors shall think fit, for each owner or occupier, so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot, by the persons so named, shall be the Arbitrators to

Company may contract with owners of land, &amp;c

Differences may be referred to arbitration;

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

Arbitrators to be sworn;

To assess the damages;

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

Nor highway to be obstructed.

Tolls may be taken.

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

Scale of tolls.

Pot and pearl ashes, per barrel, six pence;  
 Pork, whiskey, salt, beef and lard, per barrel, four pence half-penny;  
 Flour, per barrel, two pence;  
 Lard and butter, in barrels, three pence;  
 Lard and butter, in kegs, one penny;  
 Wheat, per sixty pounds, and all other grain for exportation, one penny;  
 Merchandize, per barrel bulk, six pence;  
 Merchandize, per hundred weight, two pence;  
 Boards and lumber, per thousand feet, board measure, one shilling and three pence;

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Pipe staves, per M. seven shillings and six pence ;  
 West India staves, per M. two shillings and six pence ;  
 Boats, under twelve tons, one shilling and three pence ;  
 Boats and vessels, over twelve tons, and under fifty tons, five shillings ;  
 Boats and vessels, from fifty tons and upwards, seven shillings and six pence :

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

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be, and they are hereby vested in the said Company and their successors, for ever. Harbour, &c to be vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant duly appointed, to seize and detain the goods, vessels, boats or other craft, on which the same were due and payable, until such tolls are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant aforesaid, may sell or dispose of the said goods, vessels, boats or other craft, or such parts thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and to return the overplus, if any, to the owner or owners thereof. Power to distrain on non-payment of tolls.

VII. *And be it further enacted by the authority aforesaid*, That the property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders, to the amount of, at least four shares, as well as inhabitants of this Province ; and be elected on the second Monday in May in every year, at or near the said Harbour, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the District of Gore, and in not less than three conspicuous places in the neighbourhood of the said Harbour, at least thirty days previous to the time of holding the said election ; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy ; and all elections for such Directors shall be by ballot, and the seven persons who Affairs of the Company to be managed by Directors ; When and how chosen ;

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shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of votes shall be a Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their own number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

President;

Vacancies how filled.

Number of votes in proportion to shares.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes, proportioned to the number of shares which he, she or they, as aforesaid, shall have held in his, her or their own name, at least one month prior to the time of voting, according to the following rate, viz.: one vote for every share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten.

Corporation not dissolved if election of Directors not within the time.

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

Directors may make by-laws.

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

First meeting of the Stockholders;

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in June after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same

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manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who, during such continuance, shall discharge the duties of Directors in the same way and manner as if they had been elected at the annual election: *Provided always*, that if shares to the amount of three thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice given in any newspaper or newspapers that may be published in the said District of Gore, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour, as before directed by this Act.

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

And 30 days notice given.

XII. *And be it further enacted by the authority aforesaid*, That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value seven thousand five hundred pounds, to be held in six hundred shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital not to exceed £7,500;

600 shares of £12 10s. each.

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

Directors may call on Stockholders for £10 per cent;

Residue, how payable.

XIV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares shall be sold by the Directors, and the sum arising therefrom, together with the amount

Forfeiture of shares;

Such shares may be sold;



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previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided also*, that thirty days notice of the sale of such forfeited share or shares shall be given in the manner herein-before directed, and that the instalment due may be received in redemption of any such forfeited share or shares at any time before the day appointed for the sale thereof.

Forfeited shares redeemable at any time before sale.

Annual dividends.

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

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

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

XVII. *And be it further enacted by the authority aforesaid*, That from

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and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs and Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within three years, and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void.

Tolls arising afterwards to be paid to Receiver General.

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

Act not to give an exclusive right of fishing;

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

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

Penalty for so fishing;

Commitment in default of payment.

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

Authority to alter this Act.

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## 5th Wm. IV. Chap. 16.

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

[Passed 16th April, 1835.]

Preamble;

Petitioners;

Incorporation of Stockholders;

Common seal;

May hold lands;

**W**HEREAS the construction of a safe and commodious Harbour, by means of a Breakwater and Piers, on the west side of the month of the Forty Mile Creek, in the District of Niagara, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas* Henry W. Nelles, William Nelles, John Adolphus Nelles, Amos Merritt, Peter B. Nelles, John S. Merritt, William Hixon, Henry F. Hixon, Asa Howard, Jacob Kitchen, Samuel Kitchen, John Terriberry, senior, and others, have petitioned to be by law incorporated for the construction of such Harbour, by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Henry W. Nelles, William Nelles, John Adolphus Nelles, Amos Merritt, Peter B. Nelles, John S. Merritt, William Hixon, Henry F. Hixon, Asa Howard, Jacob Kitchen, Samuel Kitchen, and John Terriberry, senior, together with all such persons as shall become Stockholders in such joint stock or capital as is hereinafter mentioned, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by and under the name and style of the President, Directors and Company, of the Grimsby Breakwater, Pier and Harbour Company; and by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever; and that they and their successors may and shall have a common seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President, Directors and Company, of the Grimsby Breakwater, Pier and Harbour Company, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith,

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for the benefit and on account of the said Company, from time to time as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of banking. Proviso against banking.

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

III. *And be it further enacted by the authority aforesaid*, That the Directors of the Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the owners or occupiers of any lands for the use of the said Company, to build thereon any store-houses or dwelling houses for the use of the said Company, with all the necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company in consequence of the said Harbour, roads and streets, and approaches thereto being cut and made, and constructed in and upon his, her or their, respective lands; and in case of any disagreement between the said Directors, and the owners and occupiers aforesaid, it shall and may be lawful, for the Directors, from time to time, as often as the Directors may think fit, for each owner or occupier, so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be the arbitrators to award, determine adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall and are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days previous notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine. Company may contract for lands; In case of disagreement; Arbitrators to be named, and their award to be final;

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such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as herein-before provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested.

Arbitrators to be sworn;

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

Possession not to be taken until payment made.

When tolls may be taken;

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

Scale of tolls.

Pot and pearl ashes, per barrel, six pence;  
 Pork, whiskey, salt, beef and lard, per barrel, four pence half-penny;  
 Flour, per barrel, two pence;  
 Lard and butter, in barrels, three pence;  
 Lard and butter, in kegs, one penny;  
 Wheat, per sixty pounds, and all other grain for exportation, one penny;  
 Merchandize, per barrel bulk, six pence;  
 Merchandize, per hundred weight, two pence;  
 Boards and lumber, per thousand feet, board measure, one shilling and three pence;  
 Pipe staves, per thousand, seven shillings and six pence;  
 West India staves, per thousand, two shillings and six pence;  
 Boats, under twelve tons, one shilling and three pence;  
 Boats and vessels, over twelve tons, and under fifty tons, five shillings;  
 Boats and vessels, from fifty tons and upwards, seven shillings and six pence.

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

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V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

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

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels, boats, or other craft, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, aforesaid, may sell or dispose of the said goods, vessels, boats, or other craft, or such parts thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and to return the overplus, if any, to the owner or owners thereof.

Power to distrain on non-payment of tolls;

Sale of distress.

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

Affairs of Company to be managed by seven Directors;

When and how to be chosen;

President;

Vacancies in direction.

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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.

Number of votes.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he, she or they, as aforesaid, shall have held in his, her or their own name, at least one month prior to the time of voting, according to the following rate, viz.: one vote for every share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten.

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

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

Directors may make by-laws.

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

First meeting.

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice given in any newspaper or newspapers that may be published in the said Niagara District, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour, as before directed by this Act.

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XII. *And be it further enacted by the authority aforesaid,* That the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value three thousand pounds, to be held in four hundred and eighty shares, of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital not to exceed  
£3,000;

480 shares of £6 5s. each.

XIII. *And be it further enacted by the authority aforesaid,* That as soon as the Directors have been appointed, as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in the manner before mentioned, for an instalment of ten per centum upon each share which they or any of them may subscribe; and that the residue of the sum or shares of the Stockholders shall be payable by instalments, at such time and in such proportion as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as that no such instalment shall exceed ten per centum, or become payable in less than thirty days after public notice, as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Directors on their ap-  
pointment may call for  
£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 which shall have been previously paid thereon; and that the said share or shares shall be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided also,* that thirty days notice of the sale of such forfeited share or shares shall be given in the manner herein-before directed, and that the instalment due may be received in redemption of any such forfeited share or shares at any time before the day appointed for the sale thereof.

Forfeiture of shares;

Forfeited shares redeem-  
able before sale.

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

Annual dividends to be  
made.



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profits of the said Company as to them, or a majority of them, shall seem advisable; and that once in each year an exact and particular statement in detail shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder or Stockholders, at his, her or their, reasonable request.

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

XVI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective share or shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to any Act of the Legislature of this Province that may be passed for or respecting the same: *Provided always,* that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances, as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings, for every one hundred pounds they shall be possessed of in the said Company.

Tolls afterwards taken to be paid to Receiver-General;

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

Harbour to be commenced within three years.

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

Act not to give an exclusive right of fishing;

Fishing by torch-light.

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

Penalty;

Commitment in default of payment.

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

Alteration of this Act.

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## 7th Wm. IV. Chap. 47.

*AN ACT to incorporate a Joint Stock Company, under the style and title of the President, Directors and Company, of the Grafton Harbour.*

[Passed 9th December, 1836.]

**WHEREAS** the construction of a safe and commodious Harbour at Dean's Creek, near the Village of Grafton, in the Township of Haldimand, and Newcastle District, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas,* Richard Hare, and others, have petitioned to be by law incorporated

Preamble.

Richard Hare, and others.

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for the purpose of effecting the construction of such Harbour, by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Richard Hare and John Grover, Malcolm McNeil, J. Warren, John Clarke, Thomas M. Spalding, James G. Rogers, Edward H. Pepper, Donald Hare, Thomas Spencer, John Spencer, John Taylor, Roderick McKenzie, William Carroll and Jacob Vanalstine, 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 of "the President, Directors and Company, of the Grafton Harbour;" and by this name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, 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 Grafton Harbour, shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on 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.

Constituted a body corporate under the name of the President, Directors and Company of the Grafton Harbour;

Restrained from carrying on business of banking.

Authorised to construct a Harbour near Dean's Creek.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour at or near Dean's Creek, near the Village of Grafton aforesaid, which shall be accessible to, and fit, safe and convenient for the reception of such description of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

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III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to recover from the said Company in consequence of the said intended Harbour, roads, streets, and approaches thereto, being cut, made 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 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be the Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators as herein-before provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested, and shall not in any manner obstruct or interfere with the highway now passing the mouth of the said Dean's Creek, and shall construct and maintain a good and sufficient bridge across the same, without any charge to the public.

May agree with owners and occupiers of land;

Arbitrators to be appointed in case of disagreement between Company and owners of lands;

Award subject to be set aside on application to the Court of King's Bench;

Company not to assume lands until same be paid for, or money tendered;

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Company may exact tolls when Harbour is in a state to admit vessels;

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, and take as tolls, to and for their own proper use and 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 near to the mouth of what is called Dean's Creek, embracing the lake shore in front of lots numbers nineteen, twenty, twenty-one, and twenty-two, in Concession B, of the said Township of Haldimand, in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Pot and pearl ashes, per barrel, six pence; pork, whiskey, salt, beef, and lard, per barrel, four pence; flour, per barrel, three pence; merchandize, per barrel bulk, four pence; lard and butter, per keg, one penny; merchandize, per ton, five shillings; West India staves, per thousand, two shillings; shingles, per thousand, six pence; shingle bolts, per cord, three shillings; pipe staves, per thousand, ten shillings; deals, per hundred pieces, three shillings; wheat, and other grain, per sixty pounds, one penny; lumber, per thousand feet, board measure, one shilling; boats, under five tons, free; boats and vessels, under twelve tons, one shilling and three pence; boats and vessels, above twelve tons and not over fifty tons, two shillings and six pence; vessels, over fifty tons, five shillings; and all articles, not enumerated, to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless,* that the said Directors shall have power to reduce the said rates of tolls should they see fit.

Rates of tolls.

Harbour, &c. vested in Company.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Goods of parties refusing to pay tolls, may be detained.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels, or boats, or other craft on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officers, clerk or servant, as aforesaid, may sell and dispose of the said goods, vessels, or boats, or other craft, 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.

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VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company, shall be managed and conducted by five Directors, one of whom shall be chosen President, and three of whom shall be a quorum, who shall hold their office 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 third Monday in June in every year, at the Village of Grafton, aforesaid, 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 the Upper Canada Gazette, and 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 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 five 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 five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders, herein-before authorised to hold such election, shall proceed to elect by ballot until it is ascertained 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 five; 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 up 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.

Number of Directors to be appointed, &c.

Qualification;

Time and manner of conducting election of Directors;

President to be elected by Directors.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he 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.

Votes of Stockholders proportioned to number of shares held by them.

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

Remedy in case election of Directors should not take place on day appointed by the Act.

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Rules, &c. to be made by Directors.

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 duties of the officers, clerks and servants, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

First election of Directors to take place on the third Monday in June;

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in June, after the passing of this Act, a meeting of the Stockholders shall be held at the Village of Grafton aforesaid, who, in the same manner as herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in such office until the third 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 an annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof given in the Upper Canada Gazette, and any newspaper or newspapers that may be published in the said District.

Provided shares to the amount of £1000 be then subscribed; if not then subscribed, to be deferred until that amount is subscribed, and notice given, &c.

Stock, inclusive of real estate, not to exceed £10,000;

XII. *And be it further enacted by the authority aforesaid,* That the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value ten thousand pounds, to be held in sixteen hundred shares, of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon has been paid, be transferred by the respective persons subscribing or holding the same to 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.

Shares may be transferred

When Directors are appointed, instalments of stock may be called in;

XIII. *And be it further enacted by the authority aforesaid,* That as soon as Directors shall 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 manner before mentioned, for an instalment of ten per centum upon each share, which they or any of them respectively may subscribe; and that the residue of the share 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 instalment shall exceed ten per centum, nor become payable in less than thirty days after public notice given in the manner before mentioned: *Provided always,* that the said Directors shall not commence the

Harbour not to be commenced until first instalment is paid.

## HARBOURS.

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construction of the said Harbour until the first instalment shall have been paid in.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares may be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided always, nevertheless,* that thirty days public notice of the sale of such forfeited share or shares shall be given in the manner herein-before directed, and that the instalment due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Stockholders making default in payment of stock, to forfeit their shares.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable; and that once in each year an exact and particular statement 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 to be made.

XVI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing of the said Harbour, His Majesty, His Heirs and Successors may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same: *Provided always,*

Harbour may be assumed by His Majesty, after fifty years, upon paying, &c.



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that it shall not be lawful for His Majesty, His Heirs and Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

When assumed by His Majesty, tolls to be paid to Receiver General.

XVII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct: *Provided always,* that the said Harbour shall be commenced within two 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.

No exclusive right given to fish within the Harbour to the Company;

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

Persons not to fish within 100 yards of works erected by the Company.

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

Persons offending against last section liable to be fined, or imprisoned in default of paying fine.

Legislature may alter or amend the provisions of this Act.

XX. *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.

HARBOURS.

COLBORNE.

## 7th Wm. IV. Chap. 48.

*AN ACT to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Colborne Harbour.*

[Passed 4th March, 1837.]

WHEREAS the construction of a safe and commodious Harbour at Keeler's Creek, near the Village of Colborne, in the Townships of Cramahe and Haldimand, and Newcastle District, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas*, Joseph A. Keeler, Dugald Cameron, John Steele, Ozem Strong, James D. Goslee, Burrage Yale McKayes, and others, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Joseph A. Keeler, Dugald Cameron, John Steele, Ozem Strong, James D. Goslee, Burrage Yale McKayes, 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 of "the President, Directors and Company, of the Colborne Harbour;" and by this name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, 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 Colborne Harbour," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on 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 business of banking.

Preamble.

Colborne Harbour Company incorporated;

Business of banking prohibited.

## HARBOURS.

COLBORNE.

Company authorised to  
construct Harbour.

II. *And be it further enacted by the authority aforesaid,* That the said Company are hereby authorised and empowered, at their own costs and charge, to construct a Harbour at or near Keeler's Creek, near the Village of Colborne, aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

And to contract and agree  
for land, &c. necessary  
for its construction;

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as may be actually necessary for the purposes of 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 Harbour, roads, streets and approaches thereto, being cut, made 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 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any 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 applica-

Arbitrators may be ap-  
pointed to ascertain value  
of lands taken, and dam-  
ages done to lands, &c ;

Award subject to be set  
aside by Court of King's  
Bench;

## HARBOURS.

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tion to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators, as herein-before provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties interested therein; and shall not in any manner obstruct or interfere with the highway now passing the mouth of the said Keeler's Creek, and shall construct and maintain a good and sufficient bridge across the same, without any charge to the public.

Company not to assume possession of lands until payment be made or tendered to owner.

IV. *And be it further enacted by the authoirty aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, receive, demand, and take as tolls, to and for their own proper use and 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 near to the mouth of Keeler's Creek, embracing the lake shore in front of lots numbers thirty-four and thirty-five, in the Township of Cramahe, and numbers one and two, in the Township of Haldimand, in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Pot and pearl ashes, per barrel, six pence; Pork, whiskey, salt, beef and lard, per barrel, four pence; Flour, per barrel, three pence; Merchandize, per barrel bulk, four pence; Lard and butter, per keg, one penny; Merchandize, per ton, five shillings; West India staves, per thousand, two shillings; Shingles, per thousand, six pence; Shingle bolts, per cord, three shillings; Pipe staves, per thousand, ten shillings; Deals, per hundred pieces, three shillings; Wheat and other grain, per sixty pounds, one penny; Lumber, per thousand feet, board measure, one shilling; Boats, under five tons, free; Boats and vessels, under twelve tons, one shilling and three pence; Boats and vessels, above twelve tons, and not over fifty tons, two shillings and six pence; Vessels, over fifty tons, five shillings; and all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless*, that the said Directors shall have power to reduce the said rate of tolls, should they see fit.

When Harbour completed for reception of vessels, tolls may be demanded;

According to the rates set forth.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Harbour, tolls, &c. vested in Company.

## HARBOURS.

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Parties refusing to pay  
tolls, goods, &c. may be  
seized, &c. and sold.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels or boats, or other craft, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, as aforesaid, may sell and dispose of the said goods, vessels or boats, or other craft, 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.

Number of Directors of  
Company;

Qualification;

By whom and when  
elected, and in what  
manner;

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company, shall be managed and conducted by five Directors, one of whom shall be chosen President, and three of whom shall be a quorum, who shall hold their office 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 third Monday in June in every year, at the Village of Colborne aforesaid, 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 the Upper Canada Gazette, and 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 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 five 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 a manner that a greater number of persons than five shall, by a plurality of votes appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to elect by ballot, until it is ascertained 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 five; 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.

President to be elected by  
Directors.

Votes of Stockholders  
proportioned.

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

## HARBOURS.

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at least one month prior to the time of voting, according to the following ratio, 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.

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

Remedy in case election of Directors does not take place on day named in Act.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching the duties 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.

Directors may make rules, &c.

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in April after the passing of this Act, a meeting of the Stockholders shall be held at the Village of Colborne aforesaid, who, in the same manner as herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in such office until the first Monday in April next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at an annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof shall be given in the Upper Canada Gazette, and any newspaper or newspapers that may be published in the said District.

First election of Directors to take place on third Monday in April, if £1000 stock subscribed;

If that amount be not subscribed, then election to be deferred, &c.

XII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value four thousand pounds, to be held in four hundred shares, of ten pounds each; and that the shares of the said capital stock may, after the first instalments thereon have been paid, be transferred by the respective persons subscribing or holding the same to other person or

Capital stock of Company, inclusive of real estate, not to exceed £4000.

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persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

When Directors are appointed, stock may be called in;

XIII. *And be it further enacted by the authority aforesaid,* That as soon as Directors shall 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 manner before mentioned, 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 share 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 instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice thereof given in the manner before mentioned: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall have been paid in.

Harbour not to be commenced until first instalment paid.

Stockholders to forfeit stock if instalments not paid.

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 Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided always, nevertheless,* that thirty days public notice of the sale of such forfeited share or shares shall be given in the manner herein-before directed, and that the instalment due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Annual dividends to be made.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable; and that once in each year an exact and particular statement 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.

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COLBORNE.

XVI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to 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 Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every one hundred pounds they shall be possessed of in the said concern.

Harbour may be assumed by His Majesty after fifty years, upon certain conditions.

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

When Harbour assumed tolls to be paid Receiver General.

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.

Legislature may make alterations in this Act.



HARBOURS.

PORT DARLINGTON.

## 7th Wm. IV. Chap. 49.

*AN ACT to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Port Darlington Harbour.*

[Passed 4th March, 1837.]

Preamble.  
[See 3 Vic. Chap. 37.]

Company incorporated;

**WHEREAS** the construction of a safe and commodious Harbour at the mouth of Barber's Creek, in the Township of Darlington, in the District of Newcastle, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Ontario: *And whereas* Robert Fairburn, William Warren, H. J. Reid, David Smart, John Lister, John Farley, and others, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour, by means of a joint stock Company: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Robert Fairburn, William Warren, H. J. Reid, David Smart, John Lister, John Farley, together with all such other persons as shall become Stockholders in such joint stock or capital as is hereinafter mentioned, shall be and are ordained, constituted, and declared to be a body corporate and politic, in fact, by and under the name and style of "the Port Darlington Harbour Company;" 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 or 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 Port Darlington Harbour Company," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on 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.

Not to engage in business  
of banking.

## HARBOURS.

## PORT DARLINGTON.

II. *And be it further enacted by the authority aforesaid,* That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour at the mouth of Barber's Creek, in the Township of Darlington aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description and burthen of vessels as usually navigate Lake Ontario; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and also 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.

Company may construct Harbour at mouth of Barber's Creek, in Darlington.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners or occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets, and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to recover from the said Company, in consequence of the said intended Harbour, roads, streets and approaches thereto being cut, made 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 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given to them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any 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*

May agree with owners of land for purchase thereof;

If no agreement made, Arbitrators may be appointed;

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*always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration, as herein-before provided.

When Harbour completed, so as to admit and shelter vessels, tolls may be exacted;

[See 3 Vic. Chap. 37 ;]

Rates of tolls.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take as toll, to and for their own proper use and 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, *between the Eastern side of lot number eight and the Western side of lot number fourteen, in the Township of Darlington*, in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Pot and pearl ashes, per barrel, nine pence; Pork, whiskey, salt, beef and lard, per barrel, six pence; Flour, per barrel, four pence; Merchandize, per barrel bulk, six pence; Lard and butter, per keg, one penny half-penny; Merchandize, per ton, seven shillings and six 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; Boats and vessels, under twelve tons, one shilling and three pence; Boats, under five tons, free; Boats and vessels, above twelve tons and not over fifty, two shillings and six pence; Vessels, over fifty tons, five shillings.

Harbour, tolls, &c. vested in Company.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Persons refusing to pay tolls, goods &c. may be seized;

And sold.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize 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 servants 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.

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VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year; which said Directors shall be Stockholders to the amount of at least four shares, as well as inhabitants of this Province; and be elected on the first Monday in June in every year, at Darlington, 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 the Upper Canada Gazette, or 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, herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons, so having an equal number of votes, shall be 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.

Number of Directors for management of the affairs of the Company;

Qualification;

When elected;

By whom elected, and in what manner;

President to be elected by Directors.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he 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.

Votes of Stockholders proportioned.

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

If Directors not elected on day appointed by Act, provision made for the omission.

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Directors may make rules, &amp;c.

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 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.

Directors to be elected on third Monday in June;

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in June after the passing of this Act, a meeting of the Stockholders shall be held at Darlington, who, in the same manner as herein-before provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof given in the Gazette, or in any newspaper or newspapers that may be published in the said District.

If £1000 of stock has been subscribed, if not taken up election to be deferred until subscribed.

Capital stock of Company including real estate, not to exceed £10,000.

XII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value ten thousand pounds, to be held in one thousand shares, of ten pounds each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to 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.

How stock to be called in;

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 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 instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Gazette, or in any newspaper or newspapers

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that may be published in the said District: *Provided always*, that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Harbour not to be commenced until first instalment paid in.

XIV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said share or shares 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 moneys of the said Company: *Provided always*, that the 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 so 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 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 that may be published in the District of Newcastle, 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 neglecting to pay up stock to forfeit shares.

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 statements to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.

Annual dividends to be made.

XVI. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing of the said Harbour, 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 Harbour, together with such further sum as will amount to twenty per cent upon the moneys so advanced and paid, as a full indemnification to such Company, and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth

His Majesty may assume Harbour after 50 years, upon certain terms.

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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 of or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances, as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds for every one hundred pounds they shall be possessed of in the said concern.

When assumed by His Majesty, tolls to be paid Receiver General.

XVII. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour shall have been assumed by His Majesty, His Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver-General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within two 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.

Exclusive right of fishing in Harbour not given to Company.

XVIII. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall give to the said Company, or be construed to give to the said Company, the exclusive right of fishing within the said Harbour or lake shore, within the limits before mentioned.

### 3rd Vic. Chap. 37.

#### *AN ACT to extend the limits of Port Darlington Harbour.*

[Passed 10th February, 1840.]

Preamble:  
[See 7 Wm 4, chap. 40.]

**WHEREAS**, by the fourth section of an Act passed in the first Session of the thirteenth Parliament of this Province, intitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Port Darlington Harbour," it is provided that tolls shall be payable on all goods, wares and merchandize, shipped or landed

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on board or out of any vessel or boat from or upon any part of the Lake shore, between the eastern side of lot number eight and the western side of lot number fourteen, in the Township of Darlington: *And whereas* it appears by the petition of H. S. Reid, and others, that the limits above mentioned are not sufficiently extensive to afford proper protection to the Stockholders who may undertake the construction of the said Harbour: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the tolls which may hereafter be collected for the said Company may be collected between the western side of lot number five, and the eastern side of lot number eighteen, in the broken front of the said Township of Darlington; any thing in the said recited Act to the contrary notwithstanding.

Boundaries within which tolls of the Port Darlington Harbour may be collected, enlarged.

7th Wm. IV. Chap. 50.

*AN ACT* to enable the Canada Company to erect a Harbour at Goderich, on Lake Huron.

[Passed 4th March, 1837.]

**WHEREAS** E. C. Taylor, and others, have petitioned that the Canada Company may have authority to erect a Harbour at Goderich, and collect tolls to defray the expense of the same: *And whereas* the improvement of the Harbour at Goderich, situate on Lake Huron, in the London District, would be of great advantage to the owners of vessels navigating the said Lake, as well as to persons in general living there and in the adjacent country: *And whereas* the Canada Company's Commissioners, on behalf of the said Company, having already, under a lease of of the water lots from the Government, expended considerable sums of money in improving the said Harbour, and being still desirous of completing the work in such a manner as should render the Harbour available to such class of vessels as usually navigate Lake Huron, by carrying out additional lengths of pier, and erecting such other walls as should effectually remove the remains of the bar at the mouth of the River, and also of erecting suitable wharves and ware-houses for the accomodation of vessels

Preamble.



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loading or discharging their cargoes: *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 of the authority the same, That it shall and may be lawful for the said Canada Company, within five years from the passing of this Act, to improve the Harbour at the place aforesaid, in such manner as shall render it accessible to, and fit, safe and convenient, for the reception of such description and burthen of vessels as commonly navigate the said Lake, and in the constructing of the said Harbour to erect and build all such needful moles, piers, wharves, erections, buildings and edifices, as shall be useful and proper for the protection of the said Harbour, and for the accomodation of vessels entering or lying within the same.

Company authorised to improve Harbour, so as to admit vessels, within five years.

When completed so as to admit free passage of vessels,  
Company may demand toll.

II. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of admitting the free passage of vessels into the same, the said Canada Company shall have full power and authority to ask for and demand toll, as hereinafter mentioned.

Rates of toll to be demanded.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Canada Company to ask, demand and receive toll, of and from all and every master, owner, or person in charge of any vessel or boat passing into the said Harbour, and also on any goods, wares or commodities, loading or unloading within the same, according to the rate following, that is to say :

Pot and pearl ashes, per barrel, four pence;  
Salt, pork, beef and whiskey, per barrel, three pence ;  
Flour, per barrel, two pence;  
Lard and butter, per barrel, three pence ;  
Lard and butter, per keg, one penny ;  
Boards, per thousand feet, one shilling and three pence ;  
Lumber, per thousand feet, board measure, one shilling and three pence ;  
Pipe staves, per thousand, ten shillings ;  
West India staves, per thousand, two shillings and six pence ;  
Wheat, and all other grain for exportation, per bushel, one penny ;  
Merchandize, per barrel bulk, nine pence ;  
Merchandize, per hundred weight, three pence ;  
Boats, under twelve tons, one shilling and three pence ;

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All boats or other vessels, under ten tons burthen, free ;  
Boats and vessels, above twelve tons and under fifty, two shillings and six pence ;

All vessels over fifty tons, five shillings ;

All other articles of merchandize not here enumerated, per barrel bulk, nine pence ;

All other articles of merchandize not here enumerated, per hundred weight, three pence.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the said tolls or dues, to be collected under this Act, it shall and may be lawful for the said Canada Company, or their Agent to receive such tolls or dues, to seize and detain such vessel or boat, or the goods on which the same were due and payable, until such dues shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said Company, or their Agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said tolls or dues, by public auction, after ten days public notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

Parties refusing to pay toll, vessel and goods may be seized;

And sold.

V. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty, at any time beyond the space of thirty years, to purchase the entire estate, property, and use of the said Harbour from the said Canada Company, the estimated value of the works so erected by the said Company, at the time that they shall be so purchased, to be ascertained by arbitration of three persons, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said Canada Company, and a third by such two Arbitrators, together with twenty per centum advance thereupon, to the credit of which payment all revenue exceeding twenty per centum upon the said bona fide expenditure, and over and above the expenses of maintaining and repairing the said Harbour, shall be charged and taken; and it is also hereby provided and declared, that if any deficiency of the said twenty per cent annual profit should occur in the receipt of the tolls or dues of the said Harbour, as herein-before established, such deficiency shall be also charged against the increasing revenue of the subsequent years, so that the said Canada Company may fairly and actually receive the sum of twenty per cent on the capital expended; for the whole time for which they shall have been in legal possession and enjoyment of the said Harbour.

Province may purchase Harbour after thirty years, on certain conditions.

VI. *And be it further enacted by the authority aforesaid,* That whenever the said tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said

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When annual receipts of Company, from tolls, exceed twenty per cent profit on capital expended, excess to constitute a sinking fund for purchase of the Harbour by the Province.

Harbour, and to afford an annual income to the said Canada Company of twenty per cent profit upon the capital actually expended in the construction of the said Harbour, from the time of the commencement of its use by vessels as aforesaid, then and in such case the increasing surplus revenue of the said tolls shall be charged against the said Canada Company, as so much by them received in the nature of a sinking fund, by means whereof to purchase from the said Canada Company the entire estate, use and property of the said Harbour, with the wharves, piers and other appurtenances to and for the use of the public, in such manner and form as the Legislature of this Province may hereafter provide.

Company, when required by Legislature, to render account of imports and exports, and tolls received.

VII. *And be it further enacted by the authority aforesaid,* That the said Canada Company shall at any time, when so required by either branch of the Legislature, furnish a true and correct copy, verified upon oath, of the imports and exports into and out of the said Harbour, and of the tolls and dues levied and collected on the same; and that after the first day of January, in the year of our Lord one thousand eight hundred and forty-seven, the rate of tolls to be charged and taken by the said Canada Company at the said Harbour, on all goods imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

## 7th Wm. IV. Chap. 71.

*AN ACT granting a sum of money to improve a Harbour in the Township of Whitby, in the Home District.*

[Passed 4th March, 1837.]

Preamble.

WHEREAS the improvement of the Harbour at Windsor Bay is of importance to the trade and commerce of the Province, as well as to its shipping interest: *And whereas* it is expedient to raise by loan a sum sufficient to make such improvement, and to authorise a suitable toll to be levied and collected on all goods, produce and other articles, as well as on all vessels and crafts passing in or using the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province,"

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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, 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 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 nine thousand pounds, at a rate of interest not exceeding six per cent per annum, payable half-yearly in this Province, or at as much lower rate of interest as the same can be obtained, to improve and complete the said Harbour; and also to make and complete such works as may be deemed necessary to protect and secure the entrance thereof from Lake Ontario.

£9,000 to be raised by way of loan, to be applied to improve and complete Harbour at Windsor Bay.

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 any number of debentures to be made out, for any such sum or sums of money, not exceeding in the whole the sum of nine thousand pounds, as any person or persons, body corporate or politic, 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 a debenture shall issue, bearing date at the day on which the same shall actually be issued, conditioned for the payment of the said sum of nine thousand pounds, or such part thereof as may be actually raised, and redeemable at a period not exceeding twenty years, and shall and may be signed by the Receiver General of the Province, for the time being.

Debentures to be made out, and issued for money loaned.

III. Punishment of persons forging, or issuing forged debentures.

IV. Accounts to be rendered by Receiver General, of debentures issued, &c.

V. Times and manner of paying interest on debentures.

VI. Compensation to Receiver General, and others employed in executing this Act.

VII. Warrants to be issued for payment of Debentures.

VIII. Debentures being due, may be called in, &c.

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, to appoint three Commissioners to carry into effect the provisions of this Act, whose duty it shall be to cause a survey or surveys, and a plan or plans of improvements to be made in said Harbour, at Windsor Bay, with estimates of the expense

Three Commissioners to be appointed by Lieutenant Governor to carry this Act into effect, &c.

[See Statutes of Canada, 4 & 5 Vic. chaps. 28 & 38.]

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of such improvements to be made; and who shall or may contract with such person or persons as shall undertake the said improvements, and all works 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 intention of this Act into full effect; and shall and may, from time to time, after the completion of any part of the said improvements, 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 done or performed by virtue of this Act, with an account in detail of all moneys by them received and paid under the provisions thereof, with the proper vouchers for such payments.

Vacancies among Commissioners to be filled by Lieutenant Governor, &c.

X. *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 and 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, &c.

XI. *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 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.

No officer, appointed to carry Act into effect, to be concerned in any contract, &c.

XII. *And be it further enacted by the authority aforesaid,* That no Commissioner, Secretary, or other officer, 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.

Authority given to Commissioners &c. to enter upon grounds, &c. to enable them to complete work, &c. and to do what may be necessary for completing the same, under certain restrictions;

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered, by themselves, their agents or workmen, contractors or servants, to enter into or upon the lands or grounds of or belonging to any person or persons, bodies corporate or politic, and to survey and ascertain such parts thereof as shall be necessary and proper for making and completing the said Harbour, ways, wharves, piers, improvements and conveniences, and for effecting, preserving, improving, completing and using the said Harbour, and for removing and conveying all materials necessary for making, erecting, finishing, altering, repairing, amending or enlarging the works of and belonging to the said Harbour; and also place, lay, work and manufacture the said materials, on any ground near to the place or

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places where the said works, or any of them, are or shall be intended to be made, erected or repaired, and build and construct the said works and erections belonging thereto, and all ways and passages which shall communicate therewith, and to erect and keep in repair any piers or other works of improvement in said Harbour; and also to construct, make and do, all other matters and things which shall be necessary and convenient for the making, effecting, preserving, improving, completing and using the said Harbour, in pursuance and within the meaning of this Act, they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them granted thereby, or intended to be hereby granted: *Provided always*, that in all cases where the said Commissioners shall find it necessary to take any lands or other property, for the purpose of constructing, completing and maintaining, the said Harbour and approaches thereto, the value of said land or other property so taken or made use of, as also the amount of any damage done to any lands or other property, to whomsoever belonging, shall be ascertained accounted for and discharged by the said Commissioners, in such manner and to such amount as the said Commissioners in their judgment and discretion shall think just and equitable.

Compensation to be made for lands, &c. taken.

XIV. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall, at their first general meeting held after any of the said improvements of the Harbour aforesaid shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act; and that the said Commissioners may alter the said rates and dues at any subsequent meeting, after giving two months notice of their intention so to do; and that the schedule of rates and dues shall be affixed on one or more conspicuous public place or places of said Harbour.

Commissioners to fix rates and dues to be taken when Harbour is completed.

XV. *And be it further enacted by the authority aforesaid*, That an account of all dues and tolls received by the Commissioners under the authority of this Act shall be rendered to the Inspector General of the Province, on or before the thirtieth day of June, and the thirty-first day of December, in each year; and the amount thereof, deducting any necessary expenditure on account of the said Harbour or improvement, and the expense of collecting the same, shall within ten days thereafter be transmitted to His Majesty's Receiver General of this Province, to be applied towards the payment of the principal and interest of any loan contracted in pursuance of this Act; and after the interest and the whole of the principal sum loaned under the provisions of this Act shall be paid and discharged, the proceeds of the said dues and tolls, after deducting the expenses of the collection thereof, and defraying the necessary expenses of repairs, shall be subject to the disposal of the Legislature of this Province.

Accounts of dues, &c. collected to be transmitted to Inspector General, and paid over to Receiver General;

In what manner to be applied.

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Regulations with respect to tonnage of vessels, &c.

XVI. And to prevent disputes, touching the tonnage of any boat, barge, brig, schooner, sloop, or other vessel, passing into or using and partaking the benefits of said Harbour, *Be it further enacted by the authority aforesaid*, That the owner or master of any such boat, barge or other vessel whatsoever, shall permit and suffer any such 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 Commissioners, or their agent or agents, or such other person or persons as shall be appointed by them for that purpose, to proceed with such owner or master, or such other person or persons as shall be chosen or appointed by such owner or master, to measure and ascertain such tonnage, and to mark the same on such boat, schooner 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 master or owner shall refuse or decline to choose a person on his behalf, as aforesaid, then the person appointed by the Commissioners, or their agent or agents, shall alone have the power of ascertaining such tonnage.

Punishment of persons guilty of wilful mischief to Harbour.

XVII. *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, pier or machine, or any improvement, of what kind or nature soever, belonging to or connected with the said Harbour, or do any other act, hurt or mischief, to disturb, hinder or prevent the carrying into effect the provisions of this Act, or the completing, supporting or maintaining the improvements aforesaid, every such person so offending, shall be deemed guilty of a misdemeanor.

Application of penalties and mode of levying and collecting same.

XVIII. *And be it further enacted by the authority aforesaid*, That all penalties and forfeitures for offences against this Act, or against any rule 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 Home District, either by 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 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 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 the Home 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.

When fines cannot be collected, offender to be imprisoned, &c.

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XIX. *And be it further enacted by the authority aforesaid,* That if any Protection of parties prosecuted for any thing done under this Act. plaintiff 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 herein-before 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 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 herein-before limited for bringing the same, then a verdict shall be given for the defendant.

XX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named, 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 moneys coming into their hands, and touching the duty 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. Majority of Commissioners to have power to decide.

XXI. Where and when first meeting of Commissioners to be held.

XXII. Moneys raised by debenture to be paid by warrant to Commissioners; and accounted for to Lords of Treasury.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the Commissioners aforesaid to commence any part of the improvements of the said Harbour, until a survey, with estimates in detail of the cost of the work, shall have been made by a competent Engineer under their authority, and unless upon examination of such survey and estimates by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the Executive Council thereof, it shall satisfactorily appear to them that the work can be completed in a permanent and sufficient manner, for a sum not considerably exceeding nine thousand pounds. Improvements not to be commenced until estimate of cost made by competent Engineer is approved by Governor and Council.



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BOND HEAD.

## 1st Vic. Chap. 31.

*AN ACT to incorporate certain persons, under the style and title of the Bond Head Harbour Company.*

[Passed 6th March, 1838.]

Preamble.

WHEREAS the prosperity of the Newcastle District would be materially advanced, and be highly advantageous to the public, should a Harbour be erected in the Township of Clark, in the said District, on Lake Ontario: *And whereas*, from a survey made by N. H. Baird, Civil Engineer, of lots number twenty-seven and twenty-eight, of said Township, the front of said lots is considered a most desirable situation for the erection of a Harbour: *And whereas* George Manners, and others, have by petition prayed to be incorporated for said purpose: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said George Manners, Benjamin Clark, Hervey P. Andrews, Donald McTavish, Alexander Jack, Henry Munro, Edward Clark, A. Wilmot, John Middleton, George G. Boswell, Daniel Perry, R. H. Catherwood, Asa E. Walbridge, William McIntosh, William Brock, Jael Beman, Richard Lovekin and Samuel Street Wilmot, 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 of "the President, Directors and Company, of the Bond Head Harbour Company."

Company incorporated,  
&c.Name and style of  
Company.Company may construct  
Harbour, &c.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour in front of lots numbers twenty-seven and twenty-eight, on Lake Ontario; in the Township of Clark aforesaid, which shall be accessible to, and fit, safe and commodious for the reception of such description of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

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III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which they shall and may be entitled to recover from the said Company in consequence of the said intended Harbour, roads, streets, and approaches thereto being cut, made and constructed in and upon their respective lands; and in case of any disagreement between the said Directors and the owners or occupiers aforesaid, it shall and may be lawful from time to time, as often as the Directors shall think fit, for each owner or occupier, so disagreeing with the said Directors, either upon the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be 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 said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of Her 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 Arbitrators as herein-before provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party therein interested.

Company may contract for purchase, &c. of lands, &c. required;

In case of disagreement. Arbitrators to be appointed;

Award subject to be set aside by Court of King's Bench.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, and take as tolls, to and for their own proper use and benefit and behoof, on all goods, wares and merchandize

Company to have power to establish tolls, &c.

## HARBOURS.

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shipped or landed on board or out of any vessel or boat, from or upon any part of the lake shore, in front of lots number twenty-seven and twenty-eight, first concession or broken front of the said Township of Clark in the said District of Newcastle, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Pot and pearl ashes, per barrel, six pence; pork, whiskey, salt, beef, and lard, per barrel, four pence; flour, per barrel, three pence; merchandize, per barrel bulk, four pence; lard and butter, per keg, one penny; merchandize, per ton, five shillings; West India staves, per thousand, two shillings; shingles, per thousand, six pence; shingle bolts, per cord, three shillings; pipe staves, per thousand, ten shillings; deals, per hundred pieces, three shillings; wheat, and other grain, per sixty pounds, one penny; lumber, per thousand feet, board measure, one shilling; boats, under five tons, free; boats and vessels, under twelve tons, one shilling and three pence; boats and vessels, above twelve tons and not over fifty tons, two shillings and six pence; vessels, over fifty tons, five shillings; and all articles, not enumerated, to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless*, that the said Directors shall have power to reduce the said rates of tolls should they see fit.

Harbour, &c. vested  
in Company.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Remedy in case of refusal  
to pay tolls, &c.

VI. *And be it further enacted by the authority aforesaid*, That if any person shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels or boats, or other craft, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officers, clerk or servant, as aforesaid, may sell and dispose of the said goods, vessels or boats, or other craft, or such part thereof as may be necessary to pay the said tolls, by public auction, having given ten days notice thereof, and return the overplus, if any, to the owner thereof.

By what officers, affairs of  
Company to be managed,  
&c;

VII. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by five Directors, one of whom shall be chosen President, and three of whom shall be a quorum, who shall hold their office 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

Qualification of Directors;

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on the third Monday in June in every year, at such place and 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 the Upper Canada Gazette, and in any newspaper that may be published in the said District of Newcastle, at least thirty days previous to the time of holding 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 five persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such elections that two or more 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 Directors, then the said Stockholders, herein-before authorised to hold such election, shall proceed to elect by ballot until it is ascertained which of the said persons, so having an equal number of votes, shall be Directors, so as to complete the whole number of five; 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 shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy shall be filled up for the remainder of the year in which it may happen by a person to be nominated by a majority of the Directors.

How chosen, &amp;c;

President to be elected.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he shall have held in his 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.

Votes to be regulated by number of shares held by Stockholders.

IX. *And be it further enacted by the authority aforesaid,* That on the third Monday in June after the passing of this Act, a meeting of the Stockholders shall be held in the Township of Clark, who, in the same manner as herein-before provided, shall proceed to elect five persons to be Directors, who shall continue in such office until the third 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 an annual election: *Provided always,* that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken up, 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 the Upper Canada Gazette, and any newspaper that may be published in the said District.

When first election of Directors to be held;

Shares to amount of £1000 to be first taken up.

## HARBOURS.

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Limitation of capital stock.

X. *And be it further enacted by the authority aforesaid,* That the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value five thousand pounds, to be held in eight hundred shares, of six pounds five shillings each; and that the shares of the said capital stock may, after the first instalment thereon has been paid, be transferred by the respective persons subscribing or holding the same to other persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the said Company.

Directors to call in instalments of stock, &amp;c.

XI. *And be it further enacted by the authority aforesaid,* That as soon as Directors shall 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 manner before mentioned, for an instalment of ten per centum upon each share which they or any of them respectively may subscribe; and that the residue of the share 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 instalment shall exceed ten per centum, nor become payable in less than thirty days after public notice given in the manner before-mentioned: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall have been paid in.

Forfeiture of shares, in event of non payment of instalment, &amp;c;

XII. *And be it further enacted by the authority aforesaid,* That if any Stockholder, as aforesaid, shall refuse or neglect to pay at the time required any such instalment as shall be lawfully required by the Directors, as due upon any shares, such Stockholder, so refusing or neglecting, shall forfeit such shares aforesaid, with any amount which shall have been previously paid thereon; and that the said shares may be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as the moneys of the said Company: *Provided always,* that the purchaser shall pay the said Company the amount of the instalment required, over and above the purchase money of the shares so purchased by him, 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 public notice of the sale of such forfeited shares shall be given in the manner hereinbefore directed, and that the instalment due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Purchaser of forfeited stock, to pay up instalment in arrear immediately.

Dividends to be made.

XIII. *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

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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 reasonable request.

XIV. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing the said Harbour, Her Majesty, Her Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Harbour, together with such further sum as will amount to twenty-five per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her 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 Her Majesty, Her Heirs and Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

The Queen, or Her Successors, may assume work at end of fifty years, upon conditions, &c.

XV. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by Her Majesty, Her Heirs and Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of Her Majesty's Receiver General of this Province, at the disposition of the Legislature thereof: *Provided always,* that the said Harbour shall be commenced within two years, and completed within seven years after the passing of this Act, otherwise this Act and every matter and thing therein contained shall cease and be utterly null and void.

When Her Majesty, or Her Successors, assume the work, tolls, &c. to be paid Receiver General.

XVI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall give the said Company the exclusive right of fishing within the said Harbour and lake shore within the limits before-mentioned; and that it shall not be lawful for any person to catch or kill, or

Restraints as to right of fishing, &c.

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attempt to take, catch or kill any fish by torch or fire light within one hundred yards of any works erected by the said Company.

Punishment for attempting to take fish, &c.

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

Legislature to have power to alter provisions of Act.

XVIII. *And be it further enacted by the authority aforesaid.* That it shall remain in the power of the Legislature to make any alteration in the provisions of this Act, or any addition thereto, which may seem to them expedient.

## 2nd Vic. Chap. 39.

*AN ACT to incorporate certain persons, under the style and title of "the President, Directors and Company, of the Bayfield Harbour."*

[Passed 11th May, 1839.]

Preamble.

WHEREAS the construction of a safe and commodious Harbour at Bayfield, in the County of Huron, and District of London, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the navigation of Lake Huron: *And whereas*, it would be advisable that a joint stock Company should be by law incorporated for the purpose of effecting the construction of such Harbour: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 Edward C. Taylor, William Dunlop, William Bennett Rich, Henry Ransford, Charles Prior, and David Hood Ritchie, Esquires,

Bayfield Harbour Company incorporated;

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together with all such other persons as shall become Stockholders in such joint stock Company 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 Bayfield 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 or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their successors shall and may have a common seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of "the President, Directors and Company, of the Bayfield Harbour," shall be in law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on 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.

Style of the Company;

Capable of holding real estate, &amp;c;

Not entitled to privilege 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 Harbour at Bayfield, aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair and enlarge the same, as may be found expedient and necessary.

Company empowered to construct Harbour, &amp;c.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall or may be entitled to recover from the said Company in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut and made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said

Company may contract for land required for their works;



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Arbitrators for ascertaining value of lands or amount of damages;

Arbitrators to be sworn;

Award subject to Court of King's Bench;

Possession not to be assumed until payment made or tendered

When Harbour completed for reception of vessels, tolls may be demanded;

According to rates set forth.

Directors and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful, from time to time, as often as the said Directors 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 or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by the persons so named before they proceed to arbitration, 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 they are hereby required, to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days notice to be given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said District, (not interested in the premises,) any of whom may be required to attend such meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided* that every award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators, as herein-before provided; and that the said Company shall in no case take possession of any lands, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take as tolls, to and for their own proper use and benefit, on all goods, wares and merchandize, shipped on board or landed out of any vessel or boat from or upon any part of the lake shore between one-half mile north and one-half mile south of the Creek, in the Townships of Goderich and Stanley, in the said District of London, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Pot and pearl ashes, per barrel, six pence; Pork, whiskey, salt, beef and lard, per barrel, four-pence; Flour, per barrel, three-pence; Merchandize, per barrel bulk, four-pence; Lard and butter, per keg, one penny; Merchandize, per ton, five shillings; West India staves, per thousand, two shillings and six pence; Shingles, per thousand, three pence; Shingle bolts, per cord, two shillings

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and six pence; Pipe staves, per thousand, seven shillings and six pence; Deals, per hundred pieces, two shillings and six pence; Wheat and other grain, per sixty pounds, one penny; Lumber, per thousand feet, board measure, one shilling; Boats, under five tons, free; 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; and that all articles not enumerated to pay in proportion to the above rates: *Provided nevertheless*, that the said Directors shall have power to reduce the said rates or tolls, should they see fit.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Harbour, &c. and tolls, vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the goods, vessels 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 and 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 to return the overplus, if any, to the owner or owners thereof.

Power of the Company's officers to enforce payment of tolls;

Property seized may be sold.

VII. *And be it further enacted by the authority aforesaid*, That the property, affairs and concerns, of the said Company, shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their office for one year; which said Directors shall be Stockholders to the amount of at least six shares, being inhabitants of this Province, and to be elected on the second Monday in May in every year, at Port Bayfield, 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 the Upper Canada Gazette, or in one newspaper at the least that shall be published in the said District of London, 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 given by written authority; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such

Five Directors to be chosen;

Qualification, and time and place of election;

Notice;

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Re-election in case of equality of votes;

election that two or more shall have an equal number of votes, in such a manner that a greater number of persons than five shall, by a plurality of votes appear to be chosen Directors, then the said Stockholders, hereinbefore authorised to hold such election, shall in like manner proceed to another election, until it is ascertained 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 five; 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.

President to be chosen from the Directors.

Number of votes in proportion to shares held.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he 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 ratio, 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.

First election of Directors and period of service;

IX. *And be it further enacted by the authority aforesaid,* That on the second Monday in July after the passing of this Act, a meeting of the Stockholders shall be held at Port Bayfield, who, in the manner hereinbefore provided, shall proceed to elect five persons to be Directors, who shall continue in office until the second Monday in May next after their election, and who, during such continuance, shall discharge the duty of Directors, in the same manner as if they had been elected at the annual election: *Provided,* that if shares to the amount of one thousand two hundred and fifty pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held till that amount of stock shall have been taken up, and at least thirty days notice given in the Upper Canada Gazette, or in any one newspaper to be published as aforesaid.

Amount of capital necessary previous to choice of Directors.

Capital limited to £2,500;

X. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value the sum of two thousand five hundred pounds, to be held in two hundred shares of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to any other person or persons; and such transfer shall be entered and registered in a book or books kept for that purpose by the said Company.

In 200 shares;

After first instalment paid, shares may be transferred.

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XI. *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 in the Upper Canada Gazette, or in any newspaper that may be published in the said District, for an instalment of ten per centum upon each share which they or any of them respectively may subscribe; and that the residue of the 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 instalment shall exceed ten per centum, nor become payable in less than thirty days after public notice in the Upper Canada Gazette, or in any newspaper that may be published in the said District: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid.

Power of Directors to call in instalments;

Instalment not to exceed £10 per cent.

XII. *And be it further enacted by the authority aforesaid,* That if any Stockholder, 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, 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 in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser shall pay the said Company the amount of the instalments required, over and above the purchase money of the share or shares so purchased by him, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided always, nevertheless,* that thirty days notice of the sale of such forfeited stock shall be given in the Upper Canada Gazette, or in any newspaper that may be published in the District of London, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Forfeiture of stock on non-payment of instalments;

Notice of sale of forfeited stock.

XIII. *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 statements to appear on the books, and to be open to the perusal of any Stockholder, at his reasonable request.

Annual dividends.

XIV. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing the said Harbour,

Harbour, &amp;c. may be assumed by the Crown after fifty years, on certain conditions.

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Her Majesty, Her 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 Harbour, together with such further sums as will amount to twenty-five per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption, in manner aforesaid, appertain and belong to Her Majesty, Her 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 of or respecting the same: *Provided always*, that it shall not be lawful for Her Majesty, Her Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

After assumption of Harbour, tolls to be paid to Receiver-General.

XV. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, shall have been assumed by Her Majesty, Her Heirs or Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of Her Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within two 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.

Legislature may alter this Act.

XVI. *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.

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## 3rd Vic. Chap. 33.

*AN ACT to incorporate certain persons under the name and style of the President, Directors and Company, of the Bronté Harbour.*

[Passed 10th February, 1840.]

**WHEREAS** the construction of a safe and commodious Harbour at the mouth of the Twelve Mile Creek, in the Gore District, would manifestly tend to the advantage of that part of this Province: *And whereas* S. B. Harrison, Ashman Pettit, Elijah Williams, James Belyea, Phellop Sovereign, John Bray, Joseph Triller, Joseph Hixon, John Riggs, Edward B. Palmer, and Joseph Simons, have petitioned to be by law incorporated for the purpose of effecting the construction of such Harbour, by means of a joint stock Company: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said S. B. Harrison, Ashman Pettit, Elijah Williams, James Belyea, Phellop Sovereign, John Bray, Joseph Triller, Joseph Hixon, John Riggs, Edward B. Palmer, and Joseph Simons, 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 Bronté 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 Bronté Harbour," 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 neces-

Preamble.

A Corporation created, under the name of "the President, Directors and Company, of the Bronté Harbour";

Corporate powers;

Common seal;

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Not to carry on banking. sary 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.

Company authorised to erect a Harbour at the mouth of the Twelve Mile Creek

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 Harbour at the mouth of the Twelve Mile Creek, 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 Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Capital stock not to exceed £5000;

Number of shares :

Shares transferable ;

One hundred shares to be left for thirty days open for subscription on behalf of the Mississagua Indians.

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 one hundred of such shares shall, for thirty 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 Twelve Mile Creek.

Commissioners appointed to ascertain what lands are necessary for Company ;

Which lands Company may enter upon ;

Award of sums to be paid by Company on account of land ;

Commissioners to attend after notice from Directors ;

IV. *And be it further enacted by the authority aforesaid*, That William J. Kerr, John L. Biggar, and William Chisholm, 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 Harbour, 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 so to be 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 Harbour, to be appointed by the Directors of the said.

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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 Queen'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.

Awards may be set aside by Queen's Bench;

Not more than one acre, with a front of 100 feet on the water, to be taken for erecting wharves.

V. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, 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 in 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 Twelve Mile Creek, 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 Harbour, according to the rates following, that is to say: 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.

Tolls and rates authorized,

Within certain limits;

Schedule of tolls.

VI. *And be it further enacted by the authority aforesaid*, That the said Harbour, 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 herein-before is provided, together with the said tolls on goods, wares or merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Harbour, &c. vested in the Company.



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Payment of tolls, how compelled.

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.

Affairs to be managed by seven Directors;

President,

Qualification of Directors;

How and when elected;

By whom election to be made.

Election of President.

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 Trafalgar 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 Gore 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, herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons, so having an equal number of votes, shall be 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 Directors.

Regulation of the right of voters.

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

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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.

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, and in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation. Provision if default of making election on the day appointed.

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. Directors to make rules; Appoint officers, salaries, &c.

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 Twelve Mile Creek, in the Township of Trafalgar, who, in the same manner as herein-before 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. First Directors when to be chosen.

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 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 As soon as Directors appointed, instalments may be called in; Not to exceed ten per cent; Public notice;

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Harbour not to be commenced before first instalment paid.

Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Shares forfeited, if instalments not paid;

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares 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 moneys 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.

Forfeited shares to be sold;

Purchasers to pay up instalments as well as purchase money;

Notice of sale.

Dividends of profits;

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 statement to be rendered;

To be open to Stockholders.

Period for commencing and completing the Harbour.

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 Harbour shall be begun within two years and completed within five years from the passing of this Act,

Crown may assume possession of the Harbour;

XVII. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing the said Harbour, it shall and may be lawful for Her Majesty, Her 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 any wise 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

On what conditions;

## HIGHWAYS.

## HURON LANDS, (ESSEX.)

completing the said Harbour, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the moneys 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 Harbour, and all the works and dependencies thereunto belonging, shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place or 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 Harbour or undertaking.

After assumption, Harbour to be vested in the Crown

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.

Legislature may alter or add to the provisions of this Act.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAPS. 28 & 44.]

## 41st Geo. III. Chap. 10.

*AN ACT to regulate the Statute Labour to be done upon the roads in the tract occupied by the Huron Indians, in the County of Essex, in the Western District.*

[Passed 9th July, 1801.]

**WHEREAS** it is necessary that the road which passes through the tract occupied by the Huron Indians, in the County of Essex, should be kept in good repair: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the King's high road which leads through the said tract, between

Preamble;

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Road between Sandwich  
and Malden.

the township of Malden and the township of Sandwich, be kept in good and sufficient repair by the inhabitants of the said townships, that is to say: the southern half of the said road by each and every person living within and inhabiting the township of Malden, and the northern half of the said road by each and every person living within and inhabiting the township of Sandwich.

Bridge over the River  
aux Canards.

II. *And be it further enacted by the authority aforesaid,* That the bridge which has been erected over the River aux Canards, shall be and is hereby directed to be kept in good and sufficient repair by the inhabitants of the aforesaid townships generally.

Penalty for refusing to  
work on the road or  
bridge.

III. *And be it further enacted by the authority aforesaid,* That if any person as aforesaid shall refuse to work upon the said road, or towards the repair of the said bridge, after he shall have been warned so to do according to law, it shall and may be lawful for any one Magistrate to issue his warrant to bring such offender before him, and to inflict such punishment as may now be inflicted upon any defaulter for neglect or refusal to work upon any other His Majesty's highways in this Province.

Labour to be done.

IV. *And be it further enacted by the authority aforesaid,* That the statute labour herein directed is not to extend beyond the quota of statute labour as now regulated by law, but is to be a part thereof.

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## 48th Geo. III. Chap. 12.

*AN ACT for the better regulating the Statute Labour in the Counties of Essex and Kent, in the Western District.*

[Passed 16th March, 1808.]

Preamble;  
(See 41 Geo 3, chap. 10)

**WHEREAS** it is necessary to mend and keep in repair the public highway leading through part of the Counties of Essex and Kent, in the Western District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province, and by the authority of the

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same, That it shall and may be lawful for the Magistrates of the Western District, in Quarter Sessions assembled, or the major part of them, and they are hereby empowered to appoint one or more overseer or overseers, and to direct him or them, when they shall deem it expedient, to order such inhabitants of the County of Kent as are liable to perform statute labour upon the highways and roads, to keep in good and sufficient repair that part of the road, and also the bridges upon the same, beginning at the upper or second fork of the River Thames, in the Township of Tilbury, thence leading down the said River Thames, and continuing along Lake Sinclair to Belle River; and the said Magistrates, in manner aforesaid, shall appoint one or more overseer or overseers, and direct him or them to order such inhabitants liable to perform statute labour on the highways and roads, living between M'Kee's Creek and Belle River, in the County of Essex, to keep in good and sufficient repair the road and bridges between Pike's Creek and the said Belle River, and across the same.

Road and bridges to be kept in repair by the inhabitants of the County of Kent;

Road and bridges to be kept in repair by persons living between M'Kee's Creek and Belle River, in the County of Essex.

II. *And be it further enacted by the authority aforesaid,* That the said Magistrates, in manner aforesaid, shall direct the overseer or overseers of the Townships of Howard and Harwich, in the County of Kent, to order the inhabitants of the said Townships jointly, to make and keep in repair a good and sufficient bridge over the Creek running through lot number twenty-two in Harwich, commonly called and known by M'Kirgan's Creek; and shall also direct the overseer or overseers of the Townships of Camden and Chatham, in the said County, to order the inhabitants of the said Townships jointly, to make and keep in repair a good and sufficient road, leading from the landing place on lot number three, in Howard, back to Arnold's mill; and the said Magistrates are in like manner empowered to direct the overseer or overseers of the upper half or division of the Township of Raleigh, in the said County, to order the inhabitants living within the same to keep in good and sufficient repair the bridge over the main fork, near the Town of Chatham, in the Township of Harwich.

Bridge to be kept in repair by the inhabitants of the Townships of Howard and Harwich;

Road to be kept in repair by the inhabitants of Camden and Chatham;

Bridge to be kept in repair by the inhabitants of the upper half of the Township of Raleigh.

III. *And be it further enacted by the authority aforesaid,* That if any person who shall have been appointed overseer, in the manner aforesaid, shall refuse or neglect to perform the several and respective duties required of him by this Act, he shall, for each neglect or refusal thereof, forfeit and pay the sum of twenty shillings; and if any inhabitant, as aforesaid, shall refuse or neglect to work on such roads, or towards the repair of such bridges as aforesaid, after he shall have had from such overseer four days notice so to do, he shall for every such offence forfeit and pay the sum of five shillings.

Penalties for refusing or neglecting to do the duties required by this Act.

IV. *And be it further enacted by the authority aforesaid,* That the

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penalties inflicted by virtue of this Act shall be levied and recovered by warrant, under the hand and seal of some Justice of the Peace of the said District, which warrant such Justice is hereby empowered and required to grant, upon conviction of the offender by confession or upon oath of one credible witness; and in default of payment to levy the same by distress and sale of the offender's goods, rendering the overplus, if any, to the owner thereof, the necessary charges of making such distress and sale being first deducted; which said penalty shall be applied towards the making and keeping in repair the said roads and bridges above-mentioned, and in default of such distress, it shall and may be lawful for any such Justice to commit the person so refusing or neglecting to the common Gaol, for any time not exceeding one month, unless the penalty, forfeiture, costs and charges, shall respectively be sooner by him paid.

Mode of conviction and of levying the penalties;

Application of the same.

The work done on the said roads and bridges, part of the statute labour.

V. *And be it further enacted by the authority aforesaid, That the work to be done upon the said roads and bridges, as aforesaid, shall be considered as a part of the annual statute labour, and shall be required only at such times as the said statute labour may be by law required.*

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## 9th Geo. IV. Chap. 6.

*AN ACT for making and maintaining a road between Ernestown and the Gore of Fredericksburgh.*

[Passed 25th March, 1828:]

Preamble;

**WHEREAS** in consequence of a dispute having arisen between the Justices of the Peace of Ernestown, and the Justices of the Peace of Fredericksburgh, in the Midland District, respecting the right of either party of such Justices to take charge of a public road running from front to rear between the aforesaid Township of Ernestown and the Gore of Fredericksburgh, or to which party of right the making and repairing of such road belongs; in consequence of which dispute, the aforesaid road, though much travelled from necessity, is dangerous and difficult to travel, on account of being left in a great measure for a long time past without being mended and improved: *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 Pro-

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vince of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall be the duty of the Justices of the Peace acting for the Township of Ernestown, and they are hereby authorised and required to take charge of, and cause to be made and repaired, and kept in repair, one half, or an equal proportion of the aforesaid road, which proportion shall be in the following manner, that is to say: the rear half of the first, and the whole of the second, fifth, and sixth Concessions, commencing at the front and ending at the rear of the Concessions of Ernestown.

The Justices of the Peace acting for Ernestown, in the Midland District, to attend to the making and repairing one half of the road between Ernestown and the Gore of Fredericksburgh.

II. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace acting for the Township of Fredericksburgh, are hereby authorised and required to take charge of, and cause to be made and kept in repair, one half, or an equal proportion of the aforesaid road, which proportion shall be in the following manner, that is to say: the front half of the first, and the whole of the third, fourth and seventh Concessions, commencing at the front and ending at the rear of the Concessions of Ernestown.

The Justices acting for Fredericksburgh to attend to and take charge of the other half of the same road.

### 4th Wm. IV. Chap. 34.

*AN ACT to authorise the construction of a road from Hamilton, in the Gore District, to Port Dover, in the London Disirict.*

[Passed 6th March, 1834.]

**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, 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,

Preamble.



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Commissioners appointed. 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.

Power to explore line of road; 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.

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.

Land so marked out to be a common public highway; 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.

One chain in width.

Commissioners empowered to contract for surrender of land appropriated for such highway. 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 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; 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 survey-

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ing 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, Arbitrators to be sworn; 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,) Authorised to administer oath; make their award in writing Award to be 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 Claims for damages to be made within twelve months. twelve months after the surveying and opening the said road.

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 authorised, 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. Damages awarded to be paid by District Treasurer within twelve months after making of award.

[SEE STATUTES OF CANADA, 4 & 5 VIC. CHAP. 21, SEC. 1.]

## 4th Wm. IV. Chap. 56.

*AN ACT for imposing a tax on lands adjoining Canboro' and Simcoe Road.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date at Toronto the 29th day of September, 1835.]

**WHEREAS** it has been represented by the petition of sundry persons inhabiting the County of Haldimand, that in order to keep open the great Canboro' Road leading through a part of the Niagara and London Districts, it is necessary to lay a tax on every unsettled lot adjoining the same for a limited period: *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: Preamble.

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in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of January, eighteen hundred and thirty-five, every lot of land adjoining the road leading from Canboro', in the Niagara District, to Simcoe, in the London District, shall be liable to an additional assessment or tax of ten shillings for each lot of two hundred acres of land, or in that proportion for any greater or less quantity; which assessment shall continue for the term of ten years, for the purpose of being laid out on said road, and shall be paid yearly to the Treasurer of the respective Districts.

Additional assessment to be laid out on the road.

What lands liable to the assessment;

At what rate;

When to cease.

Duty of Assessors and Treasurers under this Act.

II. *And be it further enacted by the authority aforesaid,* That the owner or occupier of lands, or those having charge of the same, situated on the said road, whether corporate bodies, belonging to individuals, the Canada Company, or being Clergy Reserves, or lands vested in His Majesty, or what is known as Indian lands, in addition to other rates or taxes now regulated by law, shall be liable to pay the taxes hereafter named, on or before the 31st day of December, in each year, that is to say: for each lot of two hundred acres, ten shillings, and so in proportion for any greater or less quantity; if not paid at the end of the first year, the taxes shall be increased in the following ratio: second year, for each lot of two hundred acres, twelve shillings and six pence; third year, for each lot of two hundred acres, fifteen shillings; fourth year, for each lot of two hundred acres, seventeen shillings and six pence; fifth year, for each lot of two hundred acres, twenty shillings; sixth year, for each lot of two hundred acres, twenty-two shillings and six pence; seventh year, for each lot of two hundred acres, twenty-five shillings; eighth year, for each lot of two hundred acres, twenty-seven shillings and six pence; ninth year, for each lot of two hundred acres, thirty shillings; tenth year, for each lot of two hundred acres, thirty two shillings and six pence: *Provided,* that as soon as a resident house-holder or settler is placed on any lot as aforesaid, who performs the statute labour, the assessment from that time forward shall cease.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Assessors of the Townships of Canboro', Rainham, and Walpole, in the District of Niagara, and Townsend and Woodhouse, in the District of London, to obtain the number and concession of each lot not having a resident settler on the same, on the main road leading from Canboro', in the District of Niagara, to Simcoe in the District of London, and make a return of the same to the Town Clerk in each Township where the lands are situated, and also to the Treasurers of their respective Districts; whose duty it shall be to give public notice for three months in one or more newspapers in each District, as well as the

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Upper Canada Gazette, that the respective lots are liable for taxes at the rates above described; and the owner or occupier, or person having charge of such land, shall pay the taxes imposed by this Act to the Treasurer of the District where the lands are situate; and it shall be the duty of the said Treasurer to pay over all moneys collected by this Act, to the Magistrates in the respective divisions through which the road passes, whose duty it shall be to expend the said money on the said road, (under the direction of the respective path-masters who may be appointed to superintend and keep the same in repair,) and make a return to the Chairman of the Quarter Sessions at the close of each year, shewing how the said money has been expended.

IV. *And be it further enacted by the authority aforesaid,* That if the owner or occupier of any lot or lots of land situated as aforesaid, shall refuse or neglect to pay the amount of taxes accumulated on said lot or lots for repair of said road, as provided by this Act, it shall and may be lawful for any two of His Majesty's Justices of the Peace, in the division where the land may be situated, (on the oath of the Town Clerk, stating the amount due on each lot, under the provisions of this Act,) to issue a warrant of distress and levy on the goods and chattels of any settler or person who may enter on and occupy the same, and sell thereof as much as will defray the taxes already accumulated, together with the costs; which shall not exceed the costs now regulated by the Court of Requests Act.

Taxes in arrear how to be collected.

## 2nd Vic. Chap. 47.

*AN ACT for making, repairing and improving, the Road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon.*

[Passed 11th May, 1839.]

**WHEREAS** the public road or highway from Amherstburgh to Sandwich, and also that from Sandwich to Chatham, in the Western District, have become unfit to travel on, and it is not only dangerous but almost impossible to pass over the same, by reason of the dilapidated state thereof, and of the decay and destruction by floods and otherwise of the bridges thereon: *And whereas* certain persons, inhabitants of the said District, have petitioned the Legislature for a sum of money to enable them to make, repair, improve, and complete the said roads: *And whereas* it is of great importance to that part of the Province, both in a civil and military point of view, that there should be a good road and highway from the Town of

Preamble.

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Amherstburgh to the Town of Sandwich, and from thence along the shore of the River Detroit, Lake Saint Clair and the River Thames, or as near thereto as may be, to the Town of Chatham aforesaid, in the said District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person who may be willing to advance the same on the credit of the tolls to be levied and collected on the roads and bridges hereby authorised to be made and improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole three thousand pounds; which said sum of three thousand pounds shall be appropriated as follows, that is to say: to construct, make, repair, improve, and complete the public road and highway, and the bridges thereon, from the Town of Amherstburgh to the Town of Sandwich, and from the said Town of Sandwich to the Town of Chatham, in the Western District, along the shores of the River Detroit, the Lake Saint Clair and the River Thames, or as near thereto as may be.

Receiver General authorised to raise loan of £3000 for purposes of this Act;

Appropriation.

Debentures to be issued by Receiver General.

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 or direct any number of Debentures to be made out for such sum or sums of money, not exceeding in all the sum of three thousand pounds, as any person shall agree to advance on the credit of the tolls and other securities provided by this Act; which Debentures shall be made out and prepared in such manner and form as the said Receiver General shall think most safe and convenient, and shall be signed by him.

Tolls to be applied solely in payment of Debentures.

III. *And be it further enacted by the authority aforesaid*, That the tolls collected on the said road shall be applied solely to the payment of the interest and principal of such Debentures, and for no other purpose whatever, until the full amount of three thousand pounds, with the interest thereon, shall be fully paid and satisfied.

Money raised to be paid to Trustees appointed under this Act.

IV. *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 pay such sum and sums of money out of the said loan so to be raised as aforesaid, as the Trustees hereinafter to be appointed may require, either for

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such parts of the work as may from time to time be completed, or for such materials from time to time furnished, on such Trustees certifying that such sum or sums, not exceeding in the whole the said sum of three thousand pounds, are necessary to enable them to proceed in the due execution and completion of the work.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or Debentures shall be payable at half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall be paid by the Receiver General for the time being, who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the time up to which the said interest shall have been paid, and shall take receipts for the same respectively.

Interest on loans to be paid half-yearly.

VI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said road hereinafter appointed, shall have full power and authority to cause the necessary surveys and estimates thereof to be made preparatory to the commencement of the said improvement; and to employ and pay a Civil Engineer to superintend the work, if they deem it necessary so to do; and by public tenders or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said road, or for the erection of toll-gates and toll-houses, with their appurtenances, or for the supply of any part of the materials for the same; for the due performance of which contracts the said Trustees shall demand and take such security as they shall deem safe and reasonable in each case.

Powers of Trustees;

To procure surveys and estimates;

To contract, erect toll-gates, &c.

VII. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised to cause the said highways or roads, and the several bridges on the same, to be constructed and amended, widened or repaired, improved and completed, in such manner as they shall think proper, and to settle the direction of the said road, or to alter or shorten the same, and to remove or alter the present bridges thereon, or any or either of them, and to make and erect any new bridge or bridges at their discretion, for the purpose of rendering the said roads more accessible to travel, and to cut drains contiguous thereto, to make passage for the waters discharged from such ditches or trenches through the lands or premises of any adjacent proprietor, and also to keep clear such drains, ditches, passages and outlets; and it shall be lawful for the workmen and labourers, authorised by them, to go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages done thereby; and that for this purpose the said Commissioners shall appoint three of their number to assess all damages claimed under the provisions of this Act, and who, before entering upon the discharge of that duty,

Further powers, in relation to course and construction of road, erection of bridges, &c;

May enter upon lands;

Compensation for damages to be assessed by Commissioners;

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shall be sworn before some one of Her Majesty's Justices of the Peace for the Western District, well and truly to assess the damages according to the best of their judgment; and whose duty it shall be, when assessing the damages done to any individual through whose lands such road may pass, to take into their consideration the benefit (if any) accruing or likely to accrue to such person, by reason of the said road being carried through his lands.

Advantages derived from the road to be taken into consideration.

Adjoining inhabitants may commute for statute labour.

VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one-half mile on either side of the said road, and who by the existing laws of the Province are liable to perform statute labour, shall and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six pence per day for every day for which they are assessed.

Commutation money to be collected by the overseers.

IX. *And be it further enacted by the authority aforesaid,* That the overseers of highways in the several divisions through which the said road shall pass, shall have full power and authority, and they are hereby required within their respective divisions, to demand and receive the amount of commutation money to be paid under this Act; and in case any person shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the overseer of the division shall proceed to collect it in the same manner as he is authorised by law to collect other arrears and forfeitures by virtue of this Act.

Liability of overseers for neglecting to collect or pay over money.

X. *And be it further enacted by the authority aforesaid,* That if any overseer of highways shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty by the law in such case provided, to be levied and collected in the same manner.

Trustees authorised to receive moneys collected.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said road, or for such persons as they shall appoint, to ask for and receive, from the several overseers aforesaid, any moneys collected by them.

Application of moneys raised by commutation of statute labour.

XII. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary on the side or branch roads leading to the main road as they may think advisable, and the remainder to go to the general fund for erecting and keeping in repair toll-gates, toll-houses and their appurtenances, and for making, repairing, and keeping in good repair and order, the said road and highway, and the several bridges thereon.

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XIII. *And be it further enacted by the authority aforesaid,* That the following persons be the Trustees for the said road, with full powers to carry into effect the purposes of this Act: viz. John Prince, Francis Caldwell, William McCrae, Robert Reynolds, William Anderton, John A. Wilkinson, Joseph Woods and P. P. Lacroix, Esquires; and Messrs. Chrysostom Pajot, Francis Drake and Norman Freeman; who shall have power to erect such a number of toll-gates on or across the said road as to a majority of the said Trustees may appear requisite; and to fix such tolls as may be found necessary and expedient to answer the purposes of this Act, which rates or tolls may be by them altered as circumstances from time to time may require: *Provided always,* that the said Trustees shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross the said road, and without any intention to evade the tolls, as to them may appear just and reasonable.

Trustees nominated;

Their authority in relation to tolls, &amp;c.

XIV. *And be it further enacted by the authority aforesaid,* That the Trustees of the said road shall meet at the Town of Sandwich, on the second Tuesday in July next ensuing, and elect one of their number to act as Chairman for the ensuing year.; and all subsequent times and places of meeting shall be in the discretion of a majority of the said Trustees.

First meeting of Trustees for election of Chairman, &amp;c.

XV. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them.

Majority of Trustees may act.

XVI. *And be it further enacted by the authority aforesaid,* That all the moneys collected at the different toll-gates on the said road shall be paid by the Collectors to the Trustees aforesaid, when required by them so to do, and that it shall be the duty of the said Trustees to pay the same over to Her Majesty's Receiver General, (after deducting the toll-gate keeper's salary or wages, and any other reasonable expenses,) at least once in three months, to be by him applied to the payment of the interest on the said loan as it becomes due, and the overplus to be applied to the redemption of the principal.

Tolls collected to be paid to Receiver General once in three months.

XVII. *And be it further enacted by the authority aforesaid,* That the Trustees be and they are hereby required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Amount of tolls to be levied.

XVIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the Western District aforesaid, paying or liable to pay the ordinary taxes now by law

Deficiency in tolls to be raised by assessment on Western District;



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Justices may in such case order additional rate.

imposed; which additional rate shall be paid in the same manner as other taxes, to the Collectors of the several Townships in the said District, and paid by them to Her Majesty's Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear to the satisfaction of the said Justices that the interest upon the said loan cannot be otherwise paid and discharged under the provisions of this Act.

Deficiency for payment of interest on loans may be advanced by Receiver General.

XIX. *And be it further enacted by the authority aforesaid, That if it shall at any time happen that the interest on the sum of money raised under the authority of this Act shall be in arrears and unpaid, in consequence of the tolls and other means herein-before provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for Her Majesty's Receiver General, from and out of the public moneys in his hands, applicable for the public uses of the Province, to advance such sum as may be necessary to pay off any balance in arrear on account of such interest, on receiving from the Lieutenant Governor of this Province a warrant for that purpose; which warrant shall and may be issued at any time upon application made to the Lieutenant Governor by the Trustees for that purpose,*

Repayment of advances by Receiver General.

XX. *And be it further enacted by the authority aforesaid, That any sum of money so advanced by the Receiver General, as aforesaid, shall be charged against the Trustees of the said road, and shall be repaid in the same manner as other moneys borrowed for the other purposes of this Act.*

After fifteen years tolls may be raised for repairs of road, &c. and payment of money borrowed.

XXI. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Trustees to raise such tolls on the said road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such road in repair, pay the interest on the said loan, and redeem the principal sum of three thousand pounds, within a period of not less than than thirty years from the passing of this Act.*

Debentures may be redeemed within 30 years, and renewed loans effected.

XXII. *And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any Debenture, authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and issuing other Debentures for a renewed loan to replace the same, or any part thereof, so that the whole sum of three thousand pounds be liquidated within the aforesaid period of thirty years.*

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XXIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any wagon, cart or carriage, or shall lay, or cause to be laid or left, any matter or thing creating, or likely to create, an obstruction of any kind or nuisance upon the said road, or in any of the ditches or drains thereof; and any persons offending shall for every such offence forfeit and pay the sum of twenty shillings, currency.

Penalty for causing obstructions on the road:

XXIV. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant, to be for that purpose issued by any one of Her Majesty's Justices of the Peace, for the said Western District, who are hereby authorised and empowered to grant the same.

Collection of fines and forfeitures.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall cut, break down or otherwise destroy, any of the toll gates, or any toll house to be erected by virtue of this Act, or any of the premises and appurtenances belonging thereto; respectively, every person so offending, and lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person shall remove any sand, gravel, earth, stone or timber, from or on the said road, to the damage of the same, or shall wilfully wade, or forcibly pass, or attempt to pass by force, any of the gates, without having first paid the legal toll at such gate, such person shall pay all damages by him committed, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings currency, to be recovered before any Justice of the Peace of the Western District, in the same manner as any other fines are recoverable before Justices of the Peace.

Penalties for injuring property, or forcibly passing gates without payment of tolls.

XXVI. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person by taking of him a certain sum either monthly or annually in lieu of such tolls; and the said Trustees shall affix in a conspicuous place at the toll gates, a table of the rates or tolls to be exacted and taken, to be plainly and legibly printed.

Commutation of tolls:

Table of tolls to be exhibited.

XXVII. *And be it further enacted by the authority aforesaid,* That if any person shall, after proceeding upon the said road with any of the carriages or animals liable to the payment of toll, turn out of the same into any other road, and shall re-enter the said road beyond the turnpike gate without paying toll, whereby such payment shall be evaded, such person shall, for every such offence, forfeit and pay the sum of five shillings, which shall be expended on the said road, or toward the payment of the principal or interest of the sum expended thereon, and any one Magistrate of the Western District shall, on conviction of such offender,

Penalty for quitting the road for the purpose of avoiding a toll gate:

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fine such person in the said penalty, and levy such fine in the manner aforesaid, and from whose judgment there shall be no appeal.

Penalty on owners of land assisting in the evasion of toll gates.

XXVIII. *And be it further enacted by the authority aforesaid,* That if any person occupying any enclosed lands near to any toll-house or toll-gate to be erected in pursuance of this Act, shall knowingly permit or suffer any person to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding or other animal liable to the payment of toll, whereby such payment shall be avoided, every person so offending, and also the person riding or driving the animal or carriage avoiding such payment, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving the road aforesaid.

Funerals excepted.

XXIX. *And be it further enacted by the authority aforesaid,* That all persons, horses and carriages, going to or returning from the funeral of any person, shall be allowed to pass any toll-gate on the said road free of toll.

Vacancies in Trustees may be supplied by Lieutenant Governor.

XXX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor of this Province, from time to time, by commission under his hand and seal, to nominate and appoint such person as he may think fit to fill any vacancy which may happen in the Board of Trustees appointed by this Act, by death, resignation or otherwise.

Trustees may lease toll gates;

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees acting under the authority of this Act, if they think it advisable and advantageous to the public interest, to demise and lease, from year to year, the different toll gates erected by virtue of this Act on the road under their charge, to such individual or individuals as shall, after due notice given for that purpose, offer the highest terms for the same, upon such conditions as to a majority of them shall seem meet.

Money to be issued by Receiver General under Lieutenant Governor's warrant;

XXXII. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver General, in discharge of such warrant or warrants as may for that purpose be issued by the Lieutenant Governor of this Province; and shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors may be pleased to direct.

And accounted for to Commissioners of Treasury.

Annual report by Trustees.

XXXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required to report in detail, at the close of every year, to the Lieutenant Governor of

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CAYUGA ROAD; &amp; TOWN OF SANDWICH.

this Province, for the information of the Legislature, the sums they have received and expended, together with the amount of tolls received, with the proper vouchers for the disbursements by them made.

XXXIV. *And be it further enacted by the authority aforesaid, That* the Trustees of the said road shall have power to cause the necessary surveys to be made thereof, and also to have the said road drained, and all necessary bridges and culverts made, as soon after the passing of this Act as they, or a majority of them, may deem advisable for the public good.

Commencement of operations under this Act.

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### 2nd Vic. Chap. 48.

*AN ACT granting to Her Majesty a sum of money to improve the Cayuga road, from Drummondville to Simcoe.*

[Passed 11th May, 1839.]

Preamble; £1000 granted for improvement of Cayuga road. 2. Commissioners appointed.

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### 3rd Vic. Chap. 41.

*AN ACT for stopping up parts of certain streets in the town plot of Sandwich, in the Western District, and for other purposes therein-mentioned.*

[Passed 10th February, 1840.]

**WHEREAS** divers inhabitants of the Town of Sandwich and its neighbourhood, in the Western District, have by their petition to the Legislature of this Province shewn, that it would be an accommodation to the public, and a saving of statute labour and other expenses, if a new street or road was to be opened through the southern end of park lot number one, near the said town, and if certain parts of Back-street and South-street, in the town plot of the same town were to be stopped up and extinguished as a road, according to a certain plan annexed to their petition, and they have prayed the Legislature to carry the above arrangement into effect: *And whereas* it is expedient to comply with the prayer of the said petition: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under and by virtue of an Act passed in the

Preamble.

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CORNWALL AND L'ORIGINAL.

Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall be lawful for the Path Master or Street or Road Surveyor of the Town of Sandwich, for the time being, and he is hereby required, so soon after the passing of this Act as may be, to open or cause to be opened a new street or road from Centre-street through the southern end of park lot number one, aforesaid, into Peter-street, on the town plot of Sandwich, such road or street to be of the length of thirteen chains and fifty-two links, or thereabouts, and to be of the same width as Centre-street, aforesaid; and after the same road or street is opened and made passable, it shall become and be and is hereby declared to be a public highway, and dedicated to the public for all lawful purposes whatsoever.

A new street to be opened in Sandwich;

To be a public highway.

As soon as new street is opened, certain streets to be stopped, and to cease to be public highways.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said new street or road shall have been opened from Centre-street to Peter-street, as aforesaid, and be fit for travelling over, it shall be lawful for the said Path Master or Surveyor, and he is hereby required to stop up and extinguish, as a public road or highway, so much of South-street, aforesaid, as extends from Cross-street on the said town plot to Back-street, aforesaid, being six chains and twenty-five links in length, or thereabouts; and also so much of Back-street, aforesaid, as extends from Chippewa-street, on the said town plot, to Centre-street, aforesaid, being thirty-four chains and thirty links, or thereabouts; and also such further part of Back-street, aforesaid, as extends from Centre-street, aforesaid, to McKee's line, being twenty-five chains, or thereabouts; and such parts of South-street and Back-street as shall be so stopped up are hereby declared to be extinguished as public highways, from the time that the aforesaid new street or road from Centre-street through park lot number one to Peter-street, aforesaid, shall have been opened and made fit for public use and travel.

### 3rd Vic. Chap. 48.

*AN ACT to extend the time for completing the expenditure upon the post road between Cornwall and L'Original.*

[Passed 10th February, 1840.]

**W**HEREAS it is expedient to continue the provisions of an Act passed in the second year of Her Majesty's reign, intituled, "An Act granting to Her Majesty a sum of money for the improvement of the post road

Preamble;  
[See 2 Vic. Chap. 52.]

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between Cornwall and L'Orignal": *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 notwithstanding the period for the expenditure authorised by the said Act having expired, the Commissioners named in the said Act are hereby authorised to continue the expenditure under the provisions of the said Act, and that so much of the third clause of the said Act as confines the expenditure to the first day of November last be and the same is hereby repealed; and that the Commissioners named in the said recited Act shall, on or before the tenth day of August, which will be in the year of our Lord eighteen hundred and forty, report their proceedings to His Excellency the Governor of this Province, for the information of the Legislature.

Time for expending money in improving road between Cornwall and L'Orignal extended.

[SEE 6 WM. 4, CHAP. 28, UNDER TITLE BRIDGES.]

## 2nd Vic. Chap. 68.

*AN ACT to make provision for the payment of certain losses, sustained by sundry individuals therein named.*

[Passed 11th May, 1839.]

**WHEREAS** during the last Session of the Legislature of this Province, the claims of sundry inhabitants thereof, for losses during the late Insurrection, have been duly investigated, by the Commissioners appointed under the Act passed during the said Session, intituled, "An Act to authorise the appointment of Commissioners, to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion," who have reported thereupon, and it is expedient to make provision for the satisfaction of such claims: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

Preamble.

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to make further provision for the Government of the said Province," and by the authority of the same, That immediately after the passing of this Act, it shall and may be lawful for the Receiver General of this Province to issue Debentures to the following persons, inhabitants of this Province, whose claims for losses during the Insurrection, in the month of December, in the year of our Lord one thousand eight hundred and thirty-seven, have been investigated by the Commissioners appointed under the before recited Act, for the amount of their several and respective claims, as allowed by the said Commissioners, which claims are as follows, that is to say:—

Debentures to be issued in payment of losses during the Rebellion; to Robert Charles Horne, Esquire, the sum of two thousand one hundred and twenty-seven pounds, eighteen and nine pence; Clarke Gamble, Esquire, Trustee to the estate of the late Benjamin Whitney, Esquire, the sum of one hundred and twenty-five pounds; Michael Murnan, the sum of seven pounds, four shillings; Jane Mulligan, the sum of nine pounds; Mistress Washburn, the sum of one thousand two hundred and twenty-one pounds, six shillings and five pence; Michael Burrough, the sum of thirty three pounds five shillings and three pence; William Burrough, the sum of three hundred and fifty pounds; J. Stafford for O. Stafford, the sum of one hundred and thirty-three pounds; James Stafford, the sum of thirty-six pounds, five shillings; J. Detchman, the sum of sixty pounds, fourteen shillings.

Amount &c. and period  
for redemption of such  
debentures.

II. *And be it further enacted by the authority aforesaid*, That the said Debentures may be issued to the said individuals, in such amounts as the said Receiver General may deem expedient, and shall bear interest at the rate of six per centum per annum, and be redeemable at the expiration of twenty years from the time of issuing the same, and bear date from the first day of January last.

### 3rd Wm. IV. Chap. 18.

*AN ACT to incorporate a Company under the style and title of the  
British America Fire and Life Assurance Company.*

[Passed 13th February, 1833.]

Preamble;

[See 6 Wm 4, chap. 20.]

**WHEREAS** William Maxwell, James Meyers, John G. Culverwell, David Browne, Richard Northcote, Richard Crispin, William Ware, Alexander Dixon, Thomas Wallis, Richard H. Oates, William Stennett, Alexander Erskine, George Monroe, William Proudfoot, James King, Alexander Wood, John Strachan, Thomas Mercer Jones, James Cull, R. B. Sullivan, A. W. Hart, Gamble and Birchall, Christopher A. Hagerman, William B. Jarvis, John Rolph, R. A. Parker, Samuel P. Jarvis, Watkins and Harris, R. C. Ferrier, S. Washburn, John Ross, J. Baby, J. M. Strange, John Kitson, S. Cockburn, S. P. Hurd, J. G. Chewett, B. W. Bonnycastle, G. W. Haughton, Thomas Bell, M. McNamara, James Such, George A. Barber, John H. Dunn, Alexander Hamilton,

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Peter Deihl, John Bishop, Senior, Henry J. Boulton, C. J. Baldwin and John Elmsly, have petitioned the Legislature, praying that an Association, under the style and title of the British America Fire and Life Assurance Company may be incorporated, the better to enable such Institution to conduct and extend the business of Fire and Life Assurance, and for granting annuities and sums of money payable at future periods within His Majesty's Dominions in North America, and other parts abroad: *And whereas* it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all such persons as now are or hereafter shall become Stockholders of the said Company shall be hereby ordained, constituted, and declared to be, from time to time, and until the third day of November, one thousand eight hundred and eighty-two, a body corporate and politic in law, in fact and in name, by the style and title of the "British America Fire and Life Assurance Company;" and by that name, style and title, they and their successors, until the said third day of November, one thousand eight hundred and eighty-two, shall and may have continued succession; and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by and under the name, style and title, of the British America Fire and Life Assurance Company, shall be capable in law of purchasing, holding any conveying, any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

British America Fire and Life Assurance Company incorporated.

II. *And be it further enacted by the authority aforesaid*, That a share in the stock of the said Corporation shall be twelve pounds ten shillings, or the equivalent thereof in specie, and the number of shares shall not exceed eight thousand; and that books of subscription shall be opened at the same time in the Towns of Kingston, Niagara, York, Cobourg, Brockville, Prescott, Amherstburgh, Hamilton and Cornwall, 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 shall direct.

Capital stock 8000 shares, of £12 10s. each;

Subscription books where to be opened.



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When £25000 have been subscribed, Directors to be elected;

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, as soon as two thousand out of the aforesaid eight thousand shares shall have been taken up, or twenty-five thousand pounds out of the aforesaid capital stock of one hundred thousand pounds shall have been subscribed, for the Shareholders or subscribers to proceed to the election of seventeen Directors, at such time and place as the majority of such subscribers shall appoint, giving thirty days notice thereof in six or more of the public newspapers of this Province; which Directors shall be subjects of His Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of twenty shares; and shall have power to choose from among themselves a Governor, a Deputy Governor, and three Trustees.

Governor, Deputy Governor and three Trustees, to be selected from among the Directors.

Time and manner of electing Directors.

IV. [Repealed by 6 Wm. 4, Chap. 20.]

Directors to appoint one managing Director.

V. *And be it further enacted by the authority aforesaid,* That there shall also be appointed by the Directors, and from among the Stockholders, a Managing Director, who shall reside at the house of business of the said Corporation, serve the office of Actuary, and devote himself wholly to the business of the said Corporation; such Managing Director is to hold his office at the will and pleasure of the majority of the Directors.

Method of voting at elections.

VI. }  
VII. } [Repealed by 6 Will. 4, Chap. 20.]

Who may be elected Directors; Vacancies how filled.

Corporation not dissolved by a neglect to elect Directors at the day appointed.

VIII. *And be it further enacted by the authority aforesaid,* That in case it shall so happen that an election of Directors shall not be made on the day, when pursuant to this Act it ought to have been made, the said Corporation shall not therefore and for that cause be deemed to be dissolved, but 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 by-laws and ordinances of the said Corporation.

Directors may make by-laws; Appoint clerks, and their salaries.

IX. }  
X. } [Repealed by 6 Will. 4, Chap. 20.]

Majority of Directors to constitute a Board.

General business which the Corporation may transact.

XI. *And be it further enacted by the authority aforesaid,* That the Corporation hereby created shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire, on any houses, stores, shipping, or other buildings whatsoever, and on any goods, chattels, or personal estate whatsoever; it shall also have power and legal authority to make or effect assurances on life or lives, or in any manner dependant on life or

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lives, and to grant annuities for such time or times, and for such premium or consideration, and under such modifications and restrictions as may be bargained or agreed upon, or set forth by and between the said Corporation and the person or persons agreeing with them for such assurance.

## XII. [Repealed by 6 Wm. IV. Chap. 20.]

XIII. *And be it further enacted by the authority aforesaid,* That there shall be holden a weekly Board of Directors, on a day to be appointed by the Board of Directors; and also an annual Court of proprietors, to be holden on the first Monday in the month of August, at the house of business of the Corporation, in York; and before the proprietors so assembled, the Board of Directors shall exhibit a full and most unreserved statement of the affairs of the Corporation; of the funds, property and securities, shewing the amount in real estate, bonds and mortgages; in notes, and the securities thereof; in public debt or other stock; and the amount of debt due to and from the said Company; which said statement shall be certified by the Managing Director and three other Directors, and under the hand and seal of each; and after such exhibition statement, *it shall require the sense of three-fourths of the Directors then and there assembled, to declare a dividend on the Joint Stock of the Corporation.*

Managing Director and three others may grant policies; But not to draw bills or incur other responsibilities.

Board to be held weekly;

[See 6 Wm 4, chap. 20, sec. 6.]

XIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any Director or Officer of this Corporation to hold office in any other Assurance Company or Assurance Institution.

No Director or officer to hold office in any other Assurance Company

XV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons, His Majesty's subjects or foreigners, to subscribe for such and so many shares as he, she or they may think fit, not however exceeding in the first instance eighty; and ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors appointed by virtue of this Act, as soon as they may deem expedient; *and the remainder shall be payable in such instalments as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: Provided always,* that no instalment shall exceed ten per centum upon the capital stock, nor be called for, nor become payable in less than sixty days after public notice shall have been given in at least two newspapers at the Seat of Government; if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, together with the amount previously paid thereon; and the said share or shares, so forfeited, it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the

Not more than 50 shares may be subscribed in the first instance by any one person;

Shares payable by instalments;

[See 6 Wm 4, chap. 20, sec. 6.]

No instalment to exceed ten per cent;

Shares forfeited upon non-payment of instalments.

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amount previously paid thereon, shall be accounted for and divided in like manner as the other moneys of this Corporation.

*XVI. Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of shares shall not be subscribed for within two months after the said books of subscription shall be opened, then and in such case it shall be lawful for any former subscriber or subscribers to increase his, her or their subscriptions: *And provided further,* that if the total amount of subscriptions, within the period aforesaid, shall exceed the capital stock limited by this Act to one hundred thousand pounds, then and in such case the shares of each subscriber or subscribers above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of shares be brought down to the limits above said: *And provided nevertheless,* that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase after the said Corporation shall have commenced its operations.

If shares not taken up in two months, subscriptions may be increased

Stock how to be transferred.

*XVII. [Repealed by 6 Wm. 4, Chap. 20.]*

Corporation may hold and for its own use only.

*XVIII. And be it further enacted by the authority aforesaid,* That the lands, tenements and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bonâ fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And further,* the said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandize, or commodities whatsoever, or in any banking operations, or in the purchase and sale of any funded debt, created under the law of this Province; but it shall nevertheless be lawful for the said Corporation to purchase and hold any such stock or funded debt, created or to be created, for the purpose of investing therein any part of their capital stock, funds or money, and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies or a due regard to the interests of the said Corporation shall require; and also to make loan of the capital stock, proceeds or moneys, on bonds and mortgages, and the same to call in and re-loan as occasion may render expedient: *And provided further,* that the said Corporation shall be bound to sell or dispose of any real estate that may be purchased by virtue of this Act, except such as may be necessary, as aforesaid, for their accommodation in the transaction of their business, within seven years after acquiring the same, and shall not be capable of holding the same after the expiration of the said seven years, but the same shall,

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immediately after the expiration of the said seven years, be forfeited to and vested in the King's most Excellent Majesty.

XIX. *And be it further enacted by the authority aforesaid, That no* transferred share shall entitle the person to whom it is transferred to a vote until the expiration of ninety days after such transfer. No transfer to entitle person to vote under ninety days.

XX. *And be it further enacted by the authority aforesaid, That no* transfer of any policy of assurance, or of any share of the said Corporation, shall be valid until entered in the books of the said Corporation, and certified to by the Managing Director. Policies not valid until entered in the books of the Company.

XXI. *And be it further enacted by the authority aforesaid, That in* respect to all debts contracted by the said Corporation before the third day of November, which will be in the year of our Lord one thousand eight hundred and eighty-two, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual or private capacity to the extent of their respective shares, and no further, in any suit or action brought or to be brought after the dissolution of the said Corporation. Debts contracted before 1882, how recovered.

XXII. *And be it further enacted by the authority aforesaid, That it* shall not be lawful for the said Corporation to commence insuring until the amount of ten per cent upon the capital be paid into the hands of the Treasurer of the said Institution. Company not to commence business until 10 per cent on the capital be paid in.

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

XXIV. *And be it further enacted by the authority aforesaid, That it* shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter, or amend this Act. Legislature may repeal, alter, or amend this Act.

XXV. *And be it further enacted by the authority aforesaid, That it* shall be the duty of the said Company to make a return, under the oath of the Governor and Trustees of the said Company to the Provincial Parliament once in each year; which return shall contain a full and true account of the funds and property of the said Company, the amount of capital subscribed and paid in, the amount insured during the previous year, the amount of insurance charged upon the several kinds of property, or on lives insured, and the amount which the Company have paid, or are liable to pay, for losses or otherwise during such year. Return to be made to Parliament.

XXVI. *And be it further enacted by the authority aforesaid, That this* present Act of Incorporation shall in nowise be forfeited for non-user at This Act of incorporation not to be forfeited for non-user before 1835.

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any time before the first day of January, in the year of our Lord one thousand eight hundred and thirty-five.

## 6th Wm. IV. Chap. 20.

*AN ACT to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, intituled, "An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company."*

[Passed 20th April, 1836.]

Preamble;

Recites 3 Wm 4. chap. 17.

4th, 6th, 7th, 9th, 10th,  
12th and 17th clauses,  
repealed.

Present Directors to hold  
their office, until 1st of  
August next.

Annual election of  
Directors to be on 1st of  
August;

Election by ballot.

**W**HEREAS it is expedient to repeal part of and amend an Act passed in the third year of the reign of His present Majesty, intituled, "An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the fourth, sixth, seventh, ninth, tenth, twelfth and seventeenth sections of the said first recited Act, be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the persons now chosen Directors of the said Corporation shall hold their offices until the first Monday in the month of August next, and until the election of their successors in office.

III. *And be it further enacted by the authority aforesaid,* That there shall be annually, on the first Monday in August, an election of Directors; which election shall be by ballot, and shall be held and made by such of the Stockholders as shall attend at the house of business of the said Corporation, in the City of Toronto, in their own proper persons or by proxy, and the seventeen persons who shall have the greatest number of votes at any such election shall be the Directors, except as is hereinafter directed; and if it should happen at any election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than seventeen shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders herein-before autho-

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rised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seventeen; and three of the Directors which shall be chosen in any year 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 fourteen of the Directors 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 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, and who are hereby declared ineligible, as aforesaid; and Stockholders not residing in the Province shall be ineligible; and if any Director shall remove out of, and continue absent from the said Province for the space of six calendar months, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation or removal from the said Province, such vacancy or vacancies shall be filled up for the remainder of the year in which they shall happen by the election of some one or more of the Stockholders by the remaining Directors, who shall be especially summoned to attend at the Board for that purpose: *Provided always*, that no person shall be eligible to be elected, or shall continue a Director, who shall not be a Stockholder to the amount of at least twenty shares.

Three of the Directors  
ineligible for one year  
after expiration of their  
term of office;

Stockholders not resident  
in the Province ineligible;

Director absent six  
months from the Province  
vacates his seat;

Vacancies in the  
Direction supplied.

IV. *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, according to the following ratios, 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; and that Stockholders actually resident within the Province of Upper Canada, and none others, may vote at such election by proxy: *Provided always*, that no person, co-partnership or body politic, shall be entitled to more than fifteen votes at any such election.

Scale of votes in propor-  
tion to shares.

V. *And be it further enacted by the authority aforesaid*, That the stock of the said Company shall be assignable and transferable, and may from time to time be transferred by the respective holders thereof: *Provided always*, that such assignment and transfer shall be entered in a book of the said Company to be kept for that purpose, and shall be signed by the person or persons respectively making and accepting such assignments or transfers, their respective attorneys or agents.

Transfer of stock.

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Directors authorised to make by-laws,

VI. *And be it further enacted by the authority aforesaid,* That any number of the Directors of the said Company, being a majority of the said Directors, shall have full power and authority to make, prescribe and alter, such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the said Corporation, the management and disposition of its stock, property estate and effects; and also to call in any instalment or instalments of the capital stock of such Company, at such time and season, and times and seasons, as they shall think fit, giving due notice thereof according to the fifteenth section of the said Act, intituled, "An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company;" also to declare and cause to be paid or distributed to the respective Stockholders of the said Company any dividend or dividends of profits, at such times and seasons as they shall deem expedient; and also to appoint clerks and such other persons as to them may appear necessary for the carrying on the business of the said Company, with such salary and allowances to each as they shall think meet and advisable; that so much of the thirteenth section of the said last mentioned Act, as requires such dividends to be declared at the annual meeting of the court of proprietors, and as requires the sense of three-fourths of the Directors there assembled to declare such dividend; and also so much of the fifteenth section of the said Act as makes the said capital stock or any part thereof payable in such instalments as a majority of the Stockholders at a meeting expressly called for that purpose should agree upon, be and the same are hereby repealed: *Provided always,* that for the purposes in this section of this present Act mentioned, except as hereinafter specially provided, a majority of the Directors at least shall be present and assisting.

to declare dividends,

and appoint officers;

Parts of 13th and 15th clauses of 3 Wm 4, ch. 18, relating to dividends and stock, repealed;

Majority of Directors to be present.

Seven Directors to constitute a quorum;

Presiding Director to have a casting vote;

Restriction as to the operation of this Act.

VII. *And be it further enacted by the authority aforesaid,* That any seven or more of the Directors of the said Company shall be a quorum of the Board of Directors, for the purpose of transacting and managing the details of business and affairs of the said Company, and all questions before them shall be decided by a majority of voices or votes, each Director to have one vote; and in case of an equality of votes, the Governor, Deputy-Governor, or presiding Director, shall give the casting vote over and above his proper vote as a Director: *Provided always,* that nothing herein-contained shall be construed to authorise the calling in instalments of capital stock, declaring dividends of profits, making, prescribing or altering, any by-laws or ordinances of the said Company, or repealing the same, or the appointment of any officers or clerks of the said Company by any lesser number of Directors, or in any other manner than is mentioned and provided in the next preceding section of this Act.

President of the board;

VIII. *And be it further enacted by the authority aforesaid,* That the Governor, or in his absence the Deputy-Governor, shall preside at the

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said Board of Directors; and in case they shall both be absent, it shall and may be lawful for the Directors present to elect from amongst themselves a Chairman, and the Chairman so elected shall preside at such meeting.

In President's absence a Chairman to be elected.

IX. *And be it further enacted by the authority aforesaid,* That the Governor or Deputy-Governor, with any two of the Trustees of the said Company and the Managing Director, shall have power to make, grant and enter into all and any assurances, in the name and on behalf of the said Company: *Provided always,* that the same shall not be contrary to any by-laws, rules, regulations or rates of premium, ordered and appointed by any Board of Directors; and that all and any policy of assurance, grant of annuity, or other contract of assurance, shall be under the seal of the said Company, and signed by the Governor or Deputy Governor, together with the Managing Director, and any two of the Trustees of the said Company.

The Governor and two Trustees may grant assurances;

The same not to be contrary to by-laws;

Policies to be under the seal of the Company, and signed by the Governor, Managing Director, and two Trustees.

X. *And be it further enacted by the authority aforesaid,* That all contracts, checks, drafts, acceptances, and other writings, intended to be in any wise binding on the said Company, and not under seal, shall be signed by the Managing Director, and certified by the Governor or Deputy Governor of the said Company, as being in pursuance of the order or resolution of the Board of Directors: *Provided always,* that the Managing Director shall have full power and authority to demand and receive any sum or sums of money which shall be due and payable to the said Company, and to grant receipts or other acquittances for the same.

Contracts, acceptances, &c. not under seal, to be signed by the Managing Director and certified by the Governor;

Managing Director to have full power to demand and receive sums due to the Company.

XI. *And be it further enacted by the authority aforesaid,* That in case the said Board of Directors shall think it more expedient in any case or cases to enforce the payment of any instalment or instalments of stock in the said Company, held by any person or persons, and called in and unpaid, than to forfeit the same, it shall and may be lawful for the said Company to sue for and recover of and from such person or persons such instalment or instalments aforesaid which shall be so called in, and which shall be unpaid at the time or times when the same are or shall be due or payable, which said instalment or instalments shall be sued for and recovered in any action or actions of debt in any Court having jurisdiction of the same.

Board of Directors may sue for instalments of stock due.

XII. *And be it further enacted by the authority aforesaid,* That after any instalment or instalments of the said stock shall be so called in, that no transfer or transfers of such stock shall have any validity until such instalment or instalments on the same shall have been fully paid and discharged; any thing herein-before contained to the contrary notwithstanding.

After instalments called in, no transfer valid until such instalment paid.



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Liabilities of Stock-holders.

XIII. *And be it further enacted by the authority aforesaid,* That the Stockholders of the said Corporation shall be liable and responsible for the debts and liabilities thereof in their individual and private capacity, to the amount of their respective shares, and no more.

Managing Director may be Treasurer;

Security to be given by Treasurer.

XIV. *And be it further enacted by the authority aforesaid,* That the Managing Director of the said Company shall and may also be Treasurer thereof; and that as soon as conveniently may be after the passing of this Act, the said Managing Director shall give a bond, with two or more sufficient sureties, in any penal sum not less than two thousand pounds, which may be satisfactory to the Board of Directors; which said bond shall be conditioned for the due and faithful discharge of the duties of Treasurer and Managing Director, as aforesaid.

Subscribers having paid one or more instalments are at liberty to withdraw from the Company,

within three months;

Company to refund moneys to parties retiring.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, who, having subscribed for any number of shares in the capital stock of the said Company, may have paid in one or more instalments upon said stock, to withdraw his, her or their name or names from the said Company, within three months from the passing of this Act; and upon notice in writing within the time aforesaid, to be given to the Managing Director of such intention to withdraw from the said Company, the said Company shall and they are hereby required to refund to such person or persons all such moneys as shall have been paid by such person or persons as stock, or proportion of stock, in the said Company.

Alteration of this Act.

XVI. *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 to repeal, alter or amend, any part of this Act.

Company not to have power of Banking.

XVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to vest in the said Company any banking powers whatever, any law, usage or custom, to the contrary notwithstanding.

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### 3rd Wm. IV. Chap. 19.

*AN ACT to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company.*

[Passed 13th February, 1833.]

Preamble.

**WHEREAS** Charles C. Clark, Ebenezer Perry, Benjamin Throop, J. G. Bethune, Rufus Holden, John C. Boswell, George Ham, John D. Smith, William Burnham and divers others, have petitioned the Legis-

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lature praying that an association, under the style and title of "the Saint Lawrence Inland Marine Assurance Company," may be incorporated, the better to enable such institution to conduct and extend the business of Inland Navigation Assurance within His Majesty's dominions in North America: *And whereas*, it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all such persons as now are, or hereafter shall be Stockholders of the said Company, shall be hereby ordained, constituted and declared to be from time to time, and until the first day of January, one thousand eight hundred and sixty, a body corporate and politic, in law, in fact and in name, by the style and title of "the Saint Lawrence Inland Marine Assurance Company;" and by that name, style and title, they and their successors, until the said first day of January, one thousand eight hundred and sixty, shall and may have continued succession; and shall be capable in law of suing or being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which the said Corporation is hereby created; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by and under the name, style and title, of the Saint Lawrence Inland Marine Assurance Company, shall be capable in law of purchasing, holding and conveying, any estate, real and personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

The St. Lawrence Inland  
Marine Assurance Com-  
pany incorporated.

II. *And be it further enacted by the authority aforesaid*, That the said Corporation is hereby created for the purpose, and shall have power and authority to make contracts of assurance with any person or persons, body politic or corporate, against losses or damage of or to vessels, boats or other craft, navigating upon the Lakes or Rivers of this Province, or elsewhere, upon the waters of the Saint Lawrence, or of the Lakes Superior, Huron, Erie or Ontario, or upon any of the waters or Rivers connected with said Lakes, or any of them; and against any loss or damage of or to the cargoes or property conveyed in or upon any such vessels, boats or other craft, or to timber or other property of every

Power and objects of the  
Company;

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Policies to be subscribed  
by the President.

description conveyed in any manner upon the said waters, and generally to do all matters and things relating to the said objects; and all policies shall be subscribed by the President, or in his absence by a Vice President, if any be appointed, or by a President *pro tempore*, and countersigned by the Secretary, and shall be binding and obligatory upon the said Corporation, though not subscribed in the presence of a board of Trustees, if done in conformity to a by-law of the Directors which may be made and ordained for that purpose.

Capital stock of £100,000,

Shares £12 10s. each;

Shares how subscribed,  
and instalments how  
called in;Shares forfeited on non-  
payment of instalments,  
and to be sold by Direc-  
tors.

III. *And be it further enacted by the authority aforesaid,* That the capital of the said Corporation shall be one hundred thousand pounds; that each share in the said Corporation shall be twelve pounds ten shillings, and that no person be allowed to hold more than fifty shares of the said stock in the first instance, and that the shares respectively subscribed shall be paid in the following manner, that is to say: ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors hereafter to be appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be paid in such instalments as the Directors for the time being may in like manner deem expedient: *Provided,* no instalment shall exceed ten per centum upon the capital stock, or be called for or become payable in less than thirty days after public notice shall have been given in one or more of the several newspapers published in every District where such stock may be held, to that effect; and if any Stockholder or Stockholders shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required by law so to do, they shall forfeit their shares, with the amount previously paid thereon, and 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 divided in like manner as other moneys of the Company.

Real estate, for what  
purposes may be held  
by the Corporation.

IV. *And be it further enacted by the authority aforesaid,* That the real estate which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been or may be bonâ fide mortgaged to the said Company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, and with regard to all such real estates, so to be held by the said Corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage and whereof the actual possession shall remain in the mortgagors, their heirs or assigns, the said Corporation shall be bound to sell and dispose of the same respectively, within seven years after it acquires the same, and shall not be capable of holding the same after the expiration of the said seven years, but the same shall immedi-

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ately, at the expiration of the said seven years, be forfeited to and vested in His Majesty, His Heirs and Successors.

V. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying any stock of any joint stock company, or stock created by any Act of the Legislature of this Province, unless in buying the same in order to invest its capital stock, or any part or parts thereof, by way of securing the said capital stock, or in selling the same for the payment of its debts, or to re-invest in other stock, or when truly pledged to it by way of security for debts due to the said Corporation; nor shall the said Corporation engage in or carry on any banking operation whatever; and further, it shall not be lawful for the said Corporation to issue or emit any notes or bills, or make any contracts for the payment of money, except the same be under the seal of the said Corporation; and all such notes, bills and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.

Corporation not to trade in merchandize, or traffic in stocks;

Or carry on any banking business.

VI. *And be it further enacted by the authority aforesaid,* That in respect to all debts which shall be contracted by the said Corporation, or obligations incurred before the said first day of January, one thousand eight hundred and sixty, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said Corporation.

Upon the dissolution of the Corporation, Stockholders to be responsible to the amount of their shares.

VII. *And be it further enacted by the authority aforesaid,* That the stock of the said Corporation shall be assigned and transferable, according to such rules as the President and Directors shall make and establish; and no Stockholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt be paid, or secured to be paid to the satisfaction of the President and Directors.

Stock transferable;

Stockholder indebted to the Company not at liberty to transfer his stock.

VIII. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs of the said Corporation, there shall be chosen annually, by ballot, eleven Directors, who shall be Stockholders at the time of their election, and during their continuance in office, to the amount of twenty shares, and be subjects of His Majesty; and so soon as twenty-five thousand pounds shall have been subscribed, it shall be lawful for the Shareholders or subscribers to proceed to the election of eleven Directors, qualified as aforesaid, at such time and place as the majority of such subscribers shall appoint, giving thirty days notice thereof in six or more of the public newspapers of the Province; which Directors shall

Eleven Directors to be elected annually.

Qualification of Directors.

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A President, Vice-President, Secretary and two Trustees, to be chosen by the Directors from among themselves.

serve until the first Monday in May, one thousand eight hundred and thirty-four, and shall after their election choose from among their number five persons, viz. a President, Vice President, Secretary, and two Trustees, who shall be considered Directors to all intents and purposes whatsoever.

Affairs to be managed by Directors.

IX. *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 the said eleven Directors.

Time and manner of holding the annual election of Directors.

X. *And be it further enacted by the authority aforesaid,* That the election of the Directors of the said Corporation shall take place on the first Monday in May in each and every year, at their house of business in Prescott, at the hour of two o'clock, post meridian, and Stockholders may vote in person or by proxy; and such Stockholders shall be entitled to a number of votes, proportioned to the number of shares which he, she or they shall have held in his, her or their name, at least three months prior to the time of voting, according to the following ratios, that is to say; at the rate of one vote for each share not 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; and in case of the death or refusal or inability, of any officer chosen to serve, then the remaining officers shall have full power to conduct and manage the affairs of the said Corporation, until the expiration of the year for which they were elected to serve.

Corporation not dissolved by reason of the non-election of Directors.

XI. *And be it further enacted by the authority aforesaid,* That if at any time it should happen that an election of Directors should not be made on the first Monday in May, the said Corporation shall not for that cause be deemed to be dissolved; and it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as may be directed and required by the by-laws of this Corporation.

Directors to make by-laws;

XII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the majority of them, shall have power to make, prescribe and alter, such by-laws, rules and regulations, as shall to them appear proper and needful, touching the well ordering of the said Corporation; the management and disposition of its stock, property, estate and effects; to appoint agents, clerks and such other persons as the business of the Corporation may require; to regulate the salaries and allowances of said agents, clerks and other persons, provided such by-laws are not contrary to the true intent and meaning of this charter, and the powers hereby granted.

Appoint clerks and servants, and fix their salaries.

Directors to meet once a week.

XIII. *And be it further enacted by the authority aforesaid,* That the said Directors shall meet together at least once a week, at such time and place as may be designated in the by-laws, to be called a weekly board, for the purpose of transacting the business of the Corporation.

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XIV. *And be it further enacted by the authority aforesaid,* That no transferred share shall entitle the holder thereof to a vote, until the expiration of ninety days after such transfer, and that no Director or officer in the said Corporation shall hold any office in any other Assurance institution. Shares to be held ninety days to entitle holder to vote.

XV. *And be it further enacted by the authority aforesaid,* That the Directors shall from time to time make such dividends of their profits as in their discretion they may deem expedient and consistent with the outstanding risks of claims for losses. Directors to make dividends.

XVI. *And be it further enacted by the authority aforesaid,* That during the hours of business, every Stockholder of said Corporation shall have power to ask and receive from the President or Secretary the names of all the Stockholders of the said Corporation. Stockholders entitled to the names of all Stockholders.

XVII. *And be it further enacted by the authority aforesaid,* That the Stockholders of the said Corporation shall be liable and responsible, in their individual and private capacity, to the amount of their respective shares, and no more. Stockholders liable in their individual capacity to the amount of their shares.

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

XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Company to make a return, under the oath of the President and Secretary of the said Company, to the Provincial Parliament once a year; which return shall contain a full and true account of the funds and property of the said Company; the amount of capital subscribed and paid in; the amount of property insured during the previous year; the amount of insurance charged upon the several kinds of property insured, and the amount which the Company have paid or are liable to pay for losses during such year; a copy of which return shall be laid before the Stockholders at their next meeting. Return to be made to Parliament once a year.

XX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for this Company to commence insuring, until the amount of ten per cent. upon the capital be paid into the hands of the Treasurer of said institution. Business not to be commenced until 10 per cent paid in.

XXI. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened, at the same time, in the Towns of Kingston, Niagara, York, Brockville, Perth, Sandwich, London, Cobourg, Cornwall, and Hamilton in the Gore District, by such person or persons Subscription books where to be opened.

## LIGHT HOUSES.

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as a majority of the petitioners shall direct: *Provided always*, that such books shall not be opened at an earlier period than ten days, nor at a later period than three months after the passing of this Act.

When subscriptions may be increased.

XXII. *Provided also, 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 said books of subscription shall be opened, then and in such case it shall and may be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions: *And provided further*, that if the total amount of subscriptions within the period aforesaid shall exceed the capital stock limited by this Act, then and in such case the shares of each subscriber or subscribers above ten shares, shall, as nearly as may be, be proportionably reduced until the total number of shares be brought down to the limits above-mentioned: *And provided nevertheless*, that the said limitation in respect to persons subscribing to the said capital stock shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase, after the said Company shall have commenced its operations.

Act not forfeited for non-user before 1835.

XXIII. *And be it further enacted by the authority aforesaid*, That the present Act shall in nowise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and thirty-five.

This Act may be altered by the Legislature.

XXIV. *And be it further enacted by the authority aforesaid*, That the Legislature of this Province may at any time hereafter make such additions to this Act, or such alteration in any of its provisions as they may think proper, should the public interest require it.

### 3rd Wm. IV. Chap. 36.

*AN ACT to defray the expenses of keeping a Light at the Burlington Canal, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS it is necessary to provide a sum of money for the purpose of keeping a light or lights on the pier or piers at the entrance of the Burlington Bay Canal, at the head of the Lake Ontario, and to pay the salary of a person to keep the said light, and to attend the bridge erected across the entrance of the said Canal: *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-

## LIGHT HOUSES.

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stituted 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 now raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver-General, and unappropriated, there be granted annually to His Majesty the sum of one hundred pounds; which sum of one hundred pounds shall be placed at the disposal of the Commissioners of the said Canal, for the purpose aforesaid, and to be expended as hereinafter directed.

£100 granted annually to His Majesty to be placed at the disposal of the Commissioners of the Burlington Canal.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said Canal to appoint a fit and discreet person to keep the said Light and attend the said bridge, as herein-before mentioned, whose duty it shall be to keep and superintend such light or lights as the said Commissioners may deem expedient for the safety of vessels entering or intending to enter the said Canal: *Provided,* that the expense of keeping and maintaining the said light or lights shall not in any one year exceed the sum of one hundred pounds.

Commissioners to appoint a Light-house and Bridge Keeper;

[See Statutes of Canada, 4 & 5 Vic. ch. 28, sec. 2.]

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said Canal to make such rules and regulations for the keeping and maintaining the said light, and for keeping open the said bridge, as they may deem most expedient for vessels entering the said Harbour.

Commissioners to make regulations respecting the light and opening of the bridge.

IV. *And be it further enacted by the authority aforesaid,* That the Receiver-General of this Province shall pay the said sum of one hundred pounds annually to the Commissioners of the said Canal, for the time being, 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 account for the same to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty may be graciously pleased to direct.

Moneys how paid and accounted for.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said Canal shall transmit annually to His Excellency the Lieutenant-Governor, or Person Administering the Government, a statement of the expenditure of the said sum of one hundred pounds, to be laid before the Legislature.

Annual account of the expenditure to be laid before the Legislature



LIGHT HOUSES.

FALSE DUCKS.

## 5th Wm. IV. Chap. 37.

*AN ACT to increase the salary of the Keeper of the False Ducks Light House.*

[Passed 16th April, 1835.]

MOST GRACIOUS SOVEREIGN :

Preamble;

[See 2 Vic. Chap. 59.]

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

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

How to be paid;

And accounted for.

**W**HEREAS the salary of the Light House Keeper on the False Ducks Island is insufficient to repay his services in that capacity: *And whereas*, it is expedient to remunerate him for such services for the two past years, and also to make a provision for the next three years, in addition to his salary, as by law allowed; may it therefore please Your Majesty that it may be enacted: *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, to be paid to the said Light House keeper, the sum of seventy-five pounds, for the two past years, exclusive of such sum or sums of money as he may have received for salary, as allowed by law; and that the further sum of thirty-seven pounds ten shillings per annum, in addition to such salary, be allowed the said Light House Keeper for the three years next ensuing.

**II.** *And be it further enacted by the authority aforesaid*, That the said several sums of seventy-five pounds, and thirty-seven pounds ten shillings, as aforesaid, shall be paid by the Receiver General of this Province, for the time being, out of the rates and duties now levied and collected, or hereafter to be levied and collected, and unappropriated, in discharge of such warrant or warrants as shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

LIGHT HOUSES.

FALSE DUCKS ; AND GULL ISLAND.

## 2nd Vic. Chap. 59.

*AN ACT to continue and make perpetual an Act, intituled, "An Act to increase the salary of the Keeper of the False Ducks Light House."*

[Passed 11th May, 1839.]

**W**HEREAS it is expedient to continue and make perpetual a certain Act of the Parliament of this Province, passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to increase the salary of the Keeper of the False Ducks Light House;" which said Act was continued by a certain other Act of the Parliament of this Province, passed in the first year of Her Majesty's reign, intituled, "An Act to continue the expiring Laws;" *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said first mentioned Act be and the same is hereby continued and made perpetual; any thing in the said Acts to the contrary thereof in any wise notwithstanding.

Preamble.

5 Wm. 4, ch. 37, made perpetual.

## 6th Wm. IV. Chap. 43.

*AN ACT to amend an Act passed in the first Session of the present Parliament, intituled, "An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select."*

(The Royal Assent given by Message to the Legislature, 28th November, 1836.)

**W**HEREAS by an Act passed during the last Session of the Provincial Parliament, intituled, "An Act granting a sum of money for the erection of a Light House upon Gull Island, or such other place as the Commissioners may select," it was provided, that John David Smith, William Kingsmill and Ebenezer Perry, Esquires, should be Commissioners for the purposes therein mentioned: *And whereas* it is desirable and expedient that the said John David Smith, William Kingsmill and Ebenezer Perry, be relieved from the duties imposed upon them by the said Act:

Preamble.

## LUNATICS.

P. VANALSTINE.

*Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, 'That the second and fourth clauses of the said above mentioned Act, intituled, "An Act granting a sum of money for the erection of a Light House upon Gull Island, or such other place as the Commissioners may select," be and the same are hereby repealed.

New Com'rs. named.  
Actions instituted by former Commissioners to be stayed, &c; and may be continued by new Com'rs. or new actions instituted after 1st Sept. &c: Former Com'rs. not liable to costs, &c.  
New Commissioners to obtain money remaining in hands of former Com'rs. Account to be rendered by Com'rs. and reports to be made what tonnage, &c. should be exacted, &c.

II.

III.

IV.

V.

[Repealed by 7 Wm. 4, Chap. 88.]

## 10th Geo. IV. Chap. 19.

*AN ACT to provide for a Commission of Lunacy and Idiocy, in the case of Peter Vanalstine.*

[Passed 20th March, 1829.]

Preamble:

**W**HEREAS it hath been represented that Ursula M'Wharter, (formerly Ursula Vanalstine, and lately widow of the late Alexander Vanalstine, deceased,) Allan Vanalstine, Maria Vanalstine, and Peter Vanalstine, the three children of the late Alexander Vanalstine, mentioned in his last will and testament, are, by virtue of the said last will and testament of the said Alexander Vanalstine, jointly seized of certain lands and tenements in this Province, particularly in the Township of Marysburgh, in the Midland District; and that for the benefit of the said parties, it is desirable and necessary to sell the same, and that a fair and advantageous offer has been made for a certain parcel or tract thereof, containing the mills commonly called the Stone Mills, in the Township aforesaid: *Also* that the aforesaid Peter Vanalstine has been, from his infancy, so deficient in understanding as to be wholly incapable of transacting business for himself, and cannot therefore execute a valid conveyance of his undivided share and interest in the premises aforesaid, although it would be for his

## LUNATICS.

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benefit and advantage that the same should be sold and alienated, and the moneys arising therefrom secured for his use: *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 intituled, reign, 'An Act for making more effectual provision for the Government of the Province of 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 Judge or Judges of the District Court of the Midland District, or any District Court to be holden within the said District, to impanel twelve jurors of the jury summoned to attend such District Court, to inquire whether the said Peter Vanalstine be idiot or lunatic, and their verdict in the premises then and there to minute and record on the proceedings of such Court, and the same to certify to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, under the hand and seal, or hands and seals of such Judge or Judges, countersigned by the Clerk of the said Court.

Judge of the District Court for the Midland District to inquire by a jury whether Peter Vanalstine be an idiot or lunatic;

Proceedings to be certified to the Lieutenant Governor.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for such Judge or Judges as aforesaid, to swear each of the jurors aforesaid, to be impanelled as aforesaid, well and truly to inquire whether the said Peter Vanalstine be idiot or lunatic, and if so, from what period of his life, and a true verdict to give according to the evidence; and also, to swear and examine upon oath, before such jury, all witnesses produced before the said Court, which oaths the said Court is hereby authorised to administer; and that it shall and may be lawful for the said Court and jury to require the presence, and inspect the person of the said Peter Vanalstine, should they desire so to do.

Jury and witnesses to be sworn;

The attendance of Peter Vanalstine may be required.

III. *And be it further enacted by the authority aforesaid*, That if any person or persons shall at any time forswear him, her or themselves, before the said Court, upon the prosecution of the inquiry by this Act authorised to be made as aforesaid, he, she or they, shall incur and be liable to the same penalties as would have been incurred upon conviction for wilful and corrupt perjury in any evidence given in His Majesty's Court of King's Bench in this Province, in any case therein depending.

Punishment of false swearing.

IV. *And be it further enacted by the authority aforesaid*, That if upon such inquiry, so to be made as aforesaid, the said Peter Vanalstine shall be found an idiot or lunatic, 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, by an instrument or

If found to be an idiot or lunatic, a Committee may be appointed;

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Powers and duties of  
Committee;

May sell or lease lands;

Transfer personal estate.

Their receipts shall  
discharge purchasers.How the Committee shall  
dispose of any funds  
coming into their hands.How the interest of any  
such funds shall be  
applied;Disposition of moneys  
remaining at the death of  
Peter Vanalstine in the  
hands of the Committee.

instruments, under his hand or seal of office, to appoint a Committee of two or more persons to take charge of the person, lands, tenements, hereditaments, goods, chattels and effects whatsoever, of the said Peter Vanalstine; and for such Committee to bargain for the leasing or absolute sale of any of the lands, hereditaments, goods or chattels, of the said Peter Vanalstine; and to execute all and every leases, deeds and conveyances necessary to lease, or absolutely in fee simple to convey all or any of the lands, tenements, hereditaments or estates, of the said Peter Vanalstine, or to transfer any of his goods, chattels or personal effects; and that every such lease or leases, and deed or deeds of conveyance in fee simple, of the premises aforesaid, or any part thereof, shall be good and valid in law to all intents and purposes, as if actually executed by the said Peter Vanalstine in sound mind, memory and understanding.

V. *And be it further enacted by the authority aforesaid,* That the said Committee, for the time being, shall and may sell all and every the lands and estates of the said Peter Vanalstine, at such price or prices as they shall deem just; and that upon payment thereof to the said Committee, for the time being, the purchaser or purchasers thereof shall be exonerated and forever discharged therefrom, and not be held or bound to answer for the application thereof.

VI. *And be it further enacted by the authority aforesaid,* That the said Committee shall forthwith, upon receipt of any moneys arising from the sale of any of the lands, tenements, goods or effects, of the said Peter Vanalstine, after deducting and retaining thereout all costs and charges necessarily and bonâ fide incurred in the selling, leasing or otherwise disposing thereof, or any part thereof, invest the same in stock in the Bank of Upper Canada, or other approved institution of a like kind, or loan the same upon approved real securities in this Province, or otherwise dispose of the same as shall be directed or required by the Governor, Lieutenant-Governor, or Person Administering the Government of the Province, by any instrument or instruments under his hand, addressed to the said Committee, for the time being.

VII. *And be it further enacted by the authority aforesaid,* That the interest on, or the profits accruing from any moneys to be vested or lent, as aforesaid, shall by the said Committee be received, and who, after deducting and retaining thereout all such charges and expenses as shall be necessarily and bonâ fide incurred in the collection and receipt thereof; shall apply the residue to the maintenance, comfort, support and use, of the said Peter Vanalstine, so long as he shall live; and that all and every of the said moneys undisposed of at the death of the said Peter Vanalstine shall be distributed according to law amongst the legal representatives of the said Peter Vanalstine.

## LUNATICS.

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VIII. *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 superintend, and from time to time change any such Committee, or to remove any member or members thereof, and appoint others in their place and stead.

Committee may be changed and vacancies supplied.

IX. *And be it further enacted by the authority aforesaid, That any such* Committee shall enjoy all the powers and authorities, and be liable to the same responsibilities under this Act that Committees of idiots or lunatics in England enjoy or are liable to; and that it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to exercise, in regard to the said Peter Vanalstine, if found an idiot or lunatic, and as respects the said Committee or Committees, or as respects the estate, real or personal, of the said Peter Vanalstine, the Royal prerogative, in the and on the behalf of His Majesty, His Heirs and Successors, according to the laws of England, as amply and as fully as shall be practicable by this Act, the laws of the Province, and the nature of the case.

Powers and responsibility of the Committee;

May be controlled by the Lieutenant Governor in the exercise of the Royal Prerogative.

X. *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 Courts, Judges, Justices of the Peace and other persons, without being specially pleaded or shewn.

A public Act.

### 3rd Vic. Chap. 30.

*AN ACT to provide for the management of the Estate of William Handley, Esquire.*

[Passed 10th February, 1840.]

**W**HEREAS it appears by the petition of Helen Handley, wife of William Handley, of the Township of Hamilton, in the District of Newcastle, Esquire, and by the testimony of a respectable medical gentleman who has attended the said William Handley for some months past, that the said William Handley is a lunatic: *And whereas* the said Helen Handley is desirous to use every means to restore, if possible, her husband's health, and for that purpose considers it necessary to remove him to some institution for the management of insane persons: *And whereas* no such institution is established in this Province, in consequence whereof it is necessary he should be taken out of the same: *And whereas* the said William Handley is possessed of considerable real and personal estate in

Preamble;

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this Province, part of which it may be requisite to dispose of to provide for his removal and maintenance: *And whereas* no power exists in this Province to authorise the removal of a lunatic out of its limits, and the disposal of his estate: *And whereas* it seems desirable to make provision in this respect: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Court of Chancery in this Province, to issue a Commission of Lunacy, directed to such persons as the Vice-Chancellor shall appoint, to inquire whether the said William Handley is a lunatic; and if upon such inquiry he shall be found to be a lunatic, it shall and may be lawful for the Trustees hereinafter named to take possession of all the estate, real and personal, of the said William Handley, and to manage the same.

Vice Chancellor may issue a commission of lunacy, to inquire if William Handley is a lunatic;

If so found, Trustees may take possession of his estate.

Trustees appointed to sell and manage the estate;

Estate not to be sold without sanction of Vice Chancellor;

Trustees to account.

Trustees to invest proceeds, and not to expend more than annual income.

Trustees may suffer William Handley to be removed out of the Province;

II. *And be it further enacted by the authority aforesaid*, That Thomas Edward Tildesly, Robert Henry, and George Strange Boulton, shall be Trustees of the estate of the said William Handley; and they, or any two of them, shall have full power and authority to manage, lease, sell or dispose of any part of such real estate, and to receive and collect moneys due to the said William Handley, and to give receipts or other acquittances for the same: *Provided always nevertheless*, that no part of the real estate shall be sold unless the said Trustees shall, by petition to the Vice-Chancellor, obtain the sanction of the Court of Chancery in this Province to do so: *Provided also*, that the said Trustees shall from time to time, whenever required to do so by the Vice-Chancellor, render an account into the Court of Chancery of this Province of all moneys received as well as of those expended.

III. *And be it further enacted by the authority aforesaid*, That the said Trustees shall be required to invest the money to arise from the sale of any part of the said estate, and not to expend any greater sum in the maintenance and support of the said William Handley and his family, and the necessary expenses attending the same, than the annual income of such estate.

IV. *And be it further enacted by the authority aforesaid*, That the said Trustees may permit and suffer the said William Handley to be taken out of this Province, and to place him in any institution for the reception of lunatics as they may deem necessary: *Provided always*, that should

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the said William Handley recover his health, and become capable of again managing his own affairs, it shall and may be lawful for the Vice-Chancellor to make an order that the power and authority of the said Trustees shall cease, and upon such order being served on the said Trustees, or any two of them, they shall cease to act as such Trustees until otherwise ordered by the Vice-Chancellor.

If he recover, Vice Chancellor may order authority of Trustees to cease.

V. *And be it further enacted by the authority aforesaid*, That in case any of the said Trustees shall die or refuse to act, it shall and may be lawful for the Vice-Chancellor to appoint another in his or her stead, who shall possess the like power and authority of any former Trustee so dying or refusing to act.

In case of vacancy, Vice Chancellor may appoint other Trustees.

### 3rd Wm. IV. Chap. 37.

*AN ACT to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned.*

[Passed 13th February, 1833.]

**WHEREAS** the inhabitants of the Town of York, and of the Home District generally, will be much benefitted by the improvement of the three public high roads approaching the said Town of York, commonly called Dundas Street, Yonge Street, and the Kingston Road, by which more easy and safe access may be had to the said Town, and the trade thereof increased: *And whereas* it is expedient to raise a sum of money by way of loan to macadamize or otherwise improve the said roads, the annual interest whereof to be paid by certain tolls levied on the said roads, and also to establish a fund for the liquidation and redemption of the said loan: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver-General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls to be levied and collected on the roads hereby authorised to be improved,

Preamble;

[See 6 Wm. 4, chap 30;  
7 Wm. 4, chap. 76;  
2 Vic. chap. 27;  
3 Vic. chap. 53;  
Statutes of Canada,  
4 & 5 Vic. chaps. 28 & 63.]

£10,000 may be raised by loan on the credit of the tolls;

[See 6 Wm. 4, chap. 30, sec. 29.]



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and not paid or chargeable against the general-revenues of the Province, any sum or sums of money, not exceeding ten thousand pounds, to make, complete and macadamize, or otherwise improve the said roads.

II. Receiver-General to issue Debentures for any sums loaned.

III. Money raised to be paid to the Trustees.

IV. Interest when and how made payable.

V. Penalty for forging or counterfeiting debentures.

Interest on loans when  
to conse.

VI. *And be it further enacted by the authority aforesaid,* That at any time after the said debentures or loan, or any part thereof respectively, become due according to the terms thereof, it shall and may be lawful for the Receiver-General 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 the said 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.

Account of the debentures  
issued to be laid before  
the Legislature.

VII. *And be it further enacted by the authority aforesaid,* That the Receiver-General of this Province, for the time being, shall 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, made up to the thirty-first December, inclusive, 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 of the same; together with the amount of tolls received on the said road, to be laid before the Legislature of this Province.

Trustees to cause surveys  
to be made, to make con-  
tracts, and to require  
security for their due  
performance.  
Trustees appointed;  
Their general duty.

VIII.

Trustees to make an  
annual report, to be laid  
before the Legislature.

IX.

Tolls may be commuted.

X.

XI.

Penalty for deviating  
from the turnpike road  
to avoid tolls.

XII.

[Repealed by 3 Victoria, Chap. 53.]

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XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to expend the sum of four thousand pounds on Yonge Street, commencing at the northern limit of the Town of York; on the Western Road called Dundas Street the sum of one thousand five hundred pounds; and commencing at the eastern limit of the said Town, to expend two thousand pounds on the Eastern Road leading to Kingston.

£4,000 may be expended on Yonge Street;

£1,500 to the west of York, and £2,000 to the east.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Trustees, after having expended the said sums of money herein-before provided, to apply so much of the remaining sum of two thousand five hundred pounds, or so much thereof as may not be applied in paying the interest on the said loan for one year, in such manner as a majority of them may deem expedient: *Provided always,* that such sum or sums of money be applied in the improving of all or any of the said roads, and be drawn from the funds remaining in the Receiver-General's hands so raised by such loan, as aforesaid.

Residue of the loan how to be expended.

XV.

XVI.

XVII.

XVIII.

XIX.

[Repealed by 3 Victoria, Chap. 53.]

Penalty for allowing persons to pass through private property to elude the payment of tolls. No toll on funerals. Such portion of the tolls to be paid by the Trustees to the Receiver General as will pay off the interest for fifteen years, and to apply the residue to the improvement of the roads. Trustees to raise tolls after fifteen years, sufficient to pay the interest of the loan, keep the road in repair and pay off the principal in 30 years. Vacancies among the Trustees to be filled up by the Lieutenant-Governor.

XX. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver-General from issuing any debentures authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to replace the same, or any part thereof, so that the whole sum of ten thousand pounds be liquidated within the period of thirty years.

Debentures may be issued redeemable in less than 30 years.

6th Wm. IV. Chap. 30.

*AN ACT to continue the improvement of certain Roads in the Home District.*

[Passed 20th April, 1836.]

**WHEREAS** the improvement of the public highways approaching the City of Toronto, under the authority of an Act of the Parliament

Preamble.

## MACADAMIZED ROADS.

HOME DISTRICT.

[See 3 Vic. Chap. 53;  
Statutes of Canada,  
4 & 5 Vic. Chap. 63.]

of this Province, passed in the third year of the reign of His present Majesty, intituled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realized the advantages anticipated, and given general satisfaction: *And whereas* it is desirable that such improvements should be continued on the said three public highways in the Home District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver-General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls to be levied and collected on the roads hereby authorised to be improved, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole thirty-five thousand pounds; which said sum of thirty-five thousand pounds shall be appropriated and applied as follows, that is to say: To continue the macadamization of the Yonge Street Road, the sum of fifteen thousand pounds; to continue the macadamization of the Kingston Road, the sum of ten thousand pounds; to continue the macadamization of the Dundas Street Road, the sum of ten thousand pounds.

Receiver-General authorised to raise by loan, on credit of the tolls, the sum of £35,000;

## Appropriation;

On the Yonge Street Road, £15,000;

Kingston Road, £10,000

Dundas Street, £10,000.

Receiver-General authorised to issue debentures, distinguishing the different roads;

Not exceeding £15,000 for Yonge Street;

£10,000 for Kingston Road;

£10,000 for Dundas Street.

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 or direct any number of debentures to be made out, (distinguishing the road on the toll of which such debentures are to be secured), for such sum or sums of money, not exceeding for Yonge-street road the sum of fifteen thousand pounds; for Kingston road the sum of ten thousand pounds; and for Dundas-street road the sum of ten thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the tolls of each road; 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 signed by the Receiver General for the time being.

Debentures to be secured by the tolls; Power of the Trustees limited to their respective roads; (Repealed by 3 Vic. Chap. 53;

III. *And be it further enacted by the authority aforesaid*, That the debentures to be issued for each road shall be secured by the tolls of such road; and the Trustees to be appointed by this Act shall have power and authority only over the road to which they are appointed; and each

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turnpike or macadamised road shall be solely managed by such Trustees; and the tolls thereof shall be applied solely on the debentures issued on such road, and for the purposes mentioned in this Act, as regards each road.

*But see Statutes of Canada, 4 & 5 Vic. Chap. 63.)*  
And tolls thereon applied solely to the debentures issued on such road.

IV. *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 pay such sum and sums of money, out of the said loan so to be raised on the said debentures, as the Trustees for each of the said roads respectively may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of thirty-five thousand pounds.

Receiver-General authorised to pay moneys in advance on certificate of Trustees that such sums are necessary to proceed with the roads.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or debentures shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid 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 which the said interest shall have been paid, and shall take receipts for the same respectively; and that the Receiver General of the Province shall pay the interest on the said loan or debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

Interest to be payable half yearly;

Payment to be endorsed on the debentures.

VI. Forging, counterfeiting, or uttering counterfeit debentures, to be felony.

VII. On debentures becoming due, Receiver General may give notice to bearer to present them for payment; after which interest to cease.

VIII.

IX.

X.

[Repealed by 3 Victoria, Chap. 53.]

Trustees authorised to make surveys & estimates, and to make contracts upon good security. Trustees authorised to amend, widen and repair, highways, roads and bridges, and settle the direction of, or alter the same, and make causeways and cut drains, &c. through contiguous lands; authority to enter upon lands for such purposes; reasonable satisfaction to be made to owners; in case the owner shall not be satisfied, a jury may be summoned at the Quarter Sessions, at the request of the party aggrieved; costs when verdict shall not exceed amount offered; Commissioners liable, if verdict for more than sum offered. Persons residing within half a mile of the road, when completed, to pay a commutation of 2s. 6d. per diem for statute labour.

## MACADAMIZED ROADS.

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Path-masters may demand and receive such commutation; in case of refusal to pay the amount, to be collected under existing law. Liability of Path-master neglecting his duty. Trustees empowered to receive sums collected by Path-master. Commutation money to be expended on roads; Trustees to report annually to the Lieutenant-Governor the amount received and expended. Authority to make surveys, to level hills, &c. Names of Trustees, for the Yonge Street Road; Kingston Road; Dundas Street; Power to erect toll gates, and fix tolls.

XI.

XII.

XIII.

XIV.

XV.

XVI.

XVII.

[Repealed by 3 Victoria, Chap. 53.]

So much of the 5th Wm. 4, Chap. 8, as relates to the stopping up of any highways, &c. repealed in relation to this Act.

XVIII. *And be it further enacted by the authority aforesaid, That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province," as relates to the wilful stopping up of any highway or road in any Township, be and the same is hereby repealed, so far as relates to the operations of this Act.*

Road from toll gate on Dundas Street to Yonge Street to be macadamized.

XIX. *And be it further enacted by the authority aforesaid, That the Trustees for Dundas-street shall, so soon after the passing of this Act as may be practicable, continue and complete the macadamization of Dundas-street, (known also as Lot-street,) from the toll-gate at present erected thereon, eastward to Yonge-street.*

Trustees to meet on the 1st of May next to elect Chairman; subsequent meetings to be in the discretion of the Trustees. Majority of the Trustees, (including Chairman,) sufficient to act. Tolls received to be paid by Collector to Trustees; Trustees to pay over the same to the Receiver-General once in three months; to be applied first in payment of interest; overplus in redemption of the principal; payments, how apportioned. Principal and interest to be levied by tolls within thirty years.

XX.

XXI.

XXII.

XXIII.

[Repealed by 3 Victoria, Chap. 53.]

Deficiency to be raised on the inhabitants of the Home District;

XXIV. *And be it further enacted by the authority aforesaid, That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, such deficiencies shall be raised, levied and collected, from the inhabitants of the Home District, paying or liable to pay the ordinary taxes now by law imposed; which additional rate shall be collected in the same manner as other taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's*

By an additional rate, under an order of Quarter Sessions;

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Receiver General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged under the provisions of this Act.

Upon the application of the Receiver-General.

XXV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen that the interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the tolls, and other means herein provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the moneys in his hands applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant Governor, or person administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application being made to the Lieutenant Governor by the Trustees for that purpose.

In case the tolls shall be insufficient, arrears of interest may be paid out of the public funds.

XXVI. *And be it further enacted by the authority aforesaid,* That any sum of money, so advanced by the Receiver General as aforesaid, shall be charged against the Trustees for the said road, and shall be re-paid in the same manner as any other moneys borrowed for the purposes of this Act.

Moneys so advanced shall be charged against the Trustees, and re-paid as other moneys raised under this Act.

XXVII. [Repealed by 3 Vic. Chap. 53.]

Trustees may raise such tolls, after the expiration of fifteen years, as will be sufficient to keep the road in repair, and pay the principal and interest in thirty years.

XXVIII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any debentures, authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to replace the same, or any part thereof, so that the whole sum of thirty-five thousand pounds be liquidated within the period of thirty years.

Debentures may be issued redeemable at a shorter period than thirty years;

And other debentures issued.

XXIX. *And be it further enacted by the authority aforesaid,* That His Majesty's Receiver General shall and may, and he is hereby authorised, as soon after the passing of this Act as practicable, to pay off and cause the debentures issued under the authority of the said Act, passed in the third year of His Majesty's reign, intituled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," to be paid off and discharged, and to issue debentures, for the said debentures to be paid off and cancelled, upon the same securities as are herein-before mentioned.

Receiver-General authorised to pay off debentures issued under 3 Wm. 4, chap. 37, and to issue others.

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Persons creating obstructions or nuisances upon any of these roads, liable to fine not exceeding 20s.

XXX.

Destroying turnpike gates a misdemeanor, punishable by fine and imprisonment; persons removing earth, stone, &c. or evading tolls, liable to payment of damages and fine.

XXXI.

[Repealed by 3 Vic. Chap. 53.]

Trustees under the 3 Wm. 4, when to be exonerated from personal responsibility.

XXXII. *And whereas*, the Trustees appointed by the said before-recited Act, passed in the third year of His Majesty's reign, chapter thirty-seven, have, for the purposes of carrying the said Act into full operation, become personally responsible for the said loan by that Act authorised to be raised: *Be it therefore further enacted by the authority aforesaid*, That as soon as the loan of ten thousand pounds, by the said recited Act authorised to be raised and expended, shall have been paid and discharged by the Receiver General of this Province, with the interest due thereon, out of the moneys to be raised by virtue of this Act, as also other sums of money actually expended upon the said roads, as the said Trustees shall have become personally responsible for the payment of, the said Trustees shall be and they are hereby declared to be fully exonerated and discharged from all personal responsibility, regarding such sums as aforesaid.

So much of 3 Wm. 4, chap. 37, as affects the provisions of this Act, repealed.

XXXIII. *And be it further enacted by the authority aforesaid*, That so much of the before recited Act, passed in the third year of the reign of His present Majesty, intituled; "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," as will in any way affect or interfere with the provisions of this Act, and not otherwise, shall be and the same is hereby repealed.

Moneys authorised to be raised by this Act to be paid by the Receiver-General in discharge of Lieutenant-Governor's warrants.

XXXIV. *And be it further enacted by the authority aforesaid*, That the money authorised to be issued by this Act shall be paid by the Receiver-General of this Province, in discharge of any warrant or warrants issued for that purpose by the Governor, Lieutenant-Governor, or Person Administering the Government of the same; and shall be accounted for to His Majesty 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.

XXXV.

XXXVI.

XXXVII.

XXXVIII.

XXXIX.

[Repealed by 3 Vic. Chap. 53.]

Trustees authorised to commute tolls. Penalty for evading payment of tolls; how recovered. Occupants of land adjoining toll gates permitting persons to pass through to evade tolls liable to same penalty. Funeral processions exempt from tolls. Vacancies in the Board of Trustees to be filled by the Lieutenant-Governor.

MACADAMIZED ROADS.

HOME DISTRICT.

## 7th Wm. IV. Chap. 76.

*AN ACT granting a further sum of money for completing the Macadamization of Yonge Street, and other Roads in the Home District.*

[Passed 4th March, 1837.]

**WHEREAS** it is expedient to provide for the completion of the macadamization of Yonge Street, and the East and West Roads, to the limits of the Home District, with the least possible delay; and also to alter and amend an Act passed in the sixth year of His present Majesty's reign, intituled, "An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a toll-gate thereon: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for His Majesty's Receiver-General of this Province, to issue debentures on the same terms, and to be paid and secured in the same manner, as is provided by an Act passed for the like purpose in the sixth year of His present Majesty's reign, intituled, "An Act to continue the improvement of certain Roads in the Home District," a further sum, not exceeding in the whole one hundred thousand pounds, to be expended and appropriated as follows: for completing Yonge-street to Holland Landing, or such other point of Northern termination as the Trustees of the said Road may deem most expedient, the sum of sixty thousand pounds; for continuing the improvement of the Eastern Road to the Eastern limit of the Home District, the sum of twenty thousand pounds; for continuing the improvement of the Western Road to the Western limit of the said District, the sum of twenty thousand pounds; making in all the sum of one hundred thousand pounds, as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Receiver-General to issue debentures for such sums, and at such times, as the Trustees for the several Roads may find it necessary to demand therein, not exceeding in the whole the sum of one hundred thousand pounds.

III. [Repealed by 3 Victoria, Chap. 53.]

Preamble;

[See 3 Wm. 4, chap. 37;  
5 Wm. 4, chap. 8; 6 Wm.  
4, chap. 30; 3 Vic. chap.  
53;  
1 Vic. chap. 33;  
2 Vic. chap. 27.]

Debentures to be issued -  
on same terms as in former  
Acts, for £100,000, to be  
appropriated for complet-  
ing and macadamizing  
certain roads in the Home  
District;

Distribution of loan.

Debentures to be issued,  
as required by Trustees,  
for £100,000.

Tenth clause of former  
Act, exempting certain  
persons from commuta-  
tion of statute labour,  
repealed.



## MACADAMIZED ROADS.

HOME DISTRICT.

Trustees of West York road to appropriate £3000 for macadamizing front road to Humber, &c. and improving road to Mimico Creek;

[Sec 1 Vic. chap. 34.]

IV. *And be it further enacted by the authority aforesaid,* That the Trustees for the West York Road shall, so soon after the passing of this Act as may be practicable, appropriate the sum of three thousand pounds, out of the money granted for the said West Road, for the purpose of macadamizing the Front Road, from the South-west corner of Colonel Givins's Park Lot, to the beach near the mouth of the River Humber, and also in improving and gravelling the road along the beach till it reaches the Mimico Creek.

Commissioners of East road authorised to expend £5,000 in improving road to Resorville;

Survey of route to be first made, and Commissioners to be satisfied that road will pay interest on sum expended.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners for the East, or Kingston Road, be authorised by this Act to expend the sum of five thousand pounds on the most direct and approved route, from some point on the Kingston Road to the Village of Resorville, in the eighth Concession of the Township of Markham: *Provided,* that no part of the said sum shall be expended, till a survey be made by a competent Surveyor or Engineer, appointed by the said Commissioners, of the most direct route to the said Concession, to be approved of by the said Commissioners, and until it be shewn to the satisfaction of the said Commissioners that such Road will pay the interest of the money to be laid out thereon, by the toll to be levied and collected on the said Road.

Additional Commissioners for West York road.

VI.

Additional Commissioners for Yongo-street road.

VII.

Additional Commissioners for East York road.

VIII.

In lieu of statute labour commuted for, persons to be engaged to keep roads in repair.

IX.

[Repealed by 3 Victoria, Chap. 53.]

In case tolls on West Gwillimbury road prove insufficient to pay principal and interest on sums expended, deficiency to be raised by assessment on inhabitants of the County of Simcoe;

Manner of levying and applying same.

X. *And be it further enacted by the authority aforesaid,* That in case the tolls to be collected on the West Gwillimbury Road and Bridge, shall prove insufficient to meet the interest and principal when they become due, according to the provisions of this and the above recited Act, such deficiency shall be raised, levied and collected, from the inhabitants of the County of Simcoe, paying or liable to pay the ordinary taxes now by law imposed; which additional rate shall be collected in the same manner as other taxes, by the Collectors of the several Townships in the said County, and be paid by them to His Majesty's Receiver General; which said additional rate shall be rated, levied and collected, under and by virtue of an order of the Magistrates in the Home District, in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose upon the Commissioners of the said Road and Bridge, making it appear to the satisfaction of the said Justices, that the amount due for the interest and principal loaned, for the

## MACADAMIZED ROADS

HOME DISTRICT.

purposes of this and the first recited Act, cannot be otherwise paid and discharged, as required by this Act.

XI. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the interest on the sum of money raised under the authority of this and the before recited Act, shall be in arrear and unpaid, in consequence of the tolls and other means herein provided for the payment thereof, not being immediately available for that purpose, it shall and may be lawful for His Majesty's Receiver General, from and out of the moneys in his hands applicable to the general uses of this Province, to advance such sum as may be necessary to meet the exigency of the case, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time upon application being made by the Commissioners of the said West Gwillimbury Road.

Tolls, &c. proving insufficient to pay interest on loans, deficiency to be paid from Provincial revenue.

XII. *And be it further enacted by the authority aforesaid,* That any moneys so advanced by the Receiver General, as aforesaid, shall be charged against the Commissioners of the said West Gwillimbury Road; and shall be re-paid in the same manner as any other moneys borrowed for the purposes of this and the before recited Act.

Moneys so advanced to be re-paid by Commissioners of West Gwillimbury road.

XIII. *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 way of loan, a further sum of five hundred pounds, provincial currency, for the completion of the said West Gwillimbury Road and Bridge, upon application being made to him for that purpose by the Commissioners; which sum of five hundred pounds shall be raised on the same security, and re-paid in the same manner and at the same time, as the sum granted for the said West Gwillimbury Road by the before recited Act.

A further sum of £500 loaned for completion of West Gwillimbury road and bridge;

To be raised on same security as former loan.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said West Gwillimbury Road, to extend the improvement of the same beyond the Western limit of the Bridge, should their funds enable them so to do; and also to fix and determine upon the place where it shall intersect Yonge-street.

Commissioners authorised to extend improvements of West Gwillimbury road.

XV. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, intituled, '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

Thirty-sixth clause of Township Officers Act repealed, so far as the same relates to improvements by Trustees of West Gwillimbury road. [See 5 Wm 4, chap. 8, sec. 36.]

## MACADAMIZED ROADS.

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King George the Third, intituled, '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;" as relates to the wilful stopping up of any Highway or road in any Township, be and the same is hereby repealed, so far as relates to the operations of the Trustees in improving the West Gwillimbury Road and Bridge.

£100 to be paid to  
James Cull.

XVI. *And be it further enacted by the authority aforesaid,* That out of the moneys hereby granted, the Commissioners for Yonge Street, hereinbefore named, shall pay to James Cull, the sum of one hundred pounds, for services heretofore performed, in macadamizing the Roads in the Home District of this Province.

## 7th Wm. IV. Chap. 77.

*AN ACT granting a sum of money, by way of loan, to Macadamize Hurontario-street, south of Dundas-street, to the Lake shore.*

[Passed 4th March, 1837.]

Preamble:

WHEREAS it is necessary to improve the Road leading from Dundas-street to the Front Road, being that part of Hurontario-street south of Dundas-street, in the Township of Toronto, in the Home District, in a permanent manner: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for His Majesty's Receiver-General of this Province, so soon after the passing of this Act as may be required by the Trustees hereinafter named, to issue debentures to the amount of two thousand five hundred pounds, for the purpose of macadamizing the Road above mentioned; the payment of the interest and principal of the said sum of two thousand five hundred pounds to be secured and re-paid in the same manner as the moneys heretofore granted or loaned for macadamizing Yonge-street, and other Roads in the Home District.

Debentures to issue for  
£2,500, to be applied to  
macadamizing road;

Payment of principal and  
interest to be secured in  
same manner as moneys  
granted or loaned for  
macadamizing Yonge-  
street and other roads  
in Home District.

Trustees appointed, and  
powers given them.

II. *And be it further enacted by the authority aforesaid,* That Francis Logan, Abijah Lewis, James Trotter, William Scott and Moses Polly,

## MACADAMIZED ROADS.

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be Trustees for carrying the provisions of this Act into effect, who shall have the same power of erecting toll-gates, and doing all other things necessary on the said Road, as the Trustees for Yonge-street and the other Roads in the Home District have, by virtue of the several Acts under which they are appointed Trustees for the said Roads.

III. *And be it further enacted by the authority aforesaid,* That no part of the said sum of two thousand five hundred pounds shall be expended until the Trustees, herein-before named, shall be fully satisfied that the tolls will pay the interest of the loan.

Money not to be expended until Trustees satisfied the tolls will pay the interest of loan.

## 7th Wm. IV. Chap. 78.

*AN ACT to raise a sum of money to Macadamize the main Road leading from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

WHEREAS the Act passed in the third year of His present Majesty's reign, intituled, "An Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realised the advantages anticipated, and given general satisfaction: *And whereas* John Haycock, Matthew Crooks, Alexander Roxborough, John Aikman, Esquires, and others, of the District of Gore, have by petition set forth, that in consequence of the great increase of travel through the said District of Gore to the Territory of Michigan, in the United States, it is imperatively necessary that a substantial Turnpike Road should be constructed and macadamized, from the Town of Hamilton, by the way of Ancaster, in the District of Gore, to Brantford, in the same District, with toll-gates erected thereon, for the purpose of defraying the expense of constructing and keeping in repair the said Road, and it is expedient that the prayer of the petition should be granted: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same; That it shall and may be lawful for the Receiver-General of this Province, so soon after

Preamble;

[See 2 Vic. chap. 50;

3 Vic. chap. 53;

Statutes of Canada, 4 & 5 Vic. chaps. 23, 38, 63.]

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£30,000 authorised to be borrowed on security of the tolls, &c.

the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, body politic or corporate, who may be willing to advance the same, upon the credit of the tolls to be levied and collected on the Road hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole thirty thousand pounds; which said sum of thirty thousand pounds, shall be appropriated and applied as follows, that is to say: to make a macadamized Road from the Town of Hamilton, by the way of Ancaster, in the District of Gore, to the Town of Brantford, in the same District.

Receiver General to issue debentures, &c.

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 or direct any number of debentures to be made out, for such sum or sums of money, not exceeding in the whole thirty thousand pounds, as any person or persons, body or bodies corporate or politic, shall agree to advance on the credit of the tolls and other securities provided by this Act; 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 shall be signed by the Receiver-General, for the time being.

Tolls to be applied in payment of interest on loan, &c.

III. *And be it further enacted by the authority aforesaid,* That the tolls arising from said Road, shall be applied in payment of the interest and principal of such debentures, and for no other purpose whatever, until the full amount of thirty thousand pounds, and the interest thereon, shall have been fully paid and satisfied.

Receiver General to advance money to Trustees from loan, &c.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver-General, to pay such sum and sums of money, out of the said loan to be raised on the said debentures, as the Trustees hereinafter to be appointed for the said Road may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary to enable them to proceed with the work, not exceeding in the whole the sum of thirty thousand pounds.

Interest on debentures to be paid half-yearly, &c.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or debentures, shall and may be payable in half yearly periods, to be computed from the date thereof, out of the funds hereinafter provided, and shall be paid by the Receiver-General of this Province, who shall take care to have the same endorsed on each debenture at the time of the payment thereof, expressing the time up to which the said interest shall have been paid, and shall take receipts for the same respectively.

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VI. *And be it further enacted by the authority aforesaid,* That if any person 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 debenture so tendered in payment or to be exchanged, or the endorsement 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 said debentures, or any of them, or any other person or persons, body or bodies politic or corporate, then every such person so offending, being thereof lawfully convicted, shall be adjudged a felon.

Punishment for forging debentures.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said debentures or loan, or any part thereof, respectively, becomes due, it shall and may be lawful for the Receiver-General of this Province, if he think 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 the said 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.

Receiver General may call in debentures due, &amp;c.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road hereinafter mentioned, shall have full power and authority to cause the necessary surveys and estimates to be made thereof, preparatory to the commencement of the said improvement, and by public tender, or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor; for the performance of all which contracts, the said Trustees shall demand and take such good and sufficient security, as they shall deem reasonable in each case.

Powers and authority of trustees, &amp;c.

[See 2 Vic. chap. 50; Statutes of Canada, 4 &amp; 5 Vic. chap. 63.]

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway, or Road and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper: and to settle the direction of the said Road, or change or alter, or shorten, or make it more

Duties and authority of Trustees, in constructing and repairing road, &amp;c.;

[See Statutes of Canada, 4 &amp; 5 Vic. chap. 63.]

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accessible; and to make, or cause to be made, causeways; and to cut or make drains, ditches or trenches, through any grounds lying contiguous to the said Roads, to make passage for the water, when it may be found necessary, from such ditches or trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such drains, ditches, passages and outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always*, that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a jury of the District of Gore, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose at the request of the party aggrieved; and if such verdict shall not exceed the amount of the sum offered, the owner of the land shall pay the costs of the Court on the assessments of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any moneys in their hands for the purposes of the said Road.

Manner of making satisfaction to owners of land, and for damages done, &c

Certain persons required to commute their statute labour.

Authority given to path-masters to demand and receive commutation for statute labour, &c.

Punishment of path-masters for neglect of duty, &c.

Money paid for commutation of statute labour, to be paid trustees.

Manner of applying money paid for commutation of statute labour.

X.

XI.

XII.

XIII.

XIV.

[Repealed by 2 Victoria, Chap. 50.]

Trustees to report to Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Trustees, and they are hereby required, to report at the close of every year to the Lieutenant-Governor, or Person Administering the Government, for the information of the Legislature, the sums they have received and expended, together with the amount of tolls received.

Power given to trustees to make surveys, &c.

(See 2 Vic. chap. 50.)

XVI. *And be it further enacted by the authority aforesaid*, That the Trustees of the said Road shall have power to cause the necessary surveys to be made thereof; and also to have all the hills on the said Road reduced to a proper level, the Road drained, and all necessary bridges or culverts made, so soon after the passing of this Act as they, or a majority of them, may think advisable and for the public good.

Persons appointed trustees, &c. who shall have power to erect toll-gates, and to fix tolls &c.

XVII. *And be it further enacted by the authority aforesaid*, That the following persons shall be Trustees of the said Road, with full powers to carry into effect the purposes of this Act, namely: Daniel G. Gun, James

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Hughson, Edmond Ritchie, William B. Van Every, William Scott Burns, Thomas Hammil, James Chep, Doctor Craig, Enos Bunnell, John Westbrooke, and William Richardson; who shall have power to erect such number of toll-gates on or across the said Road as to them, or a majority of them, may appear requisite, and fix such tolls as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be altered from time to time as circumstances may require: *Provided always*, that the Trustees acting under the authority of this Act, shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any macadamized Road mentioned in this Act, and without any intention to evade the tolls, as to them may seem just and reasonable.

XVIII. *And be it further enacted by the authority aforesaid*, That so much of the thirty-sixth clause of an Act passed in the fifth year of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, Chapter twelve, intituled, 'An Act to regulate line fences and water courses,' and to repeal so much of an Act passed in the twenty-third year of the reign of His late Majesty King George the Third, intituled, '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," as relates to the wilful stopping up of any Highway or Road in any Township, be and the same is hereby repealed, so far as relates to the operations of this Act.

So much of the 36th clause of the township officers law, as relates to the wilful stopping up of highways, repealed, so far as respects this Act;

[See 5 Wm 4, ch. 8, sec. 36]

XIX. *And be it further enacted by the authority aforesaid*, That the Trustees for the said Road shall meet at the Town of Ancaster, on the first day of June next, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

Time and place of meeting of trustees, &c. and duty to be performed.

XX. *And be it further enacted by the authority aforesaid*, That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

A majority of trustees to decide questions.

XXI. *And be it further enacted by the authority aforesaid*, That all the moneys collected at the different toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them; and that it shall be the duty of the said Trustees to pay the same over to His Majesty's Receiver-General, at least once in three months, to be by him applied to the payment of the interest on the said loan as it becomes due, and the overplus to be applied to the redemption of the principal.

Moneys collected at toll-gates to be paid to trustees, and by them to Receiver General, to be applied in payment of loan and interest.



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Trustees required to levy tolls sufficient to pay principal and interest of sum loaned, in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees be, and they are hereby empowered and required, to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Deficiencies to be raised by assessment on inhabitants of District of Gore.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the District of Gore, paying or liable to pay the ordinary taxes now by law imposed; which additional rate shall be raised in the same manner as other taxes by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver-General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates, in Quarter Sessions assembled, made in pursuance of any application of the Receiver-General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged, under the provisions of this Act.

If interest in arrear, deficiency to be paid from Provincial Revenues.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the interest on the sum of money raised under the authority of this Act shall be in arrear and unpaid, in consequence of the tolls and other means herein-before provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver-General, from and out of the moneys in his hands applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application made to the Lieutenant-Governor by the Trustees for that purpose.

Sums so advanced to be repaid, &c.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver-General, as aforesaid, shall be charged against the Trustees of the said Road, and shall be repaid in the same manner as other moneys borrowed for the purposes of this Act.

After fifteen years, trustees to raise tolls necessary to keep road in repair, pay interest, and redeem principal in 30 years.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said loan, and redeem the principal sum of thirty thou-

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sand pounds, within a period of not less than thirty years from the passing of this Act.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver-General from issuing any debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan, to replace the same or any part thereof, so that the whole sum of thirty thousand pounds be liquidated within the period of thirty years.

Debentures may be issued for a shorter period than 30 years.

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any waggon, cart or other carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind or nuisance upon the said Road, or any of the ditches or drains thereof; and any person so offending shall, for every such offence, forfeit and pay a sum not exceeding twenty shillings.

No obstruction of road permitted;

Parties offending, liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures, authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants to be for that purpose issued by any one of His Majesty's Justices of the Peace for the District of Gore, who are hereby authorised and empowered to grant the same.

Manner of levying fines and forfeitures.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the turnpike gates, or any toll-house to be erected by virtue of this Act, every person so offending, and lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the gates, without having first paid the legal toll at such gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine, not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any Magistrate of the District of Gore.

Punishment of parties injuring road, or attempting forcibly to pass toll gates without paying toll.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver-General of this Province, in discharge of such warrant or warrants as may for that purpose be issued by the Governor, Lieutenant-Governor, or Person Administering the Government of the same; and shall be accounted for to His Majesty, through the Lords Commissioners of His

Money to be advanced upon warrant, and to be accounted for through Lords of the Treasury.

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

Trustees may commute tolls, and to affix tables of rates of tolls at toll-gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such tolls; and that the said Trustees shall affix, in a conspicuous place at all such toll-gates, a table of the rates of tolls to be exacted and taken, to be plainly and legibly printed.

Punishment of persons evading payment of tolls;

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road with any of the carriages or animals liable to the payment of toll, turn out of the same into any other Road, and shall enter the said Road beyond the said turnpike gate or gates, without paying toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of ten shillings; which said sum shall be expended on the said Road, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said District of Gore shall, on conviction of such offender, fine such person or persons in the said penalty, from whose judgment there shall be no appeal.

And appropriation of fines.

Owners or occupants of lands adjacent, permitting persons to pass through their lands to evade tolls, liable to be fined.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person or persons, occupying or possessing any enclosed lands near to any toll-houses or toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of toll, whereby such payment shall be avoided, every such person so offending, and also the person or persons riding or driving the animal or carriage avoiding such payment, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving the Road aforesaid.

Certain persons allowed to pass toll free.

XXXV. *And be it further enacted by the authority aforesaid,* That all persons, horses or carriages, going to or from places of worship on the Sabbath, attending or returning from the funeral of any person, shall be allowed to pass any toll-gate on the said Road free of toll.

Governor to fill up vacancies among trustees.

XXXVI. *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, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise.

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XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to lease from year to year the different toll-gates erected by them on the Road under their charge, to such individuals as shall, after due notice having been given for that purpose, offer the highest terms for the same.

Trustees may lease toll gates.

## 7th Wm. IV. Chap. 79.

*AN ACT to authorise the construction of a Macadamized Road, from Dundas to Waterloo, in the Gore District*

[Passed 4th March, 1837.]

**WHEREAS** the improvement of the public highways approaching the City of Toronto, under the authority of an Act of the Parliament of this Province, passed in the third year of the reign of His present Majesty, intituled, "An Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realized the advantages anticipated, and given general satisfaction: *And whereas* it is desirable, that such improvement should be made on the public highway leading from the termination of the Desjardin's Canal, in the Village of Dundas, to the Township of Waterloo: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver-General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls to be levied and collected on the Road hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole twenty-five thousand pounds; which said sum of twenty-five thousand pounds shall be appropriated and applied as follows, that is to say: to make a macadamized Road from the Desjardin's Canal, in the Village of Dundas, to the Township of Waterloo; and also a branch of said Road, from

Preamble;

[See 2 Vic. chs. 27 & 49;  
3 Vic. chap. 53;  
Statutes of Canada,  
4 & 5 Vic. Chap. 63.]£25,000 authorised to  
be loaned.

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where the Galt Road intersects it in crossing the Bridge at Galt, to the Township line of Waterloo.

Receiver General to issue debentures, &c.

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 or direct any number of debentures to be made out, for such sum or sums of money, not exceeding twenty-five thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the tolls and other securities provided by this Act; 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 signed by the Receiver-General, for the time being.

Tolls to be applied in payment of interest on loan, &c.

III. *And be it further enacted by the authority aforesaid,* That the tolls shall be applied solely in payment of the interest and principal of such debentures, and for no other purpose whatever, until the full amount of twenty-five thousand pounds, with the interest thereon, be fully paid.

Receiver General to advance money to trustees, &c.

IV. *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 pay such sum and sums of money, out of the said loan so to be raised on the said debentures, as the Trustees for the said Road may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary, to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of twenty-five thousand pounds.

V. Interest to be paid half-yearly, &c.

VI. Punishment for forgery of debentures, &c.

VII. Receiver-General may call in debentures due, &c.

Power and authority of trustees, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, hereinafter mentioned, shall have full power and authority to cause the necessary surveys and estimates to be made thereon, preparatory to the commencement of the said improvement; and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor; for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security, as they shall deem reasonable in each case.

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IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway or Road, and bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper, and to settle the direction of the said Road, or change, or alter, or shorten, or make it more accessible; and to make or cause to be made, causeways; and to cut or make drains, ditches or trenches, through any grounds lying contiguous to the said Roads; to make passage for the water, when it may be found necessary, from such ditches or trenches, through the lands or premises of any adjacent proprietor; and also, to keep clear such drains, ditches, passages and outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a jury of the District of Gore, at the Court of Quarter Sessions, to be empanelled and sworn for that purpose at the request of the party aggrieved; and if such verdict shall not exceed the amount offered, the owner of the land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any moneys in their hands for the purposes of the said Road.

Duties and authority of Trustees in constructing and repairing roads, &c.

Manner of making reparation to owners of lands, and for damages done &c.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within half a mile on either side of the said Road, and who are by the existing laws of the Province liable to perform statute labour, shall, and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six pence per day, for every day for which they are assessed.

Commutation of statute labour required;

(See Statutes of Canada, 4 & 5 Vic. ch. 63, sec. 1.)

XI. *And be it further enacted by the authority aforesaid,* That the Path-masters in the several divisions on the said Roads, so to be macadamized as aforesaid, shall have full power and authority, and are hereby required; within their respective divisions, to demand and receive the amount of commutation for statute labour to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the Path-master of the division shall proceed to collect it in the same manner as he is authorised by law to collect other arrears and forfeitures, by virtue of his office as Path-master.

Path-masters to collect and receive commutation of statute labour.

XII. *And be it further enacted by the authority aforesaid,* That if any Path-master shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be

Punishment of path-master for neglect of duty.

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liable to the same penalty as is imposed for any other neglect or omission of his duty, by the law in such case provided, to be levied and collected in the same manner.

Path-masters to pay moneys received for commutation of statute labour, to trustees.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road, as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-masters the money so collected by them.

Application of money received for commutation of statute labour.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say : so much thereof as the said Trustees shall think just and necessary on the side Roads leading to the Road, so to be macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for macadamizing the Road to which such side Roads lead, and keeping the same in repair.

Trustees to report to Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Trustees of the said Road, and they are hereby required, to report at the close of every year to the Lieutenant-Governor, or Person Administering the Government, for the time being, for the information of the Legislature, the sum they have received and expended, together with the amount of tolls received.

Power given to trustees to make surveys, &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall have power to cause the necessary surveys to be made thereon, and also to have all such of the hills on the said Road reduced to the proper level, the Road drained, and all necessary bridges or culverts made, so soon after the passing of this Act as they, or a majority of them, may think advisable, and for the public good.

Names of trustees;

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full power to carry into effect the purposes of this Act, viz : Peter Bombarger, Dundas, Innkeeper; Andrew T. Kerby, Esquire, West Flamborough; Adam Ainslie, Esquire, Beverley; Thomas Rich, Carpenter, of Dumfries; James K. Andrews, Merchant, Galt; George Clemens, Waterloo, Yeoman; Adam Ferrie, Junior, Merchant, Preston; and John A. Cornwall, Beverley; who shall have power to erect such number of gates on or across the said Road as to them, or a majority of them, may appear requisite, and fix such toll as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be altered from time to time as circumstances require: *Provided always,* that the Trustees, acting under the authority of this Act, shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any

Power given them to erect toll gates, and fix rates and tolls, &c.

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macadamized Road mentioned in this Act, and without any intention to evade the tolls, as to them may seem just and reasonable.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed, so far as relates to the operations of this Act.

Part of 36th clause of township officers law, repealed;  
[See 5 Wm 4, chap. 8, sec. 36.]

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees for the said Road shall meet in the Village of Dundas, on the first Monday in April next, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

Time and place of meeting of trustees.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Majority of trustees to decide questions.

XXI. *And be it further enacted by the authority aforesaid,* That all the money collected at the different toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them; and that it shall be the duty of the said Trustees to pay the same over to His Majesty's Receiver-General, at least once in three months, to be by him applied to the payment of the interest on the said loans as it becomes due, and the overplus to be applied to the redemption of the principal.

Application of moneys received at toll gates, and to whom to be paid.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act within the term of thirty years.

Tolls to be sufficient to pay principal and interest of sum loaned in 30 years.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, such deficiency shall be raised, levied and collected, from the inhabitants of the District of Gore, paying, or liable to pay, the ordinary taxes now by law imposed; which additional rate shall be paid in the same manner as other taxes, to the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver-General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver-General of this Province for that purpose, upon its being made

Deficiencies to be raised by assessment on inhabitants of District of Gore.



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to appear to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged, under the provisions of this Act.

If tolls and other means are unequal to payment of interest, deficiency to be supplied from Provincial Treasury.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen that the interest on the sum of money raised under the authority of this Act shall be in arrear and unpaid, in consequence of the tolls and other means herein-before provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver-General, from and out of the moneys in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application being made to the Lieutenant-Governor by the Trustees for that purpose.

Sums so advanced to be re-paid, &c.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money, so advanced by the Receiver-General as aforesaid, shall be charged against the Trustees for the said Road, and shall be re-paid in the same manner as other moneys borrowed for the purposes of this Act.

After fifteen years, tolls to be raised so as to keep the road in repair, and pay loan in thirty years.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said loan, and redeem the principal sum of twenty-five thousand pounds within a period of not less than thirty years from the passing of this Act.

Debentures may be issued for a shorter period than thirty years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver-General from issuing any debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to re-place the same, or any part thereof, so that the whole sum of twenty-five thousand pounds be liquidated within the period of thirty years.

No obstruction of road permitted;

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any waggon, cart or other carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind, or nuisance upon the said Road, or in any of the ditches or drains thereof; and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding twenty shillings.

Parties offending liable to penalty.

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DUNDAS TO WATERLOO.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants for that purpose, to be issued by any one of His Majesty's Justices of the Peace for the District of Gore, who are hereby authorised and empowered to grant the same.

Manner of levying fines and forfeitures.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the turnpike gates, or any toll-house, to be erected by virtue of this Act, every person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the said gates, without having first paid the legal toll at such gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any Magistrate of the District of Gore.

Punishment of parties injuring road or attempting forcibly to pass toll gates without paying tolls.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver-General of this Province, in discharge of any warrant or warrants issued for that purpose by the Governor, Lieutenant-Governor, or Person Administering the Government of the same; and 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.

Money to be advanced upon warrants, and to be accounted for through Lords of the Treasury.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually in lieu of such tolls; and that the said Trustees shall affix, in a conspicuous place at all such toll-gates, a table of the rates of tolls to be exacted and taken, to be plainly and legibly printed.

Trustees may commute tolls, and affix tables at toll-gates.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road with any of the carriages or animals liable to pay toll, turn out of the same into any other Road, and shall enter the said Road beyond the said Turnpike-gate or gates, without paying toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of ten shillings; which said sum shall be expended on the said Road, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said District

Punishment of persons evading payment of tolls.

And appropriation of fines.

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of Gore shall, on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

Owners and occupants of adjacent lands permitting persons to pass through them, to evade tolls, liable to be fined.

XXXIV. *And be it further enacted by the authority aforesaid, That if any person or persons occupying or possessing any enclosed lands near any toll-houses or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such Road.*

Certain persons exempt from payment of tolls.

XXXV. *And be it further enacted by the authority aforesaid, That all persons, horses or carriages, going to, or attending, or returning from any funeral of any person, shall pass the gate free of toll.*

Vacancies among Trustees to be filled by Lieutenant-Governor.

XXXVI. *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, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise.*

Trustees authorised to lease tolls.

XXXVII. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to lease, from year to year, the different gates, to such individuals as, upon due notice having been given, shall offer the highest terms for them.*

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## 7th Wm. IV. Chap. 80.

*AN ACT to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads.*

[Passed 4th March, 1837.]

Preamble;

WHEREAS an Act passed in the third year of His present Majesty's reign, intituled, "An Act to raise a sum of money to improve certain

## MACADAMIZED ROADS.

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Roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realised the advantages anticipated, and given general satisfaction: *And whereas*, it is desirable that a similar improvement should be made on the Road leading from the Town of Brockville, to the Town of Saint Francis, with branches from the said Road to the Towns of Beverly, Lyndhurst, Charleston and Portland, all in the District of Johnstown: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver-General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, body or bodies corporate or politic, who may be willing to advance the same upon the credit of the tolls to be levied and collected on the Roads hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole the sum of thirty thousand pounds; which said sum of thirty thousand pounds shall be appropriated as follows, that is to say: to construct and make a macadamized Road from the Town of Brockville, to the Town of Saint Francis, with branch Roads from the said Road to the Towns of Beverly, Lyndhurst, Charleston and Portland, aforesaid.

[See 1 Vic. chap. 35;  
2 Vic. chap. 27;  
3 Vic. chap. 53;  
Statutes of Canada,  
4 & 5 Vic. chap. 63.]

£20,000 authorised to be  
borrowed on security of  
tolls, &c.

[See 1 Vic. chap. 35;  
sec. 2.]

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 or direct any number of debentures to be made out, for such sum or sums of money, not exceeding the sum of thirty thousand pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the tolls and other securities provided by this Act; which debentures shall be made out and prepared in such manner and form, as the said Receiver-General shall think most safe and convenient, and shall be signed by him.

Receiver-General to issue  
debentures.

III. *And be it further enacted by the authority aforesaid*, That the tolls collected on the said Road, shall be applied solely to the payment of the interest and principal of such debentures, and for no other purpose whatever, until the full amount of thirty thousand pounds, with the interest thereon, shall be fully paid and satisfied.

Tolls to be applied to  
payment of interest and  
principal of loan.

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Receiver-General to  
advance money to Trus-  
tees from loan.

IV. *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 pay such sum and sums of money, out of the said loan so to be raised, as the Trustees hereinafter to be appointed may require, either for such parts of the work as may from time to time be completed, or for such materials from time to time furnished, on such Trustees certifying that such sum or sums, not exceeding in the whole the said sum of thirty thousand pounds, are necessary to enable them to proceed in the due execution and completion of the work.

V. Interest on debentures to be paid half-yearly, &c.

VI. Punishment for forging debentures.

VII. Receiver-General may call in debentures due, &c.

Power and authority of  
Trustees.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, hereinafter appointed, shall have full power and authority to cause the necessary surveys and estimates thereof to be made, preparatory to the commencement of the said improvement, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Roads, or for the supply of any part of the materials therefor; for the due performance of which contracts the said Trustees shall demand and take such security as they shall deem safe and reasonable in each case.

Duties and authority of  
Trustees, in repairing  
road, &c.;

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highways or Roads, and the Bridges on the same, to be constructed and amended, widened or repaired, in such manner as they shall think proper; and to settle the direction of the said Road, and alter or shorten the same, to make it more accessible; and to make causeways, and to cut drains, ditches or trenches, through any grounds lying contiguous thereto; to make passage for the waters discharged from such ditches or trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such drains, ditches, passages and outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages done thereby; and that for this purpose the said Commissioners shall appoint three of their number to assess all damages claimed under the provisions of this Act, and who, before entering upon the discharge of that duty, shall be sworn before some one of His Majesty's Justices of the Peace for the District of Johnstown, well and truly to assess the damages, according to the best of their judgment; and whose duty it shall be, when assessing the damages done to any individual through whose lands such road or roads may pass,

Manner of making satis-  
faction to owners of land,  
and for damages done, &c.

[See 1 Vic. chap. 35,  
sect. 1 & 3]

## MACADAMIZED ROADS.

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to take into consideration also the benefits (if any) accruing, or likely to accrue to such person, by reason of the said Road or Roads being carried through his or her lands.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one half mile on either side of the said Roads, and who, by the existing laws of the Province are liable to perform statute labour, shall and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six pence per day, for every day for which they are assessed.

Certain persons required to commute their statute labour.

[See Statutes of Canada, 4 & 5 Vic. chap. 63.]

XI. *And be it further enacted by the authority aforesaid,* That the Overseers of Highways in the several divisions through which the said Roads shall pass, shall have full power and authority, and they are hereby required, within their respective divisions, to demand and receive the amount of commutation money to be paid under this Act; and in case any person shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Overseer of the division shall proceed to collect it in the same manner as he is authorised by law to collect other arrears and forfeitures by virtue of this Act.

Overseers of Highways authorized to demand and receive commutation of statute labour.

XII. *And be it further enacted by the authority aforesaid,* That if any Overseer of Highways shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty by the law in such case provided, to be levied and collected in the same manner.

Punishment of Overseers for neglect of duty.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road, or for such persons as they shall appoint, to ask for and receive from the several Overseers aforesaid, any moneys collected by them.

Money paid for commutation of statute labour to be paid Trustees.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the side or branch Roads leading to the main Road, as they may think advisable, and the remainder to go to the general fund for macadamizing the main Road, and keeping the same in repair.

Manner of applying money paid for commutation of statute labour.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required to report, in detail, at the close of every year, to the Lieutenant-Governor, or Person

Trustees to report to Lieutenant Governor.

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Administering the Government, for the time being, for the information of the Legislature, the sums they have received and expended, together with the amount of tolls received, with the proper vouchers for the disbursements by them made.

Power given to trustees to make surveys, &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Roads shall have power to cause the necessary surveys to be made thereof; and also to have all the hills on the said Roads reduced to a proper level, the Roads drained, and all necessary bridges and culverts made, so soon after the passing of this Act as they, or a majority of them, may deem advisable and for the public good.

Persons appointed trustees, who shall have power to erect toll-gates, and to fix tolls &c.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees of the said Road, with full powers to carry into effect the purposes of this Act, namely: Sir Daniel Jones, Knight, Ogle Robert Gowan, Henry Jones, James Morris, Patrick Anderson, Thomas Newsom, James Shaw, Jonas Jones, and Paul Glasford; Esquires; who shall have power to erect such a number of toll-gates on or across the said Roads, or any of them, as to a majority of the said Trustees may appear requisite, and to fix such tolls as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be by them altered as circumstances from time to time may require: *Provided always,* that the said Trustees shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any macadamized Road mentioned in this Act, and without any intention to evade the tolls, as to them may appear just and reasonable.

So much of the 36th clause of the township officers law, as relates to the wilful stopping up of highways, repealed, so far as respects this Act;

[See 5 Wm 4, ch. 8, sec. 36]

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed, so far as relates to the operations of this Act.

Time and place of meeting of trustees, &c. and duty to be performed.

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall meet at the Town of Brockville, on the first day in April next, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

A majority of trustees to decide questions.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them.

## MACADAMIZED ROADS.

## JOHNSTOWN DISTRICT.

XXI. *And be it further enacted by the authority aforesaid,* That all the moneys collected at the different toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them so to do; and that it shall be the duty of the said Trustees to pay the same over to His Majesty's Receiver-General, at least once in three months, to be by him applied to the payment of the interest on the said loan as it becomes due, and the overplus to be applied to the redemption of the principal.

Moneys collected at toll-gates to be paid to trustees, and by them to Receiver General, to be applied in payment of loan and interest.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees be, and they are hereby required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Trustees required to levy tolls sufficient to pay principal and interest of sum loaned, in 30 years.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls, for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the District of Johnstown, paying, or liable to pay, the ordinary taxes now by law imposed; which additional rate shall be paid in the same manner as other taxes, to the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver-General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates, in Quarter Sessions assembled, made in pursuance of any application of the Receiver-General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged, under the provisions of this Act.

Deficiencies to be raised by assessment on inhabitants of Johnstown District.

IV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen that the interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the tolls, and other means herein-before provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver-General, from and out of the moneys in his hands, applicable to the public uses of the Province, to advance such sum as may be necessary to pay off any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application made to the Lieutenant-Governor by the Trustees for that purpose.

If interest in arrear, deficiency to be paid from Provincial revenues.

XV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver-General as aforesaid, shall

Sums so advanced to be re-paid, &c.



## MACADAMIZED ROADS.

JOHNSTOWN DISTRICT.

be charged against the Trustees of the said Road, and shall be re-paid in the same manner as other moneys borrowed for the purposes of this Act.

After fifteen years, trustees to raise tolls necessary to keep road in repair, pay interest, and redeem principal in thirty years.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said loan, and redeem the principal sum of thirty thousand pounds, within a period of not less than thirty years from the passing of this Act.

Debentures may be issued for a shorter period than thirty years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver-General from issuing any debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to replace the same or any part thereof, so that the whole sum of thirty thousand pounds be liquidated within the aforesaid period of thirty years.

No obstruction of road permitted;

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any waggon, cart or other carriage, nor shall lay, or cause to be laid or left, any matter or thing creating, or likely to create, an obstruction of any kind, or nuisance upon the said Road, or in any of the ditches or drains thereof; and any person so offending shall, for every such offence, forfeit and pay the sum of twenty shillings.

Parties offending, liable to penalty.

Manner of levying fines and forfeitures.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants to be for that purpose issued by any one of His Majesty's Justices of the Peace for the District of Johnstown, who are hereby authorised and empowered to grant the same.

Punishment of parties injuring road, or attempting forcibly to pass toll gates without paying toll.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the turnpike gates, or any toll-house, to be erected by virtue of this Act, every person so offending, and lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person shall remove any earth, stone or timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the gates, without having first paid the legal toll at such gate, such person or persons shall pay all damages by him or them committed, and shall forfeit and pay a fine, not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any Justice of the Peace of the District of Johnstown.

## MACADAMIZED ROADS.

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XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver-General, in discharge of such warrant or warrants as may for that purpose be issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, may be pleased to direct.

Money to be advanced on warrant, and accounted for through Lords of the Treasury.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such tolls; and that the said Trustees shall affix, in a conspicuous place at all the toll-gates, a table of the rates or tolls to be exacted and taken, to be plainly and legibly printed.

Trustees may commute tolls, and to affix tables of rates of tolls at toll-gates.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road or Roads with any of the carriages or animals liable to the payment of toll, turn out of the same into any other Road, and shall re-enter the said Road or Roads beyond the said turnpike gate or gates, without paying tolls, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of ten shillings, which shall be expended on the said Road or Roads, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the District of Johnstown shall, on conviction of such offender, fine such person or persons in the said penalty, from whose judgment there shall be no appeal.

Punishment of persons evading tolls;

And appropriation of fines.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person occupying any enclosed lands, near to any toll-houses or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding or other animal, liable to the payment of toll, whereby such payment shall be avoided, every person so offending, and also the person or persons riding or driving the animal or carriage avoiding such payment, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving the Road or Roads aforesaid.

Owners or occupants of lands adjacent, permitting persons to pass through their lands to evade tolls, liable to be fined.

XXXV. *And be it further enacted by the authority aforesaid,* That all persons, horses or carriages, going to or returning from the funeral of any person, shall be allowed to pass any toll-gate on the said Roads free of toll.

Certain persons allowed to pass toll free.

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Governor to fill up vacancies among trustees.

XXXVI. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of the Province, for the time being, from time to time, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the Board of Trustees appointed by this Act, by death, resignation or otherwise.*

Trustees may lease toll gates.

XXXVII. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees acting under the authority of this Act, if they can deem it advisable and advantageous to the public interest, to lease from year to year the different toll-gates erected by virtue of this Act on the Road or Roads under their charge, to such individuals as shall, after due notice given for that purpose, offer the highest terms for the same.*

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## 1st Vic. Chap. 35.

*AN ACT to amend an Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, intituled, "An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of toll gates on the said Roads."*

[Passed 6th March, 1838.]

Preamble.

[See 7 Wm 4, chap 80;  
3 Vic. chap. 53.]

**W**HEREAS by a certain Act of Parliament, passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to raise a sum of money to macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of toll-gates on the said Roads," certain powers and authorities are given to Trustees therein named, and to their successors lawfully appointed: *And whereas* it is necessary and proper for the due performance of the duty imposed upon the said Trustees by the above recited Act, that they should have more ample powers than they already by law possess: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

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for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act the said Trustees, and their successors lawfully appointed, shall have full power and authority, and they are hereby authorised and empowered, to enter upon the lands or premises of any adjacent proprietor or proprietors, and to quarry thereon, or take therefrom, all such stones, earth, timber or other materials, as the said Trustees, or their successors lawfully appointed, shall or may deem necessary for the constructing, making or repairing of the Roads authorised to be macadamized by said before-recited statute: *Provided always*, that compensation for any stone or other materials taken under the authority of this Act, shall be assessed and paid in the same manner as compensation for other damages done to the owners of lands under the provisions of the Act first herein recited.

Trustees authorised to take materials from adjacent lands to complete road;

Compensation to be made the owner of lands.

II. *And be it further enacted by the authority aforesaid*, That the said Trustees shall have power to stop up, sell, dispose of or surrender to any adjacent proprietor or proprietors, in lieu of damages which he, she or they, may claim for injury sustained by virtue of the exercise of the powers given to the said Trustees in the said before recited Act, any Road or Roads, or any part of Road or Roads, which may be rendered useless and unnecessary for the public convenience and welfare, by reason of any alteration in the direction of the said Road or Roads, which the said Trustees, or a majority of them, may deem necessary and expedient: *Provided*, that before any such old line of Road shall be stopped up, sold, disposed of or surrendered under this Act, a notice of an application for that purpose to the Court of General Quarter Sessions for the District of Johnstown shall be first published for two calendar months in some newspaper printed in the said District; and it shall not be lawful to stop up, sell or surrender such Road, unless the Court of Quarter Sessions shall, after hearing any parties interested in the same, who may attend for that purpose, make an order allowing the said Road, or any part thereof, to be stopped up, sold and surrendered.

Trustees authorised to stop up and sell old road;

Application being first made and obtained from the Quarter Sessions.

III. *And be it further enacted by the authority aforesaid*, That the said Trustees shall have power to continue and extend a branch of the said Road to the village of Newborough, in the township of North Crosby, and District of Johnstown: *Provided always*, that reasonable satisfaction be made to the owner or occupier of any lands or premises, for any damages done thereon or thereto by virtue of this Act: *And provided also*, that all matters and things which shall or may be done by the said Trustees, in and by virtue of the powers herein and hereby conferred upon them, shall be subject to the same limitations, conditions, responsibility and trusts, as are contained in the before recited Act, any-thing herein to the contrary notwithstanding.

Commissioners authorised to extend branch of road to Newborough;

Satisfaction to be made owners, for land appropriated;

Powers of trustees limited as by provisions of former Act.

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KINGSTON TO NAPANEE.

## 7th Wm. IV. Chap. 81.

*AN ACT to raise a sum of money to Macadamize the Road between the Town of Kingston and the Village of Napanee, in the Midland District, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

Preamble;

[See 2 Vic. chs. 27 & 51;  
3 Vic. chap. 53;  
Statutes of Canada,  
4 & 5 Vic. Chap. 63]

£30,000 authorised to  
be loaned.

**WHEREAS** the improvement of the Road between the Town of Kingston and the Village of Napanee Mills, in the Midland District, would be of material advantage, and greatly tend to the increase in the value of property in said District, particularly along the said Road: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Receiver-General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls on the Road hereby authorised to be improved, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole thirty thousand pounds.

Receiver General to issue  
debentures, &c.

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 or direct any number of debentures to be made out, for such sum or sums of money, not exceeding thirty thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the tolls of the said Road; 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 signed by the Receiver-General, for the time being.

Tolls to be applied to  
the payment of loan.

III. *And be it further enacted by the authority aforesaid*, That the debentures to be issued shall be secured by the tolls of the said Road, and the Trustees to be appointed by this Act shall have the sole management of such Road, and the tolls thereof shall be applied solely on the said debentures.

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IV. *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 pay such sum and sums of money, out of the said loan so to be raised on the said debentures, as the Trustees may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary, to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of thirty thousand pounds.

Receiver General to advance money to trustees.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or debentures shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid by the Receiver-General of this Province, for the time being, who shall take care to have the same endorsed upon 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 respectively; and that the Receiver-General of the Province shall pay the interest on the said loan or debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

Interest to be paid half-yearly.

VI. Punishment for forgery of debentures.

VII. Receiver-General may call in debentures due.

VII. *And be it further enacted by the authority aforesaid,* That the Trustees hereinafter mentioned shall have full power and authority to cause the necessary surveys and estimates to be made, preparatory to commencing the said Road and improvements, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor; for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security as they shall deem reasonable in each case.

Power and authority of trustees.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highways or Roads, and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper, and to settle the direction of the said Roads, or change, or alter, or shorten, or make them more accessible; and to make, or cause to be made, causeways; and to cut or make drains, ditches or trenches, through any grounds lying contiguous to the said Road; to make passage for the water, when it may be

Duties and authority of trustees, in constructing and repairing road;

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Manner of making repara-  
tion to owners of lands,  
and for damages done, &c

found necessary, from such ditches or trenches, through the lands or premises of any adjacent proprietor; and also, to keep clear such drains, ditches, passages and outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always*, that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a jury of the Midland District, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose at the request of the party aggrieved; and if such verdict shall not exceed the amount offered, the owner of the said land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Trustees, then the costs of such trial and assessment shall be paid by the said Trustees, out of any moneys in their hands for the purposes of the said Road.

Certain persons required  
to commute their statute  
labour.

[See *Statutes of Canada*,  
4 & 5 Vic. chap. 63.]

X. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, all persons living within one mile on either side of the said Road, and who are by the existing laws of this Province liable to perform statute labour, shall, and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six pence per day for every day for which they are assessed: *Provided always*, that in lieu of such statute labour, and in order that the Road to be macadamized may be kept in repair during the progress of the work, the Trustees shall employ such number of men on the said Road as may be found necessary for that purpose.

Path-masters to collect  
and receive commutation  
of statute labour.

XI. *And be it further enacted by the authority aforesaid*, That the Path-masters on the several divisions on the said Road, so to be macadamized as aforesaid, shall have full power and authority, and are hereby required, within their respective divisions, to demand and receive the amount of commutation for statute labour to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the Path-master of the division shall proceed to collect it in the same manner as he is authorised by law to collect other arrears and forfeitures, by virtue of his office as Path-master.

Punishment of path-  
master for neglect of  
duty.

XII. *And be it further enacted by the authority aforesaid*, That if any Path-master shall fail or neglect to collect and pay over the commutation money as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any neglect or omission of his duty by the law in such case provided, to be levied and collected in the same manner.

## MACADAMIZED ROADS.

## KINGSTON TO NAPANEE.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the Road, or for such persons as they shall appoint, to ask for and receive from the several Path-masters the money so collected by them.

Path-masters to pay moneys received for commutation of statute labour, to trustees.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the side Roads leading to the Road so to be macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for macadamizing the Road to which such side Roads lead, and keeping the same in repair.

Application of money received for commutation of statute labour.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required, to report at the close of every year to the Lieutenant-Governor, or the Person Administering the Government of this Province, for the time being, for the information of the Legislature, the sum they have received and expended, together with the amount of tolls received.

Trustees to report to Lieutenant Governor.

XVI. *And be it further enacted by the authority aforesaid,* That the said Trustees shall have power to cause the necessary surveys to be made on such Road; and also to have all or such of the hills on the said Road reduced to the proper level, the Road drained, and all necessary bridges and culverts made, so soon after the passing of this Act as they, or a majority of them, may think advisable and for the public good.

Power given to trustees to make surveys, &c.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full powers to carry into effect the purposes of this Act, viz: Thomas Kirkpatrick, of the Town of Kingston, Esquire; John Counter, of the Town of Kingston, Baker; Horace Yeomans, of the Township of Kingston, Physician; Darius Champion Smith, of the Township of Ernestown, Yeoman; John Lewis Fralick, of the same place, Yeoman; and Allan Macpherson, of the Township of Richmond, Esquire; who shall have authority over the said Road, and shall have power to erect such number of gates in or across the said Road as to them, or a majority of them, may appear requisite, and fix such tolls as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be altered from time to time, as circumstances require: *Provided always,* that the Trustees acting under authority of this Act, shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any macadamized Road mentioned in this Act, and without any intention to evade the tolls, as to them may seem just and reasonable.

Persons appointed trustees who shall have power given them to erect toll-gates, fix tolls, &c;  
[See Statutes of Canada, 4 & 5 Vic. chap. 63.]



## MACADAMIZED ROADS.

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Time and place of meeting of trustees.

**XVIII.** *And be it further enacted by the authority aforesaid,* That the said Trustees shall meet at the Inn of John Blake, of the Township of Ernestown, on the first Monday in April next, or so soon after as may be convenient, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

Majority of trustees to decide all questions.

**XIX.** *And be it further enacted by the authority aforesaid,* That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Application of moneys received at toll-gates, and to whom paid.

**XX.** *And be it further enacted by the authority aforesaid,* That all the money collected at the different toll-gates on such Road shall be paid by the Collector to the Trustees of such Road when required by them; and that it shall be the duty of the said Trustees of such Road to pay the same over to His Majesty's Receiver-General at least once in three months, to be by him applied to the payment of the interest on the said loans as it becomes due, and the overplus to be applied to the redemption of the principal: *Provided always,* that the money paid by the Trustees of such Road shall be applied only to the debentures issued for such Road.

Tolls to be sufficient to pay principal and interest of sum loaned in 30 years.

**XXI.** *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Deficiencies to be supplied by assessment on inhabitants of Midland District.

**XXII.** *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, such deficiencies shall be raised, levied and collected, from the inhabitants of the Midland District, paying or liable to pay the ordinary taxes now by law imposed; which additional rate shall be collected in the same manner as other taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver-General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver-General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged under the provisions of this Act.

If tolls and other means unequal to payment of interest, deficiency to be supplied from Provincial Treasury.

**XXIII.** *And be it further enacted by the authority aforesaid,* That if it shall at any time happen that the interest on the sum of money raised under the authority of this Act shall be in arrear and unpaid, in consequence of the tolls and other means herein provided for the payment

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thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver-General, from and out of the moneys in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application being made to the Lieutenant-Governor by the Trustees for that purpose.

XXIV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver-General as aforesaid, shall be charged against the Trustees for the said Road, and shall be re-paid in the same manner as any other moneys borrowed for the purposes of this Act.

Moneys so advanced to be re-paid.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of such Roads to raise such tolls on the said Roads, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Roads in repair, pay the interest on the said loan, and redeem the principal sum of thirty thousand pounds within a period of not less than thirty years from the passing of this Act.

After fifteen years tolls to be raised sufficient to keep the road in repair, and pay loan in thirty years.

XXVI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver-General from issuing any debentures authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to replace the same or any part thereof, so that the whole sum of thirty thousand pounds be liquidated within the period of thirty years.

Debentures may be issued for a shorter period than thirty years.

XXVII. *And be it further enacted by the authority aforesaid,* That no person shall leave any waggon, cart or other carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind, or nuisance upon any of the said Roads, ditches or drains thereof; and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding twenty shillings.

No obstruction of road permitted;

Parties offending liable to penalties.

XXVIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the turnpike gates, or any toll-house to be erected by virtue of this Act, every person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt

Punishment of parties injuring road, or attempting forcibly to pass toll-gates without paying tolls.

## MACADAMIZED ROADS.

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to pass by force, any of the said gates, without having first paid the legal toll at such gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine, not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any two Magistrates within the Midland District.

Money to be advanced upon warrant, and accounted for through Lords of the Treasury.

XXIX. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver-General of this Province, in discharge of any warrant or warrants issued for that purpose by the Governor, Lieutenant-Governor, or Person Administering the Government of the same; and shall be accounted for to His Majesty, 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.

Trustees may commute tolls;

XXX. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such tolls; and that the said Trustees shall affix, in a conspicuous place at all such toll-gates, a table of the rates of tolls to be exacted and taken, to be plainly and legibly printed.

Tables of rates to be affixed at toll gates.

Punishment of persons evading tolls, and appropriation of fines.

XXXI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon any of the said Roads with any carriages or animals liable to toll, turn out of the same into any other Road beyond the said turnpike gate or gates without paying toll, whereby such payment shall be evaded, he shall for every such offence forfeit and pay the sum of ten shillings; which said sum shall be expended on the said Roads, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said Midland District shall, on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

Possessors or occupants of adjacent lands permitting persons to pass through them, to evade tolls, liable to be fined.

XXXII. *And be it further enacted by the authority aforesaid,* That if any person or persons occupying or possessing any enclosed lands near any toll-houses or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of the toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such Road.

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XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That all persons, horses or carriages, going to, or attending, or returning from any funeral of any person, shall pass the gate free of toll. Certain persons to pass toll free.

XXXIV. *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, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise. Vacancies among trustees to be filled by Lieutenant-Governor.

XXXV. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed, so far as relates to the operations of this Act. Part of 36th clause of 5 Wm. 4, chap. 8, repealed.

## 7th Wm. IV. Chap. 82.

*AN ACT to raise a sum of money to Macadamize the Main Road from Queenston to the West Boundary Line of Grimsby, in the Niagara District, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

**W**HEREAS an Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned, has fully realised the advantages anticipated, and given general satisfaction: *And whereas* it is desirable that such improvement should be made on the main public Highway leading from Queenston, through Saint Catharines, to the western limit of the Township of Grimsby, in the District of Niagara: *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 Preamble. (See 2 Vic. chaps. 27 & 72; 3 Vic. chap. 53; Statutes of Canada, 4 & 5 Vic. chap. 63.)

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£30,000 authorised to be borrowed on security of tolls.

same, That it shall and may be lawful for the Receiver-General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls to be levied and collected on the Road hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole thirty thousand pounds; which said sum of thirty thousand pounds shall be appropriated and applied as follows, that is to say: to make a macadamized Road from the Village of Queenston to the Western limit of the Township of Grimsby, aforesaid.

Receiver General to issue debentures.

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 or direct any number of debentures to be made out for such sum or sums of money, not exceeding thirty thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the tolls and other securities provided by this Act; 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 shall be signed by the Receiver-General for the time being.

Tolls to be applied to payment of interest and principal of loan.

III. *And be it further enacted by the authority aforesaid,* That the tolls shall be applied solely in payment of the interest and principal of such debentures, and for no other purpose whatsoever, until the full amount of thirty thousand pounds, and the interest thereon, be fully paid.

Receiver-General to advance money to trustees from loan.

IV. *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 pay such sum and sums of money, out of the said loan so to be raised on the said debentures, as the Trustees for the said Road may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary to enable them to proceed with such portion or portions of the work as are in a course of being finished; or for such materials furnished and delivered, not exceeding in the whole the sum of thirty thousand pounds.

Interest on debentures to be paid half-yearly, &c.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or debentures shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid 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 which the said interest shall have been paid, and shall take receipts for the same, respectively; and that the Receiver-General

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QUEENSTON TO GRIMSBY.

of the Province shall pay the interest on the said loan or debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

VI. Punishment for forging debentures.

VII. Receiver-General may call in debentures due, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road hereinafter mentioned, shall have full power and authority to cause the necessary surveys and estimates to be made thereon, preparatory to the commencement of the said improvement, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor; for the due performance of which contracts the said Trustees shall demand and take such good and sufficient security, as they shall deem reasonable in each case.

Powers and authority of trustees.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway or Road, and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper; and to settle the direction of the said Road, or change, or alter or shorten, or make it more accessible; and to make or cause to be made causeways, and to cut or make drains, ditches or trenches, through any grounds lying contiguous to the said Road, to make passage for the water where it may be found necessary, from such ditches or trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such drains, ditches, passages and outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a jury of the District of Niagara, at the Court of General Quarter Sessions, to be empannelled and sworn for that purpose at the request of the party aggrieved; and if such verdict shall not exceed the amount offered, the owner or occupier of the land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any moneys in their hands for the purposes of the said Road.

Duties and authority of trustees, in repairing road, &c.;

Manner of satisfaction to owners of land, and for damages done.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one half mile on either side of the said Road, and who are by the existing laws of the Province liable to perform statute labour, shall, and they are hereby

Certain persons required to commute their statute labour.

(See Statutes of Canada, 4 & 5 Vic. chap. 63.)

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required to commute the same, and pay the amount in money, at the rate of two shillings and six pence per day, for every day for which they are assessed.

Path-masters to demand and receive commutation for statute labour.

XI. *And be it further enacted by the authority aforesaid,* That the Path-masters in the several divisions on the said Roads, so to be macadamized as aforesaid, shall have full power and authority, and they are hereby required, within their respective divisions, to demand and receive the amount of commutation for statute labour to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the Path-master of the division shall proceed to collect it in the same manner as he is authorised by law to collect other arrears and forfeitures, by virtue of his office as Path-master.

Punishment of path-masters for neglect of duty.

XII. *And be it further enacted by the authority aforesaid,* That if any Path-master shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty, by the law in such case provided, to be levied and collected in the same manner.

Money paid for commutation of statute labour to be paid trustees.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-masters the money so collected by them.

Manner of applying money for commutation of statute labour.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the side Roads leading to the Road, so to be macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for macadamizing the Roads to which such side Roads lead, and keeping the same in repair.

Trustees to report to Lieutenant-Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Trustees of the said Road, and they are hereby required, to report at the close of every year to the Governor, Lieutenant Governor or Person Administering the Government, for the time being, for the information of the Legislature, the sums they have received and expended, together with the amount of tolls received.

Power given to trustees to make surveys, &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall have power to cause the necessary surveys to be made thereon, and also to have all such of the hills on the said

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Road reduced to the proper level, the Road drained, and all necessary bridges or culverts made, so soon after the passing of this Act as they, or a majority of them, may think advisable, and for the public good.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full power to carry into effect the purposes of this Act, viz: Joseph Wynn, of Queenston; William Woodruff, of St. Davids; John Lampman and George Havens, of Grantham; Oliver Phelps and George Adams, of St. Catharines; John McCarthy, of Louth; Timothy Hixon, of Beamsville, and Dennis Woolverton, of Grimsby; who shall have full power to erect such number of gates on or across the said Road as to them, or a majority of them, may appear requisite, and fix such toll as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be altered from time to time as circumstances require: *Provided always,* that the Trustees, acting under the authority of this Act, shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any part of the macadamized Road mentioned in this Act, and without any intention to evade the tolls, as to them may seem just and reasonable.

Persons appointed trustees who shall have power to erect toll-gates, and to fix tolls, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, intituled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, intituled, '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, intituled, '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,' as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed; so far as relates to the operations of this Act.

So much of the 36th clause of the township officers law, as relates to the wilful stopping up of highways, repealed, so far as relates to this Act.

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall meet in the Village of St. Catharines, on the first Monday in April next, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

Time and place of meeting of trustees, &c. and duty to be performed.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

A majority of trustees to decide questions.



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Moneys collected at toll-gates to be paid to trustees, and by them to Receiver General, to be applied in payment of loan and interest.

XXI. *And be it further enacted by the authority aforesaid,* That all the money collected at the different toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them; and that it shall be the duty of the said Trustees to pay the same over to His Majesty's Receiver-General, at least once in three months, to be by him applied to the payment of the interest on the said loans as it becomes due, and the overplus to be applied to the redemption of the principal.

Trustees required to levy tolls sufficient to pay principal and interest of sum loaned in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Deficiencies to be raised by assessment on inhabitants of District of Niagara.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, such deficiency shall be raised, levied and collected, from the inhabitants of the District of Niagara, paying, or liable to pay, the ordinary taxes now by law imposed; which additional rate shall be raised in the same manner as other taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver-General; which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver-General of this Province for that purpose, upon its being made to appear to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged, under the provisions of this Act.

If interest in arrear, deficiency to be paid from Provincial Revenues.

XXIV. *And be it further enacted by the authority aforesaid,* That, if it shall at any time happen that the interest on the sum of money raised under the authority of this Act shall be in arrear and unpaid, in consequence of the tolls, and other means herein-before provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver-General, from and out of the moneys in his hands, applicable to the public uses of the Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, a warrant for that purpose; which warrant shall and may be issued at any time, upon application being made to the Lieutenant-Governor by the Trustees for that purpose.

Sums so advanced to be re-paid, &c.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money, so advanced by the Receiver-General as aforesaid, shall be charged against the Trustees for the said Road, and shall be re-paid in the same manner as other moneys borrowed for the purposes of this Act.

## MACADAMIZED ROADS

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XXVI. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Trustees to raise such tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said loan, and redeem the principal sum of thirty thousand pounds, within a period of not less than thirty years from the passing of this Act.*

After fifteen years, trustees to raise tolls necessary to keep road in repair, pay interest and redeem principal in thirty years.

XXVII. *And be it further enacted by the authority aforesaid, That nothing contained in this Act shall be construed to prevent the Receiver-General from issuing any debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such debenture, and from issuing other debentures for a renewed loan to re-place the same, or any part thereof, so that the whole sum of thirty thousand pounds be liquidated within the period of thirty years.*

Debentures may be issued for a shorter period than thirty years.

XXVIII. *And be it further enacted by the authority aforesaid, That no person shall leave any waggon, cart or other carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind, or nuisance upon the said Road, or in any of the ditches or drains thereof; and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding twenty shillings.*

No obstruction of road permitted;

Parties offending liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid, That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants for that purpose, to be issued by any one of His Majesty's Justices of the Peace for the District of Niagara, who are hereby authorised and empowered to grant the same.*

Manner of levying fines and forfeitures.

XXX. *And be it further enacted by the authority aforesaid, That if any person or persons shall cut, break down or otherwise destroy, any of the turnpike gates, or any toll-house, to be erected by virtue of this Act, every such person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the gates, without having first paid the legal toll at such gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any Magistrate of the District of Niagara.*

Punishment of parties injuring road or attempting forcibly to pass toll gates without paying toll.

XXXI. *And be it further enacted by the authority aforesaid, That the money authorised to be issued by this Act shall be paid by the Receiver-*

Money to be advanced on warrant, and accounted for through Lords of the Treasury.

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General of this Province, in discharge of any warrant or warrants issued for that purpose by the Governor, Lieutenant-Governor, or Person Administering the Government of the same; and shall be accounted for to His Majesty, 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.

Trustees may commute tolls, and to affix tables of rates of toll at toll-gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the tolls with any person or persons, by taking of him, her or them a certain sum, either monthly or annually in lieu of such tolls; and that the said Trustees shall affix, in a conspicuous place at all such toll-gates, a table of the rate of tolls to be exacted and taken, to be plainly and legibly printed.

Punishment of persons evading payment of tolls;

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road with any of the carriages or animals liable to pay toll, turn out of the same into any other Road, and shall enter the said Road beyond the said Turnpike-gate or gates, without paying toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of ten shillings; which said sum shall be expended on the said Road, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the District of Niagara shall, on conviction of such offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

And appropriation of fines.

Owners or occupants of lands adjacent permitting persons to pass through their lands, to evade tolls, liable to be fined.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person or persons occupying or possessing any enclosed lands near any toll-houses or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of the toll; whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such Road.

Certain persons allowed to pass toll free.

XXXV. *And be it further enacted by the authority aforesaid,* That all persons, horses or carriages, going to, or attending, or returning from any funeral of any person, shall pass the gate free of toll.

Governor to fill up vacancies among trustees.

XXXVI. *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,

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from time to time, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise.

XXXVII. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to lease, from year to year, the different gates, to such individuals as, upon due notice having been given, shall offer the highest terms for them.* Trustees may lease toll-gates.

## 7th Wm. IV. Chap. 4. (2nd Sess.)

*AN ACT to facilitate the negotiation of loans of money required for the completion of the Macadamized Roads, and for other purposes therein mentioned.*

[Passed 11th July, 1837.]

WHEREAS it might facilitate the negotiation of loans of money required for the completion of the macadamized Roads authorised to be undertaken in this Province, if the debentures upon which such loans are to be raised were made payable for a less sum than by law they can now be issued, and were made payable in the City of London: *Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council of this Province, to authorise the issuing of debentures to the amount that may be required for the purpose of making the several macadamized Roads authorised by Acts of the Legislature, passed in the last Session, in sums not less than fifty pounds sterling each, and bearing an interest of six per cent payable in this Province, or of five per cent payable in London, redeemable at the expiration of twenty years.* Preamble.

II. *And whereas it is expedient to authorise the raising, in like manner, of such portion of the moneys granted during the last Session for completing the Welland Canal as may be necessary for maintaining the same in sufficient repair, and for discharging the debts due on account of the* Governor and Council may authorise issuing debentures for making macadamized roads, in sums not less than £50 sterling, at 5 per cent. interest payable in London, or 6 per cent. payable in this Province, redeemable in twenty years. In like manner to issue debentures for portion of moneys granted for keeping Welland Canal in repair, and for discharging debts due on account of work.

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said work: *Be it therefore enacted by the authority aforesaid,* That the Lieutenant Governor of this Province, by and with the advice of the Executive Council, may authorise the issuing debentures, to such amount as may be necessary for those purposes within the present year, in sums not less than fifty pounds sterling each, and bearing interest at six per cent payable in this Province, or five per cent payable in London, and redeemable at the expiration of twenty years.

Debentures secured on funds mentioned in former Acts.

III. *And be it further enacted by the authority aforesaid,* That the debentures authorised to be issued under this Act shall be chargeable on the funds and securities mentioned in the respective Acts authorising the appropriation of moneys to the purposes aforesaid.

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### 1st Vic. Chap. 33.

*AN ACT to incorporate certain persons under the style and title of "The Windsor Road Company."*

[Passed 6th March, 1833.]

Preamble.

**WHEREAS** James T. Somerville, L. Hayden, A. W. Perry, A. Macpherson, George McGill, Ezra Annis, Samuel Cockrane, Charles Farewell, A. Norton, and others, have, by petition, prayed for an Act of incorporation to be passed to enable such of the said petitioners, and others desiring to establish a single or double Railway or macadamized Road, or both, from some point of Windsor Harbour, in the Township of Whitby, to the main York Road or Dundas-street, with a capital of five thousand pounds: *And whereas* it is expedient to grant the prayer of said petition: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said James T. Somerville, L. Hayden, A. W. Perry, A. Macpherson, George McGill, Ezra Annis, Samuel Cockrane, Charles Farewell, and A. Norton, 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 Windsor Railway or macadamized Road Company."

Company incorporated.

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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, or macadamized road, or both, at their own costs and charges, on and over any part of the country lying between the said Windsor Harbour, and the Main York Road or Dundas-street aforesaid, and to take, carry and transport thereon, passengers, goods and property, in carriages used and propelled either 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.

Company may construct road between Windsor and main York Road.

III. *And be it further enacted by the authority aforesaid,* That the said Company be and they 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 Railway or macadamized Road, or both, 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 Railway or macadamized 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 Company to nominate and appoint 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 a majority of whom shall be final; and the said arbitrators shall and they are hereby required to attend at some place convenient to the said intended Railway or Road, to be appointed by the said Company; then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that such arbitrators shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Company may contract for lands;

Or for damages;

In case of disagreement each party may appoint arbitrators;

Who, with one other to be chosen by ballot, shall determine amount of compensation;

Award of majority final;

Place of meeting;

Arbitrators to be sworn before Justice of the Peace;

Award subject to the jurisdiction of the Court of King's Bench.

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Compensation awarded to be paid within twelve months;

IV. *And be it further enacted by the authority aforesaid,* That whatever sum of money may be finally awarded to any persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company, with his, her or their property, rights or privileges, shall be paid within twelve months from the time of the same being awarded; and in case the 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.

Or property may be resumed.

Company may explore country along intended line of road;

V. *And be it further enacted by the authority aforesaid,* That the said Windsor Harbour Railway or Road Company, shall have full power and authority to explore the country lying between the said Windsor Harbour and the Main Road leading to the City of Toronto, or Dundas Street; and to designate and establish, and to take, appropriate, have and hold, to and for the uses of them and their successors, the line and boundaries of a double or single Railway or a macadamized Road, or both, as aforesaid, with the necessary Railways or Roads, to connect the said Harbour with the aforesaid Road on Dundas Street; 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 and belonging to the Queen's Majesty, Her Heirs and Successors, or to any other person, 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 Railway or Road, and all such matters and conveniences as they may think proper and necessary for making, effecting, preserving, improving, completing and using the said intended Railway or Road, or both, to the best advantage; and also to make, erect, build and set up, in and upon the route of the Railway or Road, or both, or upon the lands adjoining or near the same, all such ways, roads and conveniences as the said Company shall think requisite and convenient for the purposes of the said way or Road; and also from time to time, to alter, repair, amend, widen or enlarge the same, or any other of the conveniences aforesaid, as well for carrying or conveying goods, commodities, timber and other things to and from the said way or 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 way or Road; and also place, lay, work and manufacture, the said materials on the ground near to the places where the said works 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 way or Road, or which shall communicate therewith;

And appropriate and hold land necessary for their road;

And alter and enlarge the road from time to time;

Materials, &c. may be manufactured on the ground near the line of road;

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and to construct, erect and keep in repair, any piers, arches or other work, in, upon and across any rivers or brooks, for making, using, maintaining and repairing the said way or Road, and its 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 Railway or macadamized 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.

Repairing and altering fences, &amp;c ;

General powers of the Company;

Doing as little damage as may be.

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 customs to be received for the transportation of property or persons on the single or double Railway or macadamized Road, or both, hereby authorised to be constructed, erected, built, made and used.

President and Directors to establish and regulate tolls, &amp;c.

VII. *And be it further enacted by the authority aforesaid,* That the said single or double Railway or macadamized Road, or both, and appurtenances, 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, merchandize or passengers, as herein-before mentioned, shall, and the same are hereby vested in the said Company and their successors for ever.

Rail-road and tolls, &amp;c. vested in the Company.

VIII. *And be it further enacted by the authority aforesaid,* That so soon as the said double or single iron or wooden Railway or macadamized Road, or both, 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 Railway or Road, or both, 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 carriages; and shall have power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business, as to them may seem necessary.

Tolls, &amp;c. when payable;

Power to regulate transport of goods and passengers, and collection of tolls;

To erect toll houses.

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

Company may construct their rail-way across any stream or water-course, highway, &amp;c.



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Restoring former usefulness of such stream, &amp;c.

course, or any Road or Highway lying on the route of the said Railway or Road, between the said Harbour and the said Road or Street, it shall be lawful for the said Corporation to construct their Railway or Road across or upon the same: *Provided*, that the said Corporation shall restore the stream or water course, Road or Highway, thus intersected, to its former state, so as its usefulness be not impaired; and shall moreover erect and maintain, during the continuance of their corporate capacity, sufficient fences upon the line of the route of their Railway or macadamized Road.

Persons wilfully injuring the works, to forfeit double the amount of damage done;

X. *And be it further enacted by the authority aforesaid*, That if any person shall wilfully do, or cause to be done, any act 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 so offending shall forfeit and pay to the said Corporation double the amount of the 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.

How recoverable.

Affairs of the Company, to be managed by seven Directors;

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 February in every year, at Windsor aforesaid, in the Township of Whitby, 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 some newspaper 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 election that two or more have an equal number of votes, in such a manner that a greater number of persons than seven shall, by plurality of votes, appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons, so having an equal number of votes, shall be 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

One of whom to be President;

Qualification;

Thirty days notice of election;

Election by ballot;

Provision in case of equality of votes;

Election of President;

Supply of vacancies during current year.

## MACADAMIZED ROADS.

WINDSOR.

they may happen by a person or persons to be nominated by a majority of 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 shall have held in his 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 for every five shares over ten. Votes proportioned to number of shares.

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

XIV. *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 Company, 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 have power to appoint as many officers, clerks and servants for carrying on their business, and with such salaries and allowances as to them shall seem fit. Directors empowered to make by-laws.

XV. *And be it further enacted by the authority aforesaid,* That on the twelfth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Windsor aforesaid, who, in the manner herein-before mentioned, shall proceed to elect seven persons to be Directors, who shall elect one of their number to be President, and shall continue in office until the first Monday in February 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 some paper or papers published in the Home District. First meeting of Stockholders; Period of service; Amount of stock required to be previously subscribed.

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 Capital not to exceed £5,000.

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exceed in value five thousand pounds, to be held in eight hundred shares of six pounds five shillings each; and that the shares of the capital stock may, after the first instalment shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Upon appointment of Directors, a call for £10 per cent. may be made;

Payment of residue;

Works not to be commenced until first instalment paid.

Forfeiture of shares on non-payment of instalments.

Annual dividends.

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 some paper or papers published in the Home District, 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, may agree upon, so as that no such instalments shall exceed ten per cent, nor become payable in less than thirty days after public notice in the paper or papers as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the Railway or Road until the first instalment shall be paid in.

XVIII. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders 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 moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the said instalment or instalments required, over and above the purchase money of the share or shares so purchased, immediately after the sale, and before he shall be entitled to a certificate of the transfer of such share or shares, so purchased as aforesaid: *Provided always,* that thirty days notice of the sale of such forfeited share or shares shall be given in any newspaper or newspapers published in the Home District, and that the instalment due may be received in redemption of any such forfeited share or shares, at any time before the day appointed for the sale thereof.

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 a majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and

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losses, such statement to appear on the books, and to be open to the perusal of any Stockholder, at his reasonable request.

XX. *And be it further enacted by the authority aforesaid, That this Act* Public 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.

XXI. *And be it further enacted by the authority aforesaid, That the said* Period for commencing four years, and completing the works, eight years. single or double Railway or macadamized Road shall be commenced within four years, and completed within eight years after the passing of this Act, otherwise this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

XXII. *And be it further enacted by the authority aforesaid, That notwithstanding the privileges hereby conferred on the said Corporation, the* Legislature may alter the provisions of this Act. 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, bodies 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 right of way, public or private, that may be affected by any of the powers given by this Act.

XXIII. *And be it further enacted by the authority aforesaid, That if* Limitation of action any action or suit shall be brought against any person 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.

[SEE 3 VIC. CHAP. 53, PRINTED AMONG PUBLIC ACTS.]

### 3rd Wm. IV. Chap. 41.

*AN ACT to authorise the erection of Mill Dams upon the River Thames, in the London District.*

[Passed 13th February, 1833.]

**W**HEREAS it hath been represented by the petition of sundry persons, Preamble; inhabiting upon or near the banks of the River Thames, in the Townships [See 9 Geo 4, chap. 4.] of Caradoc and Lobo, in the London District, that the erection of Mills

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upon the said River, near the Fulling Mills of Burley Hunt, in the Township of Westminster, and opposite to the broken lot number twenty-four, in the first range south of the Long Woods Road, in Caradoc, and at or near broken lot number seven in the front on the River Thames, in Lobo, would greatly increase the general prosperity and wealth of the surrounding country; and that the natural fall of the said River at those places is almost sufficient for the above mentioned purpose, but that to render the water privileges completely efficient at all seasons of the year, it will be necessary to erect a Dam across the said River at each of the above mentioned sites, of 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for any person or persons, having first obtained permission by an instrument under his or their hands and seals, from the proprietor or proprietors, or the proprietor or proprietors his or their heirs and assigns, to erect one Dam upon each or either of the above mentioned sites, of such height only as will not flood or otherwise injure any lands lying above the same: *Provided always*, that such Dam or Dams shall be constructed with suitable locks 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 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 or Dams shall exist.

Mill dams may be erected with the consent of the owners of the land adjacent on certain falls in the Thames;

Locks and inclined planes to be constructed thereat.

Any obstruction of the navigation for twenty days, by the works hereby authorised, to avoid the privileges hereby granted.

This Act may be repealed by any future Act of the Legislature.

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.

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.

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## 4th Wm. IV. Chap. 36.

*AN ACT to authorise Richard Tunks to erect a Mill Dam upon the River Thames, in the London District.*

[Passed 6th March, 1834.]

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for 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 always*, that such Dam shall be constructed with suitable locks 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 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.

Preamble.

Richard Tunks empowered, having permission from proprietor of adjoining lands, to erect a dam;

To be constructed with suitable locks; For passage of boats, &amp;c.;

Inclined planes for passage of rafts, &amp;c.

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 twenty days successively, this grant to be void.

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Future amendment or  
repeal of this Act.

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.

## 6th Wm. IV. Chap. 24.

*AN ACT to authorise the erection of a Mill Dam upon the River Thames, in the London District.*

[Passed 7th March, 1836.]

Preamble.

WHEREAS it hath been represented by the petition of sundry persons inhabiting upon or near the banks of the River Thames, in the Township of Mosa, in the County of Middlesex, and District of London, that the erection of mills upon the said River, on lot number twenty-eight of the broken front of the said Township, and which is situated upon the right bank or north-westerly side of the said River Thames, and between said River and the Long Woods Road, would tend greatly to increase the general prosperity and wealth of the surrounding country: *And whereas,* the natural fall of the said River at this place is not of that magnitude as to render the water privilege efficient at all seasons of the year for mill purposes, and it will be therefore necessary to erect a Dam across the said River at the above mentioned site: *And whereas,* the erection of a Dam of a sufficient height to fully effect the purpose desired 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" and by the authority of the same, That it shall and may be lawful for any person or persons owning the lands on both sides of the said River Thames, at the place mentioned, or in case of not owning said land, having first obtained permission by an instrument under his or their hands and seals from the proprietor or proprietors of the said lands, his or their heirs and assigns, to erect a Dam upon the above-mentioned site, of such height only as will not flood or otherwise injure any lands lying above the same: *Provided always,* that such Dam or Dams shall be constructed with suitable locks 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 with

Authority to construct  
mill-dam across the  
Thames;Manner in which such  
dam to be constructed.

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inclined planes of not less than forty feet in length and thirty feet in width, with good and sufficient aprons for the safe passage of rafts and the ascent of fish, to be maintained and kept in good repair by the person in possession of said water privilege, free from toll or other charge, as long as the said Dam or Dams shall exist.

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. Obstruction of passage to render grant 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. Act may be amended or repealed.

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### 3rd Vic. Chap. 40.

*AN ACT to authorise the construction of a Mill Dam across the River Thames.*

[Passed 10th February, 1840.]

**WHEREAS** it hath been represented by the petition of sundry persons Preamble. inhabiting the Townships adjacent to the banks of the River Thames, in the Township of Delaware, in the County of Middlesex, and District of London, that the erection of mills upon the said River on lot B., in the broken Concession of Delaware, at the Village of Kilworth, in the said Township, and which is situated upon the right bank or southerly side of said River Thames, and between said River and the main Road leading from Delaware to London, would tend greatly to increase the general prosperity and wealth of the surrounding country: *And whereas,* the natural fall of the said River at this place is not of such magnitude as to render the water-privilege efficient at all seasons of the year for mill purposes, and it will be therefore necessary to erect a Dam across the said River at the above-mentioned site: *And whereas,* the erection of a Dam of a sufficient height to fully effect the purpose desired, will not flood or otherwise injure any lands lying above the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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



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reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for any person or persons owning the said lot B, in the broken Concession of Delaware, at the Village of Kilworth, on the said River Thames, to erect a Dam upon the above-mentioned site, of such height only as will not flood or otherwise injure any lands lying above the same: *Provided always*, that such Dam or Dams shall be constructed with suitable locks, 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 with inclined planes of not less than forty feet in length, and thirty feet in width, with good and sufficient aprons for the safe passage of rafts and the ascent of fish; to be maintained and kept in good repair by the person in possession of said water privilege, free from toll or other charge, as long as the said Dam or Dams shall exist.

Owner of Lot B, broken Concession of Delaware, may erect a dam across the River Thames, at the Village of Kilworth;

Not to flood lands;

Locks for passage of boats to be constructed;

And inclined planes;

To be kept in repair at the expense of the owner.

If passage obstructed twenty successive days, this grant to be void.

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.

Owner of said lot may sustain actions, &c. for injury to the dam;

III. *And be it further enacted by the authority aforesaid*, That the owner or owners of the said lot of land, for the time being, shall be held to possess, and be beneficially interested in the said Dam so to be erected, so that he or they may be enabled to sustain actions at law or in equity against any person or persons who may hereafter break down, destroy or injure the said Dam, or who shall in any wise prevent the use and enjoyment thereof by the owner or owners of the said lot of land: *Provided always*, that the said Dam shall be erected at a distance of not less than fifty yards up stream from the tail race of the mill of Benjamin Woodhull, senior, and as nearly as may be at a right angle with the course of the River; and further, that nothing in this Act contained shall at any time prevent, or be construed to prevent the owners or occupiers of the lot on the northerly side of the River Thames, situated opposite to the lot hereinbefore mentioned, to take and use in such way as they may deem proper from the pond caused by the erection of said Dam, a sufficient quantity of the water of the said River Thames, for the purpose of working any mills or machinery, which the owners or occupiers of the last-mentioned lot may deem it advisable to erect thereon, doing no damage to the said Dam.

Limitation as to place of erecting the same;

Owners of the lot on the northerly side of the Thames entitled to use the water for mills or machinery.

Dam to be erected within two years.

IV. *And be it further enacted by the authority aforesaid*, That if the said Dam shall not be erected and used for the purposes above-mentioned within two years from the passing of this Act, the privilege and right

## MONOPOLIES.

CHAUNCEY BEADLE.

granted shall from thenceforth cease and determine, as if this Act had not been passed.

V. *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.* Legislature may amend or repeal this Act.

## 8th Geo. IV. Chap. 16.

*AN ACT granting to Chauncey Beadle the exclusive privilege of establishing and running a line of public Stages, between the Village of Ancaster, in the Gore District, and the Town of Sandwich, in the Western District.*

[Passed 17th February, 1827.]

**WHEREAS** it is desirable for the accommodation of His Majesty's Preamble. subjects travelling from the Village of Ancaster, in the Gore District, to the Town of Sandwich, in the Western District, that a public Stage or conveyance by land carriage, from Ancaster aforesaid, passing through the Village of Brantford, in the said Gore District, by the present high Road, through Burford, Oxford, and the tract of land called the Long Woods, crossing the River Thames at Delaware, to Sandwich aforesaid; *And whereas* it would greatly conduce to the general interests of the Province, to afford an inducement by particular encouragement to the establishment of such a line of public Stages, at an earlier period than the state of the Roads and settlements through which such Stages must pass would otherwise admit: *And whereas* Chauncey Beadle, of St. Catharines, in the Niagara District, is willing to establish and support a line of public Stages upon the above route, as hereinafter specified; provided the exclusive right of a public Stage upon such route shall be secured to him, his executors, administrators and assigns, for the period of twenty-one years: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same; That if the said Chauncey Beadle, his executors, administrators or assigns, do and shall, at or before the expira-

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Chauncey Beadle, and his assigns, to have an exclusive privilege of running a public stage from Ancaster to Sandwich for 21 years, on certain conditions;

Periods of departure;

Time occupied on the route;

Baggage;

Rates of fare;

Right to be enjoyed only so long as all the conditions are observed;

Persons may hire carriages for their own use.

tion of one year from the first day of July next, establish a land conveyance, or line of public Stages, for the conveyance of travellers from Ancaster aforesaid, to Sandwich aforesaid, and from Sandwich to Ancaster, by the route aforesaid; and do and shall from thenceforth furnish safe, convenient and comfortable covered carriages, with springs, during all seasons when carriages shall be required; and also safe, commodious and comfortable sleighs, when requisite for the accommodation of the passengers; and shall and do also furnish and provide good horses, with proper relays at convenient distances; and also, careful, experienced and civil drivers; and do and shall run such Stages from thenceforward, at all seasons of the year, with regularity and diligence, leaving each of the said extreme points of departure, Ancaster and Sandwich, at least once in each week, at a stated day and from a stated place; and perform the whole journey from Ancaster to Sandwich, and from Sandwich to Ancaster, alternately, by the route aforesaid, within the space of four days each time, unless prevented by inevitable accidents or unavoidable delays; and shall not exact from each grown passenger, with thirty pounds weight of baggage, a greater price than three pence currency per mile, for each mile he may be conveyed by such Stage, nor exact from each child under twelve years of age, with half the quantity of baggage, more than half the said price or fare of three pence per mile, nor any thing for infants under two years of age; then and in such case, and so long, not exceeding the period of twenty-one years from the day of the passing of this Act, as such line of public Stages shall be maintained, and be properly conducted according to the purport, true intent and meaning of this Act, and all the conditions aforesaid be observed and fulfilled, but no longer, it is hereby enacted and declared, that the said Chauncey Beadle, his executors, administrators or assigns, shall and may have and enjoy the exclusive right, privilege, advantage and profit, of a line of public Stages from Ancaster to Sandwich, and from Sandwich to Ancaster, as aforesaid, by the route aforesaid; and that it shall not be lawful for any other person or persons whatsoever, so long as the privileges hereby granted shall continue by the terms and provisions of this Act, to establish, maintain, run or keep, any public Stage, or line of Stages, from Ancaster to Sandwich, or from Sandwich to Ancaster, aforesaid, or upon any part of the route aforesaid; and that any person or persons establishing, maintaining, running or keeping, any public Stage contrary to this Act, shall be liable to be prosecuted by the said Chauncey Beadle, his executors, administrators or assigns, and he or they shall be entitled to recover from any person or persons infringing the provisions of this Act, as aforesaid: *Provided always nevertheless*, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person travelling the whole or any part of the aforesaid route in any private carriage or conveyance, whether owned by the party or hired for the purpose of travelling therein.

## MONOPOLIES.

THOMAS HORNOR.

II. *And be it further enacted by the authority aforesaid,* That none of the privileges hereby granted to the said Chauncey Beadle, his executors, administrators or assigns, shall be enjoyed by him or them, unless the said line of Stages shall be by him or them established and in operation within the period of one and a half years from the passing of this Act, nor for a longer period than twenty-one years from the passing hereof; and that unless the said line of Stages shall, from their first establishment, continually, to the end of the said period of twenty-one years, be maintained and kept in regular operation according to the true intent and meaning of this Act, then and in such case, and in default thereof, the privileges hereby granted shall cease and determine, to all intents and purposes whatsoever: *Provided always,* that no casual suspension of the running of the said Stages for a period not exceeding at one time two weeks, owing to inevitable accidents or unavoidable obstacles, shall be construed or considered as cancelling, repealing or making void, the said privileges hereby granted.

Stage shall commence running within a year and a half;

Casual detentions.

III. *And be it further enacted by the authority aforesaid,* That if at any time or times during the continuance of this Act, it shall appear that the conditions upon which the privileges aforesaid are by this Act granted to the said Chauncey Beadle, his executors, administrators and assigns, or any of the said conditions, shall be disregarded or not be complied with, or if it shall appear that any of the privileges hereby granted have been or are abused or misapplied, or that the regular and convenient public accommodation hereby contemplated shall not be provided and furnished, according to the purport, true intent and meaning of this Act, it shall and may be lawful for the Parliament of this Province, by any future Act or Acts, as occasion may require, to repeal, alter or amend this Act, as shall seem expedient and just, and to the furtherance of the public good; and it is hereby expressly declared that the privileges herein-before mentioned are granted to the said Chauncey Beadle, his executors, administrators and assigns, upon this express condition, and not otherwise.

Remedy, if the privileges hereby given shall be abused.

## 11th Geo. IV. Chap. 34.

*AN ACT to secure to Thomas Hornor, a patent right in a new invented Threshing Machine.*

[Passed 6th March, 1830.]

**W**HEREAS the provisions of an Act passed in the seventh year of His Majesty's reign, intituled, "An Act to encourage the progress of useful arts within this Province," are confined to the sole inventors of any new and

Preamble.

[See 7 Geo 4, chap. 5.]

## NATURALIZATION.

D. ERB, AND OTHERS.

useful art, machine, manufacture or composition of matter, not known or used before the application, being subjects of His Majesty and inhabitants of this Province: *And whereas*, Thomas Hornor, of the Township of Burford, in the County of Oxford, in the District of London, Esquire, claims to be a co-inventor with Elnathan Keys, a foreigner, of a new and improved machine for threshing grain by a horse power, to the simplicity and usefulness of which invention the said Thomas Hornor has added, and bestowed considerable expense, pains and ingenuity, in bringing the said invention to public notice, and therefore is entitled to protection in bringing such invention into general notice and usefulness to the agriculturist in this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Hornor, substantiating his claim as aforesaid to be co-inventor of the said improvement, he, the said Thomas Hornor, shall be entitled to a patent or patents, according to the provisions of the said Act for the said invention, in the same manner as he would, or might be entitled, were he the original inventor of the said improvement.

Thomas Hornor may entitle himself to a patent for a newly invented machine.

## 10th Geo. IV. Chap. 23.

*AN ACT for the relief of Daniel Erb, and other persons whose names are therein mentioned.*

[The Royal Assent to this Bill promulgated by Proclamation, the 27th October, 1829.]

Preamble.

**WHEREAS** Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholtzer, and Francis Weaver, have by their petition set forth, that some of them, the said petitioners, many years ago, intending to become settlers in this Province, became purchasers from the grantees of the Crown of large portions of land in the Townships of Waterloo and Woolwich; that many of their friends at the same time bought tracts in the said Townships; and having from time to time removed into Upper Canada as they could dispose of

## NATURALIZATION.

D. ERB, AND OTHERS.

their property in the United States, have resided on and cultivated their lands in the said Townships; that of the said petitioners who still reside in the United States, some purchased from the original proprietors in Upper Canada many years ago, and others have more recently acquired their titles by purchase, devise or descent, from such purchasers; that they have hitherto been prevented from removing into Upper Canada by their inability to dispose of their property in the United States, and other causes; and are desirous of having their titles to their lands in Upper Canada confirmed, in order that they may remove into the Province and occupy them so soon as it may be in their power, or that they may sell them to their friends now there, or to such other persons, either in the United States or in Canada, as may be legally capable of holding them; that the petitioners, as well as their friends in Canada, formerly supposed that they could legally hold the Lands so acquired; but understanding now that American Citizens are required, like other foreigners, to be naturalized by express law; therefore the said petitioners pray that they may have a liberal and favourable consideration given to their case, and that they and their heirs may be allowed to hold such lands in the Province as they are at present possessed of, and to convey them, if they shall prefer it, to such persons as may be capable by law of holding lands in Upper Canada: *And whercas* it is expedient to secure the petitioners in their title to their lands in this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the titles of Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholtzer, and Francis Weaver, or any or either of them, or the heir or heirs of any or either of them, respectively, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by His Majesty, His Heirs or Successors, on account of his or their being an alien or aliens; but that all and every of them, the said Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholtzer, and Francis Weaver, and

Certain persons, being  
aliens, authorised to hold  
lands in Upper Canada.

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M. MERRICK, AND OTHERS.

the heirs of every of them, shall be deemed, adjudged and taken to be, so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any real estate in the said Townships of Waterloo and Woolwich, or any right, title, privilege or appurtenance thereto, or any interest therein, to have been natural born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they, and every of them, had been born within this Province.

### 3rd Wm. IV. Chap. 60.

#### *AN ACT to extend to certain persons the civil and political rights of Natural Born Subjects.*

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

Preamble;

Petitioners' names;

**WHEREAS** Marcus Merrick and John Winer, in the Town of Hamilton, in the Gore District, and also Barent Staats, Samuel Stevens, and Henry Averill, the younger, of the Town of Belleville, in the Midland District, have by their several petitions set forth, that they have come into this Province with the intention of becoming Subjects thereof: *And whereas*, it is expedient to secure the petitioners in their titles to their lands, and to confer upon them the rights and privileges of subjects of this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the titles of the said Marcus Merrick, John Winer, Barent Staats, Samuel Stevens and Henry Averill, the younger, or either of them, or their heir or heirs, or either of them, respectively, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by His Majesty, His Heirs or Successors, on account of his or their being an alien or aliens, but all and every of them the said Marcus Merrick, John Winer, Barent Staats, Samuel Stevens and Henry Averill, the younger, shall be deemed, adjudged and taken, so far as respects their capacity at any time heretofore, or now or hereafter, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or trans-

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

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

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E. H. SPALDING, AND OTHERS.

mit, any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to be and to have been natural born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in this Province.

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

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

III. *And be it further enacted by the authority aforesaid,* That the persons herein-before mentioned shall severally take and subscribe the following oath or affirmation: I, A. B. do sincerely promise and swear (or affirm, as the case may be) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon. So HELP ME GOD."

Form of oath of allegiance.

## 4th Wm. IV. Chap. 54.

*AN ACT to extend to certain persons the civil and political rights of Natural Born Subjects.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the twenty-seventh day of October, one thousand eight hundred and thirty-five.]

**W**HEREAS Erastus Holmes Spalding, Abner Barnard, both of Blenheim, in the London District; Alvin Turner, of Zorra, in said District; Frederick Alin Spalding, Hinks Gross, of Blenheim in the London District aforesaid; Amos Norton, of the Town of York; Eliakim Field, of Gosfield, in the Western District; Elisha Hayward, of the Town of York; Jean Petit Pont de la Haye, of York, aforesaid; Brooks Bowman,

Preamble;



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Philander H. Bowman, of Oxford West, in the London District aforesaid; and Moses Maynard, the younger, of Brockville, in the Johnstown District, have by their several petitions set forth, that they have come into this Province with the intention of becoming Subjects thereof: *And whereas*, it is just and expedient to secure the petitioners in their titles to their lands, and to confer upon them the rights and privileges of Subjects of this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the titles of the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman and Moses Maynard, or any or either of them, or the heir or heirs of any of them respectively, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by His Majesty, His Heirs or Successors, on account of his or their being an alien or aliens, but all and every of them the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman and Moses Maynard, shall be deemed, adjudged and taken, and so far as respects their capacity at any time heretofore, or now, or hereafter, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to be and to have been natural born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in this Province.

Petitioners qualified to hold real estate in the Province.

After a residence of seven years, and taking the oath prescribed, petitioners confirmed in the rights and privileges of British subjects.

II. *And be it further enacted by the authority aforesaid*, That after a residence of seven years within this Province, without having been absent more than two months at any one time, so soon as the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, shall respectively have taken and subscribed the oath hereinafter inserted, or being of the persons allowed to affirm, have made the affirmation hereinafter mentioned, before some person duly authorised to administer the oath contained in an Act of the Parliament of this Province, passed in the ninth year of His late Majesty's reign, intituled, "An

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ORSON KELLOG, AND OTHERS.

Act to secure and confer upon certain inhabitants of this Province the civil and political rights of natural born British Subjects," they the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, shall be and are hereby admitted and confirmed in all the privileges of British birth within this Province.

III. *And be it further enacted by the authority aforesaid,* That the persons herein-before mentioned shall severally take and subscribe the following oath or affirmation: I, A. B., do sincerely promise and swear, (or affirm, as the case may be,) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon. **SO HELP ME GOD.**

## 7th Wm. IV. Chap. 117.

*AN ACT to Naturalize certain persons therein named.*

[Royal Assent promulgated by Proclamation, 20th April, 1838.]

**WHEREAS** Orson Kellog, John George Leavitt, Robert Bell, Samuel B. Whiting, Chester Gurney, Richard Wilkins, Gardner Warren, have by their several petitions prayed to be by law naturalized as Subjects of His Majesty: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the titles of the said Orson Kellog, John George Leavitt, Robert Bell, Samuel B. Whiting, Chester Gurney, Richard Wilkins, Gardner Warren, or either of them, or their heir or heirs, or either of them, respectively, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by His Majesty, His Heirs or Successors, on account of his or their being an alien or aliens, but all and every of the persons herein-before mentioned shall be deemed, adjudged and taken, so far as respects their capacity at any time heretofore, or now, or hereafter, to take, hold, possess, enjoy, claim, recover, convey, demise, impart or transmit, any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any

Preamble.

Orson Kellog, John George Leavitt, Robert Bell, Samuel B. Whiting, Chester Gurney, Richard Wilkins, and Gardner Warren, to be adjudged capable of holding real estate, as if natural-born subjects.

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ELIJAH NELLIS.

interest therein, to be and to have been natural born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in this Province.

After seven years residence, and taking the oath of allegiance, the same persons to be admitted to all the privileges of British birth within this Province.

[See 9 Geo 4, chap. 21.]

II. *And be it further enacted by the authority aforesaid*, That after a residence of seven years in this Province, without being absent therefrom more than two months at any one time during the said seven years, so soon as the persons herein-before mentioned shall respectively have taken and subscribed the oath hereinafter inserted, or being of the persons allowed to affirm, have made the affirmation hereinafter mentioned; before some person duly authorised to administer the oath contained in an Act of the Parliament of this Province, passed in the ninth year of His late Majesty's reign, intitled, "An Act to secure and confer upon certain inhabitants of this Province, the civil and political rights of natural-born Subjects," they, the persons herein-before mentioned, shall be and are hereby admitted and confirmed in all the privileges of British birth within this Province.

Oath to be taken.

III. *And be it further enacted by the authority aforesaid*, That the persons herein-before mentioned, shall severally take and subscribe the following oath or affirmation: "I, A. B., do sincerely promise and swear (or affirm, as the case may be,) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon. SO HELP ME GOD."

### 3rd Vic. Chap. 75.

#### *AN ACT to Naturalize Elijah Nellis.*

(The Royal Assent promulgated by Proclamation, the 22nd August, 1840.)

Preamble;

**WHEREAS** Elijah Nellis, of the township of Blandford, in the District of Brock, hath, by his petition, prayed to be by law naturalized as a subject of Her Majesty; and the said Elijah Nellis having resided in this Province continuously for seven years, and having taken the oath of allegiance; and having, during such residence, shewn his attachment to the Government and laws of this Province, and assisted by personal service in its defence; and the said Elijah Nellis being now an officer serving Her Majesty in the Militia of this Province, it is therefore expedient that the said Elijah Nellis should be naturalized: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of

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CATHARINE McLEOD.

an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the title of the said Elijah Nellis, or his heirs, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by Her Majesty, Her Heirs or Successors, on account of his being an alien; but the said Elijah Nellis shall be deemed, adjudged and taken, so far as respects his capacity at any time heretofore, or now, or hereafter, to take, hold, possess, enjoy, claim, recover, convey, demise, impart or transmit, any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to be and to have been a natural born Subject of Her Majesty, to all intents, constructions and purposes whatsoever, as if he had been born in this Province.

Elijah Nellis to be adjudged capable of holding real estate, as if a natural born subject.

II. *And be it further enacted by the authority aforesaid,* That so soon as the said Elijah Nellis shall have taken and subscribed the oath hereinafter inserted, before some person duly authorised to administer the oath, contained in an Act of the Parliament of this Province, passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to secure and confer upon certain inhabitants of this Province, the civil and political rights of natural-born subjects," he the said Elijah Nellis shall be and is hereby admitted and confirmed in all the privileges of British birth within this Province.

Oath to be taken under provisions of 9, Geo. 4, chap. 21.

III. *And be it further enacted by the authority aforesaid,* That the said Elijah Nellis shall take and subscribe the following oath or affirmation—  
I, Elijah Nellis, do sincerely promise and swear (or affirm as the case may be) that I will be faithful, and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon—**SO HELP ME GOD.**

Oath of allegiance to be taken.

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## 56th Geo. III. Chap. 12.

### *AN ACT granting relief to Catharine McLeod.*

[Passed 22nd March, 1816.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** it is deemed expedient that the provisions of an Act passed in the fifty-third year of His Majesty's reign, intituled, "An Act to pro-

Preamble.

## PENSIONS.

ELIZABETH LAWE.

vide for the maintainance of persons disabled, and the widows and children of such persons as may be killed in His Majesty's service," should be extended to the relief of Catharine McLeod, of Charlotteville, widow, who having her son killed in November, one thousand eight hundred and thirteen, in action against the King's enemies, is left without support and protection, and is from age and infirmity incapable of gaining a comfortable subsistence: *Be it enacted, &c.*

Catharine McLeod entitled to receive a pension under the provisions of the Act of 53rd of the King, in the same manner as if she were the widow of a person killed in His Majesty's service; The pension to commence from the 1st day of November, 1813. 2. The annuity herein declared to be payable shall be paid by the Receiver-General of this Province, in discharge of any warrant issued by the Governor, &c. out of any moneys that now are or which may hereafter come into his hands, subject to the disposition of the Provincial Parliament: To be accounted for through the Lords Commissioners of the Treasury,

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## 2nd Geo. IV. Chap. 20. [1821.]

### *AN ACT granting a Pension to Elizabeth Lawe.*

[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**WHEREAS** it appears by the petition of Elizabeth Lawe, widow of George Lawe, Esquire, deceased, late Gentleman Usher of the Black Rod, attendant upon the Honourable the Legislative Council of Upper Canada, that by the death of the said George Lawe, accelerated by severe wounds received in the discharge of his duty as Captain of the first Regiment of Lincoln Militia, during the late war with the United States of America, and also by the death of her son killed in action, in defence of the Province during the said war, she is left destitute and unprovided with the common necessaries of life: *And whereas* it is desirable and proper, under such peculiar circumstances, to make provision for the widow of an old and faithful servant of this Province: May it therefore please your Majesty that it may be enacted, *and be it enacted, &c.*

A pension of £20 per annum granted to Mrs. E. Lawe, widow of the late George Lawe, Esquire, for life. 2. How to be paid and accounted for.

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PENSIONS.

PETER MILLER, &amp; JOHN WHITE.

**2nd Geo. IV. Chap. 24. (1822.)***AN ACT for the relief of Peter Miller.*

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN :

**WHEREAS** it appears by the petition of Peter Miller, Private of the Preamble. First Regiment of York Militia, that during the late war with the United States of America, he contracted a disease while on service, which from that time has rendered him incapable of earning his livelihood; and procuring the common necessaries of life: *And whereas* it is desirable and proper, under such circumstances, to make provision for the said Peter Miller in future: May it therefore please your Majesty that it may be enacted, *and be it enacted, &c.*

An annuity of £20 granted to Peter Miller. 2. How to be paid and accounted for.

**2nd Geo. IV. Chap. 25. (1822.)***AN ACT for the relief of John White.*

[Passed 17th January, 1822.]

**WHEREAS** John White was, during the late war with the United Preamble. States of America, very grievously wounded in action with the enemy, in the Western District of this Province, so as to be entirely disabled from earning his livelihood: *And whereas* the said John White, at the time of his being so wounded, was not borne upon the strength of any Company of Militia in this Province, is not entitled to be placed on the Pension List thereof; but having been employed as an artificer in the Navy Yard at Amherstburgh before the retreat of His Majesty's forces from thence, under Major-General Proctor, did, at the time of such retreat, bear arms in defence of this Province, and was, at the time of his being disabled by wounds, in the discharge of the duty of a Militia-man: *And whereas* the said John White is, by such wounds, disabled from supporting himself, and is burthened with a large family; and having suffered most severely in defence of this Province, is a proper object of its bounty: *Be it therefore enacted, &c.*

Granting him a pension of £20 per annum during life, in consequence of injuries received in action with the enemy during the war with the United States.

PENSIONS.

JAMES CARROL, JOHN McMILLAN, RYAN, LAMPMAN, &amp;c.

**4th Geo. IV. Chap. 28. (1824.)***AN ACT for the relief of James Carrol.*

[Passed 19th January, 1824.]

MOST GRACIOUS SOVEREIGN :

Preamble.

**WHEREAS** it appears by the petition of James Carrol, a private Militia-man in the late Provincial Artillery Corps, that during the late war with the United States of America he contracted a disease while on service, which has produced total blindness, and has thereby been rendered altogether unable to procure the common necessaries of life: *And whereas* it is desirable and proper, under such circumstances, to make provision for the said James Carrol in future: May it therefore please your Majesty, that it may be enacted, and *Be it therefore enacted, &c.*

An annuity of £20 granted to James Carrol. 2. How to be paid and accounted for.

**6th Wm. IV. Chap. 45.***AN ACT for the relief of John McMillan.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

MOST GRACIOUS SOVEREIGN :

Preamble.

**WHEREAS** it appears by the petition of John McMillan, a Private in the late Flank Company of the York Militia, that he has become totally blind since he quit the service, and has thereby become unable to procure the common necessaries of life: *And whereas* it is desirable and proper that provision be made for the said John McMillan in future: May it therefore please your Majesty that it may be enacted, and *be it enacted, &c.*

Pension of £20 granted to John McMillan. 2. To be paid by warrant, and accounted for, &amp;c.

**1st Vic. Chap. 43.**

*AN ACT authorising the payment of Pensions to certain Militia during the late War with the United States of America, under certain restrictions.*

[Passed 6th March, 1838.]

Preamble.

**WHEREAS** John Ryan, of the Township of Toronto, in the Home District; Peter Lampman, of Niagara, in the Niagara District; and Adam Stull, of Grantham, in the Niagara District, have petitioned the Legisla-

## PENSIONS.

COL. COFFIN, ADJ. GEN., &amp; LIEUT. SHEPPARD McCORMICK, R. N.

ture, praying to be restored to the Militia Pension List of this Province :  
*And whereas* the said John Ryan, Peter Lampman, and Adam Stull, were wounded during the late war with the United States of America, and enjoyed a pension up to the year one thousand eight hundred and twenty one ; and it is expedient that they should be restored to the Militia Pension List of this Province : *Be it therefore enacted, &c.*

Licutenant-Governor authorised to restore the names of John Ryan, Peter Lampman, and Adam Stull, to Pension List, under certain restrictions.

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### 1st Vic. Chap. 45.

*AN ACT granting a retired allowance to Colonel Coffin, Adjutant-General of Militia.*

[Passed 6th March, 1838.]

**WHEREAS** Nathaniel Coffin, Esquire, Adjutant-General in this Province, has by his petition to the Legislature, prayed, that owing to the infirmities of advanced age and impaired health, an annual allowance may be made to him during the remainder of his life, upon his retiring from the service : *And whereas* it is just towards the said Nathaniel Coffin, on account of his long and faithful services, that an annual allowance should be made to him, &c. Preamble.

Pension of £300 per annum granted.

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### 1st Vic. Chap. 46.

*AN ACT granting a Pension to Sheppard McCormick.*

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN :

**WHEREAS** Sheppard McCormick, Esquire, a retired Lieutenant of the Royal Navy, received several severe wounds in action at the capture and destruction of the piratical steamer "Caroline," in an attempt to invade this Province by a lawless banditti, by which he is disabled, and it is just and right that he should receive a pension during such period as he shall be so disabled by said wounds : We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore humbly beseech your Majesty that it may be enacted, *and be it enacted, &c.* Preamble.

Pension of £100 granted.



PENSIONS.

WIDOWS, MOODIE, MACNABB &amp; CHURCH.

**1st Vic. Chap. 47.**

*AN ACT to grant a Pension to the widow and children of the late Colonel Robert Moodie.*

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**WHEREAS** the late Colonel Robert Moodie, late of the 104th Regiment of Foot, was inhumanly murdered while on his way to the seat of Government, to give information of the late unnatural Rebellion: *And whereas* his devoted loyalty to your Majesty deserves to be gratefully recompensed by the inhabitants of this Province, by providing means for the support of the widow and children of that lamented officer: We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore most humbly beseech your Majesty that it may be enacted, *and be it enacted, &c.*

Pension of £100 per annum granted to the widow of the late Colonel Robert Moodie; and in case of her death or marriage, then to his eldest child, or guardian, for use of his children, until youngest is twenty-one years of age; pension payable from 4th December, 1837.

**1st Vic. Chap. 48.**

*AN ACT to provide a Pension to the widows of the late Captains James Macnabb, and William Church.*

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**WHEREAS** Captain James Macnabb, of the first Regiment of Hastings Militia, and Captain William Church, of the third Regiment of said Hastings Militia, have during the recent Rebellion, while on actual service, by accidents lost their lives; and it is but in accordance with humanity, and a sensibility of the loss sustained by the families of those officers, that pensions be provided for their widows: We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore most humbly beseech your Majesty that it may be enacted, *and be it enacted, &c.*

Pensions of £50 each per annum granted, during their widowhood. 2. To be paid by Receiver-General. 3. Payable from 16th December last.

PENSIONS—POLICE &amp; MARKETS.

WILLIAM HUST—YORK.

**1st Vic. Chap. 49.**

*AN ACT granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of Rebels.*

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** it is expedient and proper that William Hust should be rewarded for his gallant conduct in capturing a band of rebels, and compensated for loss of time and wounds received while engaged in so doing: We therefore beseech your Majesty that it may be enacted, *and be it enacted, &c.*

£25 granted.

[See 2 Vic. Chap. 66, 3 Vic. Chaps. 64, 65 &amp; 66, in the Public Acts.]

**54th Geo. III. Chap. 15.**

*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.*

[Passed 14th March, 1814.]

**WHEREAS** it is expedient for the convenience of the Inhabitants of the Home District, that a Market should be established at York, in the said District, and that the times and places for holding such Market should be ascertained: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of the Peace in the Home District, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered to fix upon and establish some convenient place in the Town of York as a Market, where butcher's meat, butter, eggs, poultry, fish and

Preamble.

(Repealed, except as to place for erection of market, by 4 Wm. 4, chap. 23.)

Market to be erected in the town of York;

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Orders and regulations. vegetables shall be expected to sale, *and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto as they shall deem expedient.*

Fines for offences.

II.

Publication of rules, orders and regulations.

III.

Mode of levying, and application of fines.

IV.

} Repealed by 4 Wm. 4, Chap. 23.

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## 4th Wm. IV. Chap. 23.

*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.]

Preamble.

[See 7 Wm 4, chaps. 39  
4 41 ;  
1 Vic. chap. 24 ;  
2 Vic. chap. 47.]

**W**HEREAS 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the first 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

So much of s. 1 of 54 Geo. 3, c. 15, as relates to the market, and the whole of secs. 2, 3 and 4, of the same Act, repealed ;

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Third, intituled, "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 the second year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal, in part, a certain part of an Act passed in the forty-third year of His late Majesty's reign, intituled, 'An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's reign, intituled, 'An Act to restrain the custom of permitting horned cattle, horses, sheep and swine, to run at large; 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, intituled, "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, intituled, "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, intituled, 'An Act to alter and amend an Act passed in the thirty-third year of His present Majesty's reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers; and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's reign, intituled, 'An Act to 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, intituled, "An Act to establish a Police in the Towns of York, Sandwich, and Amliertsburgh," 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, intituled, "An Act for the better regulation of Parish and Town Officers throughout this Province," as affects the said City hereby constituted, or the Liber-

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;

Also so much of 6 Geo. 4, c. 6, for regulating the assize of bread, as relates to York, repealed;

And so much of 33 Geo. 3, c. 2, and 46 Geo. 3, c. 5, respecting 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;

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And of 53 Geo. 3, c. 9; ties 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, intituled, "An Act to alter and amend an Act passed in the forty-eighth year of His Majesty's reign, intituled, "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 Act of the Parliament of this Province, passed in the forty-fifth year of the reign of His late Majesty King George the Third, intituled, "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, intituled, "An Act further to extend the provisions of an Act passed in the forty-fifth year of His Majesty's reign, intituled, '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, intituled, "An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, '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, intituled, 'An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the laws now in force for that purpose,'" 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, intituled, "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, intituled, "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, intituled, 'An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh;" be and the same are hereby repealed.

Also so much of 4 Geo. 4, c. 9, respecting highways, as relates to York;

And of the 1st Wm. 4, c. 10, vesting the market square in trustees;

And the whole of 3 Wm. 4, c. 28, respecting a police, repealed.

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;

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

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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 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.

500 feet from the margin;  
To 500 feet from N. W.  
point of peninsula;

Across the bay;

Northerly;

Easterly;

Southerly;

Easterly to place of  
beginning;Excepting the lands con-  
veyed to King's College;City and Liberties of  
Toronto;Proviso for future altera-  
tions of boundaries.

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 bound-

Limits of the City:

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City divided into five wards.

dary 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.

Ward of Saint David.

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 Andrew.

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 Patrick.

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 Lawrence.

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 George.

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.

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;

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; 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;

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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.

To the ward of Saint Patrick;  
Limits between the parts so attached, how ascertained.

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 herein-after provided: *Provided always,* that they shall not have it in their power to annex altogether more than five new Wards to the said City.

Common Council of the City may erect outer wards;  
And alter their boundaries;  
Number of new wards limited to five.

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.

When such outer wards may be annexed to the City;  
By proclamation;  
Naming of such outer wards.

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 general, 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.

After proclamation such new wards shall constitute a ward of the City;  
But no election for charter officers to take place until ensuing general election.

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Limits of the port of Toronto.

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.

Inhabitants, &c. to form body corporate, by name of "City 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 suc-

Continued succession and common seal;

cession, 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,

Capable of suing and being sued;

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.

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. Qualification for Common Councilmen. 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 a street deemed a dwelling house; voter must have been a resident inhabitant twelve months within the City, &c.; and three months within the ward, previous to the election.

XVI.

XVII.

XVIII.

[Repealed by 7 Wm. 4, Chap. 39, Sec. 2.]

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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.

Mayor, Aldermen, and Common Councilmen, and electors, to be natural-born subjects, &c and of the age of 21 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 herein-before 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 erected, 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 wheel-barrows, 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

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 harbours;

Fishing, fishing lights;

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Bathing;	regulate bathing and swimming in and about the docks, wharves, slips and shores, within the limits of the said City or the Liberties thereof; to
To suppress tipping houses;	suppress tipping houses, and restrain persons from keeping the same; to
Observance of Sabbath;	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
Exhibition of public shows;	excessive beating or other inhuman treatment of horses, cattle or other
Cruelty to animals;	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
Billiard tables;	distilling spirituous liquors for sale; auctioneers, butchers, cartmen and
Theatres;	cartage; hawkers and pedlers; all persons exhibiting for gain or profit any
Stills;	puppet-show, wire-dance, circus-riding, or any other idle acts or feats which common showmen, mountebanks, circus-riders or jugglers usually
Auctioneers, butchers, cartmen and cartage, hawkers and pedlers, puppet shows, &c.;	practice or perform, and to limit the number, and to provide for the proper licensing of the same; to regulate and prevent the firing of, 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 regulate the keeping and transporting of gunpowder, or other combustibile or dangerous materials, and the use of
Firing guns;	
Fire-works;	
Slaughter-houses, tanneries;	
Nuisances;	
Inns, taverns, &c.;	
Places of public entertainment;	
Licensing;	
Hay;	
Fish;	
Hucksters purchasing country produce,	
Coal and cordwood, &c.	
Salt and lime.	
Assize of bread,	
Vending meat, vegetables and fruit,	
To regulate markets,	
[See 7 <i>Hm</i> 4, ch. 11.]	
Party walls,	
General improvement of the City,	
Chimneys,	
Chimney sweeps,	
Fire companies,	
Deposites for ashes,	
Fire-places, stove-pipes, &c.	
Gunpowder,	

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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 alms-house or alms-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 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*

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.

[See 7 Wm. 4, chap. 9  
sec. 4.]

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:

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(Repealed by 7 Wm. 4,  
chap. 30, sec. 2.)

Limitation of amount of  
taxes to be imposed,

Commutation for road  
labour,  
[Sec 7 Wm. 4, chap. 29,  
sec. 12.]  
To be paid to Cham-  
berlain,

General authority to  
make laws,

Not being repugnant to  
the laws of this Province,

For breach of by-law, fine  
not to exceed £5, nor  
imprisonment 30 days,

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

When expedient to  
protract streets,

Or to widen or alter the  
same,

Common Council may  
enter grounds and make  
surveys,

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

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 by-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

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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.

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.

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.

## XXIV. [Repealed by 7 Wm. 4, Chap. 39.]

Each Ward to elect two Aldermen and two Common Councilmen.

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 herein-before provided, shall be entitled to elect two persons to be denominated the Aldermen of the Ward, and two persons to be denominated the Common Councilmen of the Ward.

Each Ward to elect two Aldermen and two Common Councilmen.

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.

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

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

Places of election,

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

Poll lists to be kept,

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Officer holding election to declare publicly the number of votes,

Certificate thereof to be filed, and persons having majorities to be declared duly elected.

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

Five days notice of election.

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

[See 7 Wm. 4, chap. 39, sec. 33]

Mayor to be chosen on the Thursday following such general election;

To enter upon his office on Monday of following month;

Oath to be taken by Mayor.

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

Officer holding election may give casting vote.

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.

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.*

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:*

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.

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,*

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and he is hereby required, whether otherwise qualified or not, to give a vote in favour of one or other of the persons having such equality of votes, in order that the election may be completed.

XXXII. *And be it further enacted by the authority aforesaid,* That Persons exempt from serving municipal office. 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.

XXXIII. *And be it further enacted by the authority aforesaid,* That Until registry made, voters may be required to take oath of qualification; 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 [See 7 Wm. 4, chap. 39, secs. 27, 30, 32.] 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.

After registry established, voters to produce certificate of qualification; and if required take the oath following.

XXXIV. [Repealed by 7 Wm. 4, Chap. 39.]

XXXV. *And be it further enacted by the authority aforesaid,* That if Persons swearing falsely guilty of perjury. 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.

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

XXXVII. *And be it further enacted by the authority aforesaid,* That if Elections to fill vacancies occurring in Wards; 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 Previous notice in three public places 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



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

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.

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;

Form of oath.

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.

Majority of Aldermen, &c. to form a quorum; Smaller number competent to adjourn, and compel attendance of absent members.

XXXIX. [Repealed by 7 Wm. 4, Chap. 39, Sec. 34.]

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

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.

Casting vote.

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

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.

Journal of proceedings;

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, anything herein contained to the contrary thereof notwithstanding.

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

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

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, 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.

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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.

Division upon each vote.

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.

Power of Common Council over its own members.

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.

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

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.

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

XLVIII. *And be it further enacted by the authority aforesaid, That im-* mediately 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.

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

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

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.

Four sessions of Common Council.

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

Mayor may call special meetings.

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

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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.

Salary of Mayor not to be less than one hundred pounds, nor to exceed five hundred pounds, payable half yearly out of City funds.

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.

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

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.

Chamberlain and High Bailiff to be appointed annually;

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 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.

May be removed for misconduct;

Proviso for vacancies by death, &c.

Treasurer of Home District eligible to office of Chamberlain.

Appointment of Clerk to Common Council;

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

Keeper of the City records.

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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 control of the said Common Council.

L.V. *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.*

Clerk of the Market and other officers removable at pleasure;

(Repealed in part by 7 Wm. 4, chap. 39, sec. 2.)

Former Acts relating to appointment of officers repealed;

Officers subject to performance of former duties;

(Repealed in part by 7 Wm. 4, chap. 39, sec. 2.)

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

Rates unpaid ten days after demand may be levied by distress, by warrant from Mayor or Alderman, upon information on oath of demand, neglect, &c.

Constables may be employed and paid;

Remuneration to Collectors, Assessors, &c.

L.VI. [Repealed by 7 Wm. 4, Chap. 39, Sec. 1.]

L.VII. *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.*

L.VIII. *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 moneys received by him, under the provisions of this or*

Chamberlain entitled to per centage on moneys received.

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any other Act, such per centage as the Common Council shall from time to time order and direct; and shall account for the said moneys to the Common Council in such manner as they shall direct.

Statement of accounts to be published annually.

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.*

Salary to High Bailiff.

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.*

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

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 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. [Repealed by 7 Wm. 4, Chap. 39.]

Collector 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.*

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LXVI. *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 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 Alderman 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.

Justices for the District to have no jurisdiction within the City or Liberties, except Quarter Sessions for the Home District;

[See 3 Vic. chap. 47, sec. 2.]

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

Recovery and application of penalties;

[See as to the application of penalties, 3 Vic. ch. 47;

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

[See 7 Wm. 4, chap. 39, sec. 4.]

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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 herein-before limited by this Act.

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, chap. 47.

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, intituled, "An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province."

Duties of Clerk of the Market:

To inspect weights and measures;

[See 7 Wm. 4, chap. 41.]  
To destroy false ones;

To inspect meats;

To destroy such as are tainted;

To inspect market stalls, and inquire into conduct of all vendors of provisions, &c.

And report offenders to Clerk of Common Council.

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.

Ferries between City and Peninsula subject to Common Council.

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.

Arrest of rogues, vagabonds, drunkards and disorderly persons;

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

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said Mayor or Aldermen, or any two of them, shall see cause, to order all or any such rogues, vagabonds, drunkards and disorderly 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 license 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, in the same manner as Grand Juries of the Quarter Sessions are summoned by a Sheriff of any District of this Province.

Grand Jury.



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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;  
[Sec 7 Wm. 4, Chap. 39,  
sic 23]

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 defen-  
dant, 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.

Market square vested in  
the City for public uses.

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 Honourable Henry Alcock, the Honourable Peter Russell, the Honourable Aeneas Shaw, and the Honourable John

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McGill, and which by an Act of the Parliament of this Province, passed in the first year of the reign of His present Majesty, intituled, "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.

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 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 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.

City officers and members of Fire Companies exempt from militia duty.

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 pre-

Officer refusing to take the oath deemed to have vacated his office;

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Liabie to be proceeded  
against for refusing to  
serve.

vent such person so refusing from being proceeded against for refusing to take upon himself such office.

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 Gaol or 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;

XCIV. *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.

Election may be held at  
any time within one  
month.

City to return one mem-  
ber to the House of  
Assembly;

[Sec. Act of Union,  
sec. 17.]

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 situate within the limits of the City of Toronto or the Liberties thereof.

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

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

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

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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.

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

## 7th Wm. IV. Chap. 39.

*AN ACT to alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, "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 4th March, 1837.]

**WHEREAS** it is expedient to alter and amend the law relating to the qualification of persons voting at any future election for Aldermen and Common Councilmen of the City of Toronto, and also to alter the qualification of Aldermen and Common Councilmen, and to provide for the due proof of such qualification, and to make other amendments in the Act incorporating the said City: *And whereas* the several laws now in force relative to the levying and collecting rates and assessments within this Province have, in their application to the City of Toronto, been found to produce well-founded complaint on the part of the inhabitants of the said City, and it is therefore expedient to provide for the more equal and just levying of rates and assessments in the said City: *And whereas* it is also expedient that the whole of the rates and assessments rated and assessed

Preamble;

[See 4 Wm. 4, chap. 23;

7 Wm. 4, chap. 41;

3 Vic. chap. 47.]

on property within the said City, should be paid and applied to the uses of the said City, the said City paying to the funds of the Home District a certain yearly sum as the just proportion which the said City ought to bear and pay in the general expenses of the said District: *And whereas* the several laws of this Province relating to road or statute labour will, in consequence of the repeal of the assessment laws of this Province hereinafter mentioned, become inapplicable to the said City, and it is therefore expedient to repeal the said laws relating to the road or statute labour aforesaid, in so far as the same affect the said City and Liberties: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the several laws now in force relative to the levying and collecting rates and assessments therein, that is to say: an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this Province;" and a certain other Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, 'An Act to repeal the laws now in force relative to the levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands, and other ratable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments, by providing, under certain restrictions, for the levying rates and assessments, by a sale of a portion of the lands on which the same are charged;" and a certain other Act passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to amend the assessment laws of this Province;" and also the several laws now in force in this Province relating to road and statute labour, that is to say: an Act passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled, "An Act to provide for the laying out, amending and keeping in repair, the public highways and roads in this Province, and to repeal the several laws now in force for that purpose;" a certain other Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's reign, intituled, 'An

59 Geo. 3, chap. 7;

1 Geo. 4, chap. 7;

3 Geo. 4, chap. 3;

50 Geo. 3, chap. 1;

36 Geo. 3, chap. 39;

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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;" a certain other Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "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;" a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, 'An Act to repeal part of and amend the laws now in force for laying out, and 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, intituled, 'An Act to provide for the laying out, amending and keeping in repair, the public highways and roads in this Province, and to repeal the laws now in force for that purpose;'" and a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, intituled, 'An Act to provide for the laying out, amending and keeping in repair, the public highways and roads in this Province, and to repeal the laws now in force for that purpose;' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, '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,'" so far as the same Acts relate to or affect land and other ratable property within the said City of Toronto and the Liberties thereof, and the rates or assessments to be rated, levied or collected therein; or the performance of road or statute labour, or the composition therefor within the said City and Liberties; shall be and they are hereby repealed; save and except only so far as the same Acts, respectively, may have repealed any prior Act or enactment affecting or concerning the land or property within the said City or Liberties, and the rates or assessments to be rated, levied or assessed thereon; or the road or statute labour, or composition therefor, within the said City and Liberties.

59 Geo. 3, chap. 8;

4 Geo. 4, chap. 9;

4 Geo. 4, chap. 10;

So far as relates to the City of Toronto, repealed.

Exception.

II. *And be it further enacted by the authority aforesaid,* That so much of the twenty-second clause of an Act passed in the fourth year of the reign of His present Majesty, intituled, "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," as relates to the levying and collecting annually, by tax upon the real and personal property in the said City and the Liberties thereof, a sum of money in addition to the rates and assessments payable to the general funds of the Home District; and also, so much of the fifty-fifth clause of the said Act, as relates to the

Part of the 22d clause 4th Wm. 4, chap. 23;

Part of the 55th clause;

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The 16, 17, 18, 24, 34, 39, 56, & 62d clauses of the said Act repealed.

collecting or 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 laws of the Province; and so much of the said clause as relates to the appointment of one Assessor and one Collector for each Ward of the said City and the Liberties thereof; and also, the sixteenth, seventeenth, eighteenth, twenty-fourth, thirty-fourth, thirty-ninth, fifty-sixth and sixty-second clauses, of the said last mentioned Act, shall be and the same are hereby repealed.

Chamberlain in January in every year to pay to the Treasurer of the Home District £400;

III. *And be it further enacted by the authority aforesaid,* That in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Home District, the Chamberlain of the said City shall, some time in the month of January in each and every year, out of the moneys in his hands of the said City, pay to the Treasurer of the Home District, for the general uses of the said District, the yearly sum of four hundred pounds, the first payment thereof to begin and be made some time in the month of January next ensuing the passing of this Act: *Provided always,* that nothing in this Act contained shall extend, or be construed to extend, to prevent or excuse the said City from paying to the general funds of the Home District all such sum and sums of money as are or may be hereafter collected within the said City, for or on account of the assessment already imposed by the general assessment laws of this Province, and due and payable by the inhabitants of the said City and Liberties for the year before the passing of this Act.

Proviso as to former assessments.

Corporation authorised to build a Gaol and House of Correction;

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Corporation, and they are hereby required, within five years after the passing of this Act, to build or cause to be built, at the expense of the said Corporation, on some convenient site, to be by them procured for that purpose within the said City or the Liberties thereof, a good and sufficient Gaol and House of Correction, for the confinement and imprisonment of all and every offender or offenders who shall, at any time after the completion of such Gaol and House of Correction, be committed or adjudged to be imprisoned under any order or warrant of the Mayor or any of the Aldermen of the said City; and from and immediately after the completion of such Gaol and House of Correction, no person adjudged to be imprisoned under and by virtue of any order or warrant of the Mayor, or any of the Aldermen, aforesaid, shall be committed to the Gaol of the Home District, except in cases of parties charged with offences which, from their nature, require to be tried before a Court of Oyer and Terminer and General Gaol Delivery: *Provided always,* that so soon as such Gaol and House of Correction shall be built and finished, as aforesaid, the payment of the said sum of four hundred pounds to the Treasurer of the Home District, herein-before mentioned, shall cease and determine.

Persons committed by the civic authorities, not to be sent to Gaol of the Home District;

When Gaol, &c finished, payment of £400 to District to cease.

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V. *And be it further enacted by the authority aforesaid,* That the better to enable the said Corporation to build such Gaol and House of Correction, it shall and may be lawful for them to borrow, for a term not to exceed twelve years, a sufficient sum of money for that purpose, not exceeding five thousand pounds, from any person or persons willing to advance the same, at a rate of interest not exceeding that fixed by law.

Corporation may borrow  
£5000;

Rate of interest.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor, Aldermen and Common Council of the said City, from time to time, to appoint two fit and discreet persons, being inhabitant householders of the said City, or the Liberties thereof, Assessors for the said City and the Liberties thereof; and in like manner, from time to time, to appoint one or more fit and discreet person or persons to be Collector or Collectors of the said City and the Liberties thereof.

Two Assessors to be  
appointed;

One or more Collectors.

VII. *And be it further enacted by the authority aforesaid,* That for carrying the several purposes of the said Act, intituled, "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," into execution, and for the securing, raising and paying, any moneys which shall or may be borrowed under the authority of the same, or this Act, and the interest of such moneys, there shall be made, levied and assessed, under the authority of the Mayor, Aldermen and Commonalty, of the said City, in Common Council assembled, at yearly periods, upon all and every person who shall inhabit, hold, use or occupy, any house, shop, warehouse, building or piece or parcel of land; or any part or portion of a house, shop, warehouse, building or piece or parcel of land, being a separate tenement, situate, lying and being, within the said City or Liberties thereof, according to the yearly value thereof, respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly rate or assessment for the present year shall be so rated and assessed, shall be held to have commenced from the second Monday in February, one thousand eight hundred and thirty-seven, and shall end on the day next preceding the second Monday in February in the ensuing year, both days inclusive; and the time for which every future yearly rate shall be so rated or assessed shall commence from the period at which the time for the last rate ended, and not otherwise.

Assessments to be made  
on real property,according to yearly value  
of property;Time of the commence-  
ment of the rate.

VIII. *And be it further enacted by the authority aforesaid,* That the rate or rates aforesaid shall also be raised, levied or assessed, upon the owners or possessors of the following chattel property, that is to say: stone horses, kept for the purposes of covering mares; other horses, of the age of three years and upwards; horned cattle, at the age of three years and upwards; phaetons, carriages, curricles, gigs, waggons, sleighs, and other carriages kept for pleasure only, according to the yearly value thereof, ascertained as hereinafter mentioned: *Provided always,* that nothing in this Act

Description of chattel  
property to be rated;



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Not to extend to property of the Crown.

contained shall extend, or be construed to extend, to any house, lands, property, goods, effects, matters or things, herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of His Majesty, His Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, places of public worship, or burying grounds.

Rates, with certain exceptions to be imposed on the yearly value of real property.

IX. *And be it further enacted by the authority aforesaid,* That except as respects vacant grounds, or other property hereinafter specially mentioned and provided for, the annual value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, so to be rated and assessed, as aforesaid, shall be settled according to the real rack-rent or full yearly value; which said rent or yearly value shall be ascertained by the said Assessors once in each year.

Every lot of ground to the extent of an acre to be valued with the buildings thereon;

X. *And be it further enacted by the authority aforesaid,* That every lot or parcel of ground, whereon any house or other building, or houses or buildings, to be valued as aforesaid, are situate and being, held therewith as the same tenement, when such lot of ground is not above an acre in extent, and to the amount of an acre thereof, shall be assessed and valued with the house or building, houses or buildings thereon, and the overplus, if any, above an acre, shall be valued as a separate tenement and vacant ground, as hereinafter mentioned.

The overplus beyond an acre to be considered a separate tenement.

Land not valued with any building,

and chattel property;

Value at fixed rates;

Lots under half an acre;

Lots containing one acre;

Lots containing two acres, and upwards;

Stallions;

Horses, &c.

XI. *And be it further enacted by the authority aforesaid,* That the possessors or owners of all cultivated, vacant or unoccupied ground, farms, gardens and other lands not valued with any house or building, as above mentioned, situate or partly situate within the said City; and also the said horses, cattle and carriages, herein-before mentioned, as well within the Liberties of the City as within the City itself, shall not be rated in respect thereof as herein-before mentioned, but the same shall be valued according to the certain fixed rates following, that is to say: every lot or piece of ground, being a separate tenement, under half an acre in extent, shall be valued at five pounds, of yearly value; every lot or piece of ground, being a separate tenement, above half an acre in extent, and not containing an acre, at ten pounds, of yearly value; every lot or piece of ground, being a separate tenement, containing an acre in extent, and not containing two acres, at twenty pounds, yearly value; and every lot or piece of ground, being a separate tenement, containing two acres in extent, or upwards, shall be valued at twenty pounds, yearly value, for the first acre, ten pounds, yearly value, for the second acre, five pounds, yearly value, for the third acre, and one pound ten shillings, yearly value, for every subsequent acre; every stone horse, kept for the purpose of covering mares for hire or gain, at forty pounds, yearly value; every other horse, mare or gelding, above the age of three years, at three

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pounds, yearly value; milch cows and other horned cattle, above the age of two years, at one pound, of yearly value; every close carriage with four wheels, kept for pleasure only, at fifty pounds, of yearly value; every phaeton, or other open carriage with four wheels, kept for pleasure only, at twenty-five pounds, of yearly value; and every waggon, or other carriage or gig, kept for pleasure only, at ten pounds, of yearly value; every two horse sleigh, kept for pleasure only, at twenty-five pounds, yearly value; and every one horse sleigh, kept for pleasure only, at ten pounds, of yearly value.

Cows;  
Horned Cattle;  
Close Carriages;  
Open Carriages;  
Waggons, &c. kept for pleasure;  
Double Sleigh;  
Single Sleigh.

XII. *And be it further enacted by the authority aforesaid,* That every Assessor of the City, before entering on the duty of such Assessor, shall be first sworn by the Mayor of the City, well, faithfully and impartially, to perform and fulfil the duties of Assessor, to the best of his knowledge and ability; which said oath the Mayor of the said City is hereby authorised to administer.

Assessors to be sworn.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Assessors of the said City, to make such valuation, as aforesaid, as soon as conveniently may be, on the requisition of the Mayor, in pursuance of any resolution of the Common Council, authorising such valuation, as aforesaid; and also, to leave for every person so rated, whether he or she shall reside within the Ward in which such property is situate, or elsewhere in the said City or Liberties, at the residence of such person, a notice of the rent or yearly value of the property in respect whereof he or she shall be so rated; and immediately after such assessment or yearly value shall be completed, the Assessor or Assessors, respectively, shall deposit with the Clerk of the Common Council of the said City, distinct rent or assessment rolls, books or returns, of the said yearly rents or value which shall be rated, as aforesaid; and in case any person shall think himself or herself overcharged in such rent or assessment roll, book or return, it shall and may be lawful for such person, within six days next after the said notice shall have been given, or left at his or her residence, as aforesaid, to give notice in writing to the Clerk of the Common Council of the said City, of the overcharge complained of; and the same shall be tried by a Court of five members of the Common Council aforesaid, to be appointed by the said Common Council, for the purpose of hearing and determining such complaints, at such times and meetings of the said Court as the members composing the same shall direct and appoint; reasonable notice of such time and meeting to be given to the same complaining party, and to the Assessor who shall have made such rate; and the Court, after hearing the complaining party, and his or her witnesses, upon oath, (or affirmation, as the case may be,) shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor or Assessors accordingly: *Provided always,* that if the said complaining party shall

Duty of Assessors;

Remedy provided in case of overcharge;

Court of five members to be appointed, to determine complaints;

Notice;

Court to decide by a majority;

If complainant neglect to attend,

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Court may proceed; neglect to appear at such meeting of the said Court, he or she having had reasonable notice thereof, as aforesaid, the said Court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more members of the Common Council, aforesaid, that the rent or yearly value has been in any case or cases given in or returned by the Assessor too low, they shall cause the Clerk aforesaid to give to the person or persons so rated, as aforesaid, and to the person who shall have made such rate, notice of the time of meeting of the Court aforesaid, at which the same matter shall be heard, and the same shall be finally determined by the said Court, in like manner as aforesaid, after hearing the said parties and witnesses upon oath or affirmation, as aforesaid, or in default of their appearance, as aforesaid: *Provided always*, that any three or more members of the said Court shall be a quorum for the despatch of business; and that the said Court shall have power to adjourn from time to time as they shall see fit.

Remedy in case any property be under-rated;

Three members of the Court to form a quorum;

Court may adjourn.

Power to administer oaths; XIV. *And be it further enacted by the authority aforesaid*, That any member of the said Court shall have full power and authority to administer such oath or affirmation, as aforesaid; and the Mayor or any one of the Aldermen of the said City shall have full power and authority to issue a summons for each witness, who shall be required to attend before the said Court; and if any person shall neglect or refuse to obey such summons, upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six pence per day, he shall be liable to such fine, not exceeding five pounds, as the Mayor and Aldermen of the City, in the next Mayor's Court assembled, on proof upon oath, (or affirmation, as the case may be,) of the due service of such summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said Mayor's Court to commit such person or persons to the Gaol of the Home District, or other House of Correction for the said City, until such fine shall be paid: *Provided always*, that such imprisonment shall not exceed in any case thirty days; and if any person shall knowingly swear or affirm falsely in any of the cases referred to in this or the next preceding section of this Act, he or she shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having jurisdiction thereof.

Summons for witnesses;

Penalty for not obeying;

Fine;

Imprisonment,

not exceeding thirty days;

False swearing, perjury.

Common Council to declare the amount in the pound to be raised for the year.

[See 4 Wm. 4. chap. 23, secs. 42 & 46.]

XV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen and Commonalty, of the said City, at some convenient time after the return of the rent or assessment rolls aforesaid, to pass a yearly Act, declaring the amount in the pound on such rent or valuation, which shall be raised and levied for the year in which such Act shall be passed.

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XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Court, so constituted in the thirteenth section of this Act mentioned, to hear on memorial or petition the case or cases of such person or persons, as during any one year for which the rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year; and also, the case or cases of such person or persons, not assessed in respect of any property in the said City or Liberties thereof, who, from sickness or extreme poverty, shall be unable to pay any rate by this Act imposed; and on hearing such case or cases, it shall and may be lawful for the said Court to compound for, or remit the whole or any part of such rate or rates.

Court of five members authorised to compound and remit rates in certain cases.

XVII. *And be it further enacted by the authority aforesaid,* That all proprietors, lessees and others, who shall let for rent premises within the said City or Liberties, for a space less than one year, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rates and assessments aforesaid; and such assessment shall and may be recovered from the said proprietors, lessees and others, or from the said occupiers, as the Collector or Collectors of the said City or Liberties thereof shall judge convenient.

Landlords as well as occupiers liable for rates.

XVIII. *And be it further enacted by the authority aforesaid,* That each male inhabitant of the said City and Liberties, of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the laws now in force would be liable to perform statute labour, shall be rated and assessed in the sum of ten shillings yearly; which said sum shall be paid to the general uses of the said City, in like manner as the other rates, levies and assessments, under the authority of this Act; and it shall be the duty of the Assessor of the said City to return, with the rent or assessment rolls to be made and returned under the authority of this Act, a true and correct list of the persons within the City and the Liberties attached thereto, who shall be liable to pay the said last mentioned sum; to give notice to the persons respectively who shall be so liable and placed upon the said list; and it shall be the duty of the Collector of the City to collect and receive such sum and sums of money, and pay over the same, in like manner as other moneys to be levied and raised under the authority of this Act.

Every male inhabitant between twenty-one and sixty years old, not otherwise rated, and liable to perform statute labour, to pay 10s. yearly;

Assessor to return list of such persons;

Notice;

Collector to collect the same.

XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons rated or assessed as in manner herein directed, shall refuse or neglect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due, and demanded by any one of the Collectors of the City, it shall and may

Penalty for neglecting or refusing to pay;

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Warrant to levy; be lawful for the said Collector to apply to the Mayor or one of the Aldermen of the said City, for a warrant to the High Bailiff or any Constable of the said City, to enter into the house or houses, other dwellings or premises, of such person or persons, and to seize and take possession of his, her or their, goods and effects, (whether in the ward in which the assessed property is situate, or elsewhere in the said City or Liberties,) which warrant the said Mayor or Alderman is hereby authorised to grant, upon a certificate, signed and sworn to by such Collector, of a demand of such rate having been made, and of such person or persons being in arrear to the amount stated in such certificate; and if such rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorised to sell by public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus, if any there be, to the owner or owners.

Sale;

Overplus.

Penalty for giving false receipts for rent.

XX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every landlord, proprietor, factor, or agent, who shall wilfully grant a certificate or receipt, which contains a less sum than the rent really paid or payable for the premises therein-mentioned or referred to, and every tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding five pounds, to be recovered and disposed of in like manner as other penalties are recovered and disposed of in the said City, for breach of any of the by-laws or ordinances thereof.

Tenants paying rates may deduct the amount from their rent;

XXI. *And be it further enacted by the authority aforesaid,* That every tenant, for a term of years, or for one year, or for any shorter period, who shall pay any rates, levies or assessments, under the authority of this Act, shall, when such rate or assessment shall be paid and discharged, be at liberty to deduct the amount of such rate or assessment out of the rent due, or to fall due, next after the payment of such rate or assessment; excepting always when there shall be any covenant, stipulation or agreement between the landlord and the tenant, for the payment of rates or taxes by the tenant, or for the payment of the rent by such tenant, without abatement, for or on account of such rates or taxes.

Exception.

Yearly rates to be in the proportion of a certain sum in the pound on the yearly rent or value of the property;

XXII. *And be it further enacted by the authority aforesaid,* That the yearly rate so to be rated and assessed, as aforesaid, shall be in the proportion of a certain sum in every pound of yearly rent or value so ascertained as aforesaid, within the said City and Liberties; and that the said rate or sum in the pound, within the said Liberties, shall be one-fourth of the sum in the pound which shall be rated within the said City,

Rate in the pound on property in the Liberties to be one-fourth of property in the City;

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and no more: *Provided always, and it is hereby further enacted by the authority aforesaid*, that except, as hereinafter provided, the rate or rates so to be levied and assessed, as aforesaid, shall not exceed in any one year the amount or sum of one shilling and six-pence in the pound, of such yearly rent or value, on the premises within the said City.

Rates not to exceed 1s. 6d. in the pound.

XXIII. *And whereas* it is necessary to provide for the qualification and summoning of special jurors within the said City and Liberties, *be it further enacted by the authority aforesaid*, That all male inhabitants of the said City and Liberties, not by law exempt or disqualified from service upon juries, who shall be rated in respect of any premises within the said City or Liberties, in fifty pounds of yearly rent or value, or upwards, shall be liable and qualified to be summoned and to serve upon special juries within the Home District, in like manner as other inhabitants of the said District, who are liable and qualified to be summoned and to serve upon such said juries; and from and after the passing of this Act, it shall be the duty of the Clerk of the Common Council of the said City, once in every year, within one month after the said rent or assessment rolls of the said City and Liberties shall have been returned, as aforesaid, to deliver to the Clerk of the Peace of the Home District a correct list of all male inhabitants of the said City and Liberties, who shall be so liable to serve upon such special juries, as aforesaid.

Qualification of Special Jurors;  
[Sec 48 Geo 3, chap. 13.]

Clerk of Common Council to make an annual return of persons liable to serve on Special Juries.

XXIV. *And be it further enacted by the authority aforesaid*, That in all cases where the person or persons, who shall be rated in respect of any vacant ground; or other real property, within the said City or Liberties, shall not reside within the said City or Liberties, and the rates and assessments payable in respect to such vacant ground or other property, shall remain unpaid, the rates or assessments payable in respect of such vacant ground or other property shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof, who shall reside within the said City or Liberties, at any time after the said rates and assessments shall be due and in arrear, together with interest on the sum and sums so in arrear, from the time at which they shall respectively become payable; after the rate of six per centum per annum; and the said sum or sums so in arrear, and the interest thereon, shall be recovered in like manner as herein-before provided for the recovery of other rates and assessments.

Rates on certain real property remaining in arrear, the same to accumulate with interest, and payable by any future proprietor or occupier;

Mode of recovery.

XXV. *And be it further enacted by the authority aforesaid*, That the wages of any member or members of the House of Assembly representing the said City and Liberties in Parliament, shall be paid and payable to such member or members by the Chamberlain of the said City, out of the moneys in his hands for the uses of the said City, on warrant from the Mayor, and without any particular rate or assessment being raised or

City Members wages to be paid by Chamberlain.

[See Act of Union.]

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rated in respect thereof: *Provided always nevertheless*, that nothing in this Act contained shall extend, or be construed to extend, to prevent the recovery of any rates or assessments for the year now last passed, under the laws hereby repealed, which now are and shall be actually in arrear and unpaid at the time of the passing of this Act.

Qualification of Aldermen  
at future elections.

XXVI. *And be it further enacted by the authority aforesaid*, That at every future election of Aldermen and Common Councilmen, or any of them, within the said City, no person shall be eligible to be elected an Alderman of the said City, unless he shall have been resident within the said City or Liberties thereof for one year next before the election, and being so resident at the time of such election, shall be possessed to his own use and benefit, of real property within the said City or Liberties, either in freehold, or for a term of years, or as tenant from year to year, which shall be assessed under this Act at sixty pounds, or in the receipt of sixty pounds or upwards of yearly rent or profit accruing from or out of real property within the said City or Liberties; and that no person shall be eligible to be elected as Common Councilman of the said City, unless he shall have been resident within the said City or Liberties for the space of one year next before such election, and being so resident at the time of such election, shall be possessed to his own use and benefit, either in freehold, or for a term of years, or as tenant from year to year, of real property within the said City or Liberties, which shall be rated under this Act at forty pounds yearly rent or value, or in the receipt of forty pounds or upwards of yearly rents or profits, accruing from or out of real property within the said City and Liberties; and that every candidate at such election shall, if thereunto required by any elector for the Ward where such person is a candidate, make and subscribe an oath or affirmation of his qualification, and of the particulars of the property in respect whereof he is so qualified; which oath or affirmation the Returning Officer is hereby authorised and required to administer.

Qualification of Common  
Councilmen at future  
elections.

Candidate may be re-  
quired to take oath of  
qualification

Qualification of Voters  
For Aldermen and Common  
Councilmen;

XXVII. *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 of the said City or the Liberties thereof, as shall be possessed at the time of being registered as electors, as hereinafter provided, and shall have been possessed three months prior thereto, either in freehold, or as tenants for a term of years, or from year to year, of a Town lot or dwelling-house within the Ward for which the election shall be holden, or the Liberties attached thereto, which shall be rated at the yearly value of ten pounds, and shall have had their names duly registered as electors in manner hereinafter mentioned, and shall have actually paid their rents and taxes due at the time of his being registered as a voter: *Provided always*, that a portion of a house in which any inhabitant shall reside as a house-holder, and not as a boarder or lodger, and having a

Registry of Voters;

What to be considered a  
distinct tenement;

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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 a period of twelve calendar months next before the election.

No person not being a twelve months' resident to vote.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Common Council of the said City shall and may, from time to time, appoint two fit and discreet persons to be Coroners of the said City, and may in their discretion remove the person or persons so appointed, and appoint others in their room and stead.

Coroners to be appointed.

XXIX. *And whereas* no provision has yet been made for a register, of electors or voters for Aldermen, Common Councilmen, or other elective officers of the said City: *Be it further enacted by the authority aforesaid,* that the Clerk of the Common Council of the said City shall, on or before the first Monday of December in each and every year, make out an alphabetical list of every person residing within each Ward, entitled to vote under the provisions of this Act, and shall put up a correct copy of such list in the City Hall on the same day, and continually keep the same there until the next ensuing election.

Clerk of the Common Council to make out annually a list of voters.

XXX. *And be it further enacted by the authority aforesaid,* That a Court of five members of the Common Council, to be appointed by the Common Council, shall sit in the City Hall, on days whereof due notice shall be given, and not less than once in every week after such lists shall have been made out, as aforesaid, and before the then next ensuing election, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for hearing and deciding upon all objections which may be made by any elector of the City to the insertion or omission of names in the said lists, and for the purpose of expunging, retaining or inserting, names from or in the said lists, according to the best of their judgment; and such Court may adjourn from time to time as they may deem expedient; and such Court are not to expunge any name to which no valid objection shall be made and established, either by the admission of the party himself, or by the oath of some person or persons deposing to such objection; and the said Court are hereby required to add to and insert in such lists the name or names of any person or person's not therein inserted, and whose right to vote shall be satisfactorily established: *Provided always,* that no person's name shall be expunged, without a notice to be signed by the Clerk of the Common Council, shall be given to him, or left at his usual residence, that his right to vote is disputed, at least four days before such expunging; and that no person's name shall be inserted in such list or lists unless he shall have given four days notice of his intention to apply to have his name inserted therein, to the Clerk of

Court of five members to sit at certain times,

to decide on objections to the lists.

May adjourn.

No name to be expunged without valid objection.

Names may be added.

No person's name to be expunged without notice,

nor any person's name inserted.



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the Common Council, who shall forthwith communicate the same to the said Court.

**Power to administer oaths.** XXXI. *And be it further enacted by the authority aforesaid,* That the said Court of five members, shall have power to administer an oath to all persons making an objection to the insertion or omission of any name in such list, as aforesaid, and to all persons objected against, or requiring their names to be inserted, and to all witnesses tendered on either side; and the member of the Court presiding shall sign his name to the lists, after the validity of the claims and objections shall have been decided on, and the names inserted or expunged accordingly; and that such lists so signed shall be held to contain the names of all the electors entitled to vote at the election next ensuing the making and signing such lists.

**Lists to be signed;**

**Lists considered to contain the names of all the voters.**

**List for each ward to be filed;**

**Copy to be sent to the Returning Officers;**

**Persons named in such lists entitled to vote;**

**Oath.**

XXXII. *And be it further enacted by the authority aforesaid,* That the list for each Ward, when so settled and signed, shall be filed in the office of the Clerk of the Common Council, and a certified copy thereof shall be by him transmitted to the Returning Officer for the several Wards in the City, not less than five days before any such election; and that every person whose name shall appear in such list shall be entitled to vote at the election for such Ward, without any further inquiry as to his qualification, and without taking any oath or affirmation, other than that he is the person named in such list, and has not before voted at such election; which oath or affirmation the Returning Officer is hereby required and authorised to administer.

**Aldermen and Common Councilmen to continue in office two years;**

**Exception;**

**Majority of Council to decide who goes out in certain cases;**

**Parties going out capable of immediate re-election.**

XXXIII. *And be it further enacted by the authority aforesaid,* That except as hereinafter provided, the Aldermen and Common Councilmen who shall be elected at any election after the passing of this Act, shall act in their offices for two years: *Provided always,* that the Aldermen and Common Councilmen for each Ward who shall have the fewest votes at the election next after the passing of this Act, shall go out of office at the expiration of one year from such election: *And provided also,* that in case of an equal number of votes having been given for both Aldermen or both Common Councilmen in any Ward, then it shall be decided by a majority of votes of the said Common Council which of such Aldermen or Common Councilmen shall vacate his seat, as aforesaid: *Provided also,* that every Alderman or Common Councilman so going out of office, shall be capable of being forthwith re-elected, if then duly qualified according to the provisions of this Act.

**Twelve members of Common Council, including Mayor or President, to be a quorum;**

**A smaller number may adjourn.**

XXXIV. *And be it further enacted by the authority aforesaid,* That twelve members of the Court of Common Council, including the Mayor or President for the time being, shall 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 mem-

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bers, in such manner and under such penalties as may be provided by Act of Common Council.

*Form of Collector's certificate, for the purpose of procuring a distress warrant.*

I, —, one of the Collectors for the City of Toronto, do hereby certify, that the sum of —, rated against —, an inhabitant of the said City or Liberties, in respect of ratable property in the Ward of —, or Liberties attached to the said Ward, or not assessed in respect of ratable property in the said City or Liberties, is now in arrear and unpaid; and further, that I did on the — day of —, duly demand the said sum of —, from the said —.

—, —,  
Collector.

*Form of attestation.*

I, —, one of the Collectors of the City of Toronto, do swear that the above certificate is true in all its particulars.

*Form of warrant of distress thereon.*

To —, High Bailiff, or one of the Constables of the City of Toronto, (as the case may be.)

You are hereby authorised and required to distrain the goods, chattels and effects, of —, which you shall find upon the premises of the said —, in the City or Liberties thereof, for the sum of —, rated against him or her, and now in arrear and unpaid; and in default of payment of such rate or rates, and the lawful costs and expenses of the said distress, to sell and dispose of the said distress or distresses, according to law, for the recovery of the said rate or rates, together with the said costs and expenses, according to law; and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, at the City of Toronto, aforesaid, this — day of —, one thousand eight hundred and —.

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

*In force for two years;  
(And made perpetual by  
3 Vic. chap. 47.)*

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## 7th Wm. IV. Chap. 41.

*AN ACT to establish two additional Markets in the City of Toronto.*

[Passed 4th March, 1837.]

**WHEREAS** certain inhabitants of the City of Toronto, have petitioned Preamble; to have a Market established in the west end of the said City, on a piece

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of land set aside and reserved for the same in the recent survey of the Government Reserve, in the said west end of the said City, and situate at the corner formed by the intersection of Brant Street with Adelaide Street, and bounded on the north by Simcoe Street, on the east by Brant Street, aforesaid, on the south by Adelaide Street aforesaid, and on the west by an open space left on the plan for a public street or highway: *And also*, to have another Market established on that part of Park Lot number thirteen, which has been set apart for the purpose, being ninety feet wide on Lot Street, and running northerly three hundred feet: *And whereas* it is expedient and necessary, and would promote the benefit and convenience of the said inhabitants, and of a large portion of the population of the said City in general, to have the said Markets established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, Markets shall be established and kept on each of the said pieces or parcels of land, respectively, so soon as a title for the same, respectively shall be obtained by the City of Toronto for the purpose.

Two new markets to be established in the City of Toronto, when the sites shall be conveyed to the Corporation.

Land and markets subject to the control of the Common Council;

[See 4 Wm. 4, chap. 23.]

II. *Provided always, and it is hereby enacted by the authority aforesaid,* That the said pieces or parcels of land hereby established as sites for Markets, and every thing relating thereto, shall be and the same are hereby declared to be under and subject to the control of the Common Council of the said City of Toronto, and to be managed and conducted by such rules and regulations, as they shall from time to time make concerning the same, in like manner and to the same extent as the Market already established in the said City by the Act of incorporation, is managed and controlled by the Common Council of the said City.

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## 3rd Vic. Chap. 47.

*AN ACT to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, '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 10th February, 1840.]

**WHEREAS** the Mayor and Corporation of the City of Toronto, have Preamble; by their petition prayed that an Act passed in the seventh year of the reign of His late Majesty, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, '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,'" be continued and made perpetual: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the thirty-fifth clause of the said Act Thirty-fifth clause 7th Wm 4, ch. 39, repealed. be and the same is hereby repealed.

**II. And be it further enacted by the authority aforesaid,** That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto as such Justices, any thing in the said Act, intituled, "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," to the contrary thereof notwithstanding. Executive Councillors to have jurisdiction as Justices of the Peace in the City of Toronto.

[SEE 7 WM. 4, CHAP. 39; 4 WM. 4, CHAP. 23.]

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## 57th Geo. III. Chap. 4.

*AN ACT to establish a Market in the Town of Niagara, in the Niagara District.*

[Passed 7th April, 1817.]

Preamble.

[See 59 Geo 3, sess. 2,  
Chaps. 5 & 11;  
4 Geo 4, sess 1, chap. 34;  
2 Vic. chap. 46, sec. 1]

After the passing of this Act, Commissioners of the Peace to fix upon a convenient place in the Town of Niagara, as a market, where butcher's meat, &c. shall be exposed for sale, and to make regulations relating thereto.

Commissioners authorised to impose fines, not exceeding 20s. for any offence.

All such regulations to be published.

If any person shall transgress he shall for every transgression forfeit the sum in the regulation specified;

**WHEREAS** it is expedient for the convenience of the Inhabitants of the District of Niagara, that a Market should be established in the Town of Niagara, in the said District, and that the time and place for holding such Market should be ascertained: *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 Commissioners of the Peace in the District of Niagara, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered to fix upon and establish some convenient place in the Town of Niagara as a Market, where butcher's meat, butter, eggs, poultry, fish and vegetables, shall be exposed to sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

*II. And be it further enacted by the authority aforesaid,* That the said Commissioners shall be and they are hereby authorised and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

*III. And be it further enacted by the authority aforesaid,* That all such orders, rules and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every Township in the said District, and at the doors of the Church and Court House of the said Town of Niagara; and that such orders, rules and regulations, shall not be in force until three weeks after such publication.

*IV. And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations so made by the said Commissioners, such person shall, for every such transgression, forfeit the sum of which in every such order, rule and regulation, shall be specified; to be recovered by information before any one Commissioner of the

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Peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that the one moiety of the sum so levied shall go to the informer, the other moiety shall be paid into the hands of His Majesty's Receiver-General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof; to be accounted for to His Majesty through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as it shall please His Majesty to direct.

One moiety of the sum to go to the informer, the other moiety to be paid to the Receiver-General for the public uses of this Province.

- V.
- VI. } [Repealed by 59 Geo. 3, Chap. 11.]
- VII. }

Magistrates in Sessions may raise by assessment, a sum not exceeding £100 for the purpose of erecting a market house.

Clerk of the Peace, in the assessment, to insert the names of persons holding town lots in the town of Niagara.

Each town lot shall, in the list to be made out, be rated at the sum of fifty pounds currency.

59th Geo. III. Chap. 5.

*AN ACT for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned.*

[Passed 12th July, 1819.]

**W**HEREAS it is expedient to provide for the regulation of the police of the Town of Niagara, in the Niagara District of this Province: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall be lawful for the Magistrates assembled in Quarter Sessions for the said District, or the majority of them, to make, ordain, constitute and publish, such prudential rules and regulations as they may deem expedient, relative to building a Market House, paving, lighting, keeping in repair and improving, the streets of the said Town; regulating the assize of bread, slaughter houses and nuisances; and also relative to the inspection of weights, measures, fire-

Preamble; [See 2 Geo. 4, Sess. 2, ch. 13; 4 Geo. 4, Sess. 1, ch. 34.]

Magistrates of the District of Niagara authorised to make certain rules and regulations;

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[See 7 Geo. 4, chap. 8.]

Not regulating the price of any provision but bread;

And not being repugnant to the laws of this Province.

*men and fire companies. Provided always,* that nothing herein contained shall extend, or be construed to extend, to the regulating or ascertaining the price of any commodities or articles of provision, other than bread, that may be offered for sale: *Provided also,* that such rules and regulations be not contrary to or inconsistent with the laws and statutes of this Province.

Magistrates may raise by assessment any sum not exceeding £100 annually, for certain purposes: extracts to be furnished by the Clerk of the Peace.

How such assessments shall be raised and applied.

[See 4 Geo. 4, Sess. 1, chap. 34.]

## II. [Repealed by 4 Geo. 4, Sess. 1, Chap. 34.]

III. *And be it further enacted by the authority aforesaid,* That such assessment, as aforesaid, shall be raised, levied, collected and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said Town, and subject to such rules and regulations as may be made by the Magistrates in Quarter Sessions for the said District, for the purpose of raising, collecting and paying, any sum collected to the Treasurer of the said District; which said sum shall be applied, from time to time, in such manner, for the purposes aforesaid, as the Magistrates in Quarter Sessions assembled, or the majority of them, shall direct and appoint.

Fines may be imposed by the Magistrates;

How collected and applied.

IV. *And be it further enacted by the authority aforesaid,* That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines upon the offenders against such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence; to be recovered before any Commissioner of the Peace of the said Town, upon the oath of one credible witness, and levied, by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the Treasurer of the said District, for the uses of the said Town.

Rules to be published.

V. *And be it further enacted by the authority aforesaid,* That every such rule and regulation, so made as aforesaid, before it shall have effect; shall be posted up in three or more public places in the said Town of Niagara.

Fees.

VI. *And be it further enacted by the authority aforesaid,* That the Magistrates, as aforesaid, shall and they are hereby authorised to order the same fees to be allowed and paid to the Treasurer, Collector and Clerk of the Peace, for the extra duties imposed by this Act, as are paid to the said officers under any assessment law of this Province.

Continuance of this Act. [See 4 Geo. 4, Sess. 1, chap. 34.]

VII. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force for four years, and no longer.

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## 59th Geo. III. Chap. 11.

*AN ACT to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District."*

[Passed 12th July, 1819.]

**W**HEREAS certain parts of an Act passed in the fifty-seventh year of His Majesty's reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District," are now inapplicable: it is therefore expedient to amend and repeal the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the fifth, sixth, and seventh clauses of the aforesaid Act, be and the same are hereby repealed.

Preamble.

[See 4 Geo 4, sess 1, chap. 34, 2 Vic. chap. 46]

5th, 6th and 7th clauses of 57 Geo 3, ch. 4, repealed.

II. *And be it further enacted by the authority aforesaid,* That the said Market House shall be built and erected at such place in the Town of Niagara as the Magistrates for the District of Niagara, in their General Quarter Sessions of the Peace, or the majority of them, may direct.

Market house to be built where the Justices shall appoint.

## 4th Geo. IV. Chap. 34.

*AN ACT to continue and amend an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."*

[Passed 19th March, 1823.]

**W**HEREAS it is expedient to amend and continue, in part, an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned:" *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

Preamble.



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Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the whole of the same, excepting the second clause in the said Act, be continued.

59 Geo 3, chap. 5, except the second clause, continued.

A sum not exceeding £50 may be raised by assessment on property in Niagara, for certain purposes;

Clerk of the Peace to prepare roll.

II. *And be it further enacted by the authority aforesaid*, That the magistrates in Quarter Sessions assembled for the said District, or the major part of them, in the month of April in each and every year, may raise by assessment from the persons rated upon any assessment for property in the said Town, a sum not exceeding fifty pounds in any one year, for keeping in repair a Market House now erected in the said Town of Niagara, and for purchasing and keeping in repair fire-engines, ladders, buckets and other utensils, for extinguishing fires, and for making any other necessary improvements in the said Town, exclusive of the sum such person may be rated for in and upon any other assessment of this Province; and in order to carry such assessment into effect, it shall be the duty of the Clerk of the Peace for the said District to select, from the general assessments of the said District, a list or assessment of the ratable property that each and every person owns or possesses in the said Town, ready to be laid before the Magistrates in Quarter Session assembled for the said District, in April in each and every year after the present.

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## 2nd Vic. Chap. 46.

*AN ACT to authorise the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.*

[Passed 11th May, 1839.]

Preamble.

**WHEREAS** it appears by petition from Robert Dickson, John Claus, and Lewis Clement, Esquires, Trustees of the Niagara Market reservation, that the present Market House in the said Town is insufficient in size, and wholly unfit for the purposes for which it was built, and that the said Trustees are desirous of borrowing one thousand five hundred pounds upon the security of the said reservation, for the purpose of erecting a new and more commodious building for a Market House, and other public purposes: *Be it therefore enacted by the Queen's most Excel-*

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lent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Robert Dickson, John Claus, and Lewis Clement, or their successors in the trust, and they are hereby authorised and empowered to borrow a sum of money, not exceeding the sum of fifteen hundred pounds, to be by them appropriated and applied in the erecting a good and sufficient building of brick, stone or wood, on lots number sixty-five and sixty-six, as designated in the original Town-plot, of such dimensions for a Market House, and for such other public useful purposes as they, the said Trustees or their successors, may deem it expedient and profitable to apply the same besides that of a Market House, and for the increase of the Market rents and profits.

Trustees empowered to borrow £1,500.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Robert Dickson, John Claus, and Lewis Clement, and their successors in office of the trust, and they are hereby authorised and empowered to mortgage or place in security the said lots number sixty-five and sixty-six, to any person willing to lend the said sum of fifteen hundred pounds, on such terms as may be mutually agreed upon, for the purpose of securing the re-payment thereof with interest, such interest not to exceed six per centum per annum; saving and excepting nevertheless, to all and every lessee, tenant, or their assignees, now entitled to the occupation or interest of or in any lot heretofore leased; all those privileges and advantages vested in them, or which they or their assignees may be entitled to under and by virtue of any original lease heretofore at any time granted.

Market reservation may be mortgaged to secure the money borrowed under this Act.

III. *And be it further enacted by the authority aforesaid,* That the said Trustees shall and they are hereby required to make a return annually to the Quarter Sessions in and for the said District of Niagara, of all moneys by them received and expended; and of the state of the Market in said Town; the first return to be made at the Quarter Sessions to be holden after the first day of December next.

Trustees to make annual returns to Quarter Sessions.

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## 57th Geo. III. Chap. 2.

*AN ACT to establish a Police in the Towns of York, Sandwich and Amherstburgh.*

[Passed 7th April, 1817.]

**WHEREAS** it is expedient to provide for the regulation of the police of the Town of York, in the Home District, and the Towns of Sandwich and Amherstburgh, in the Western District of this Province: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, 'That it shall be lawful for the Magistrates assembled in Quarter Sessions for *each of the said Districts respectively*, or the majority of them, to make, ordain, constitute and publish, such prudential rules and regulations as they may deem expedient relative to paving, lighting, keeping in repair and improving, the streets of the said Towns, respectively; regulating the assize of bread, slaughter-houses and nuisances; and also, to enforce the said Town laws relative to horses, swine or cattle of any kind, from running at large in said Towns; relative to the inspection of weights, measures, firemen and fire companies: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to the regulating or ascertaining the price of any commodities or articles of provision other than bread that may be offered for sale: *Provided also*, that such rules and regulations be not contrary to or inconsistent with the laws and statutes of this Province.

## Preamble.

(Sec 2 Geo 4, Sess. 2, chap. 11,  
2 Geo 4, Sess 2, chap. 13,  
7 Geo. 4, chap. 8,  
1 Wm. 4, chap. 4,  
3 Wm. 4, chap. 27,  
4 Wm 4, chap 23)

Magistrates in sessions to publish prudential rules relative to paving, lighting, keeping in repair, and improving streets, to regulate the assize of bread, &c.

Also to enforce the town laws relative to horses, swine or cattle,

The inspection of weights, measures, firemen, and fire companies;

Power of Magistrates not to extend to regulating the price of any articles of provision other than bread;

The beach east of Russel's creek, and carriage way in front of the town of York to be subject to the regulations of police.

Magistrates in sessions in the month of April, in every year, may raise by assessment, a sum not exceeding £100 in any one year, for purchasing and keeping in repair fire engines, buckets, &c. and for making any other necessary improvements, exclusive of other assessments;

Clerk of the Peace to select from the assessments a list of the ratable property that each person owns, to be laid before the sessions annually in April.

[Repealed by 4 Wm. 4, Chap. 23.]

II. *And be it further enacted by the authority aforesaid*, That the Magistrates in Quarter Sessions assembled for the said Districts, respectively, or the major part of them, in the month of April in each and every year, may raise by *assessment*, from the persons rated upon any assessment for property in the said Towns, respectively, a sum not exceeding one hundred pounds in any one year, for purchasing and keeping in repair fire-engines, ladders, buckets and other utensils, for the extinguishing of fires, and for making any other necessary improvements in the said Towns, exclusive of the sum such person may be rated for in and upon any other assessment of this Province; and in order to carry the said assessment into effect, it shall be the duty of the Clerk of the Peace for the

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said Districts, respectively, to select from the general assessments of the said Districts, respectively, a list or assessment of the ratable property that each and every person owns or possesses in the said Towns, respectively, ready to be laid before the Magistrates in Quarter Sessions assembled for the said Districts, respectively, in April in each and every year.  
[Repealed as respects York, by 3 Wm. 4, Chap. 27.]

III. *And be it further enacted by the authority aforesaid,* That such assessment, as aforesaid, shall be raised, levied, collected and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said Towns, respectively, and subject to such rules and regulations as may be made by the Magistrates in Quarter Sessions for the said Districts, respectively, for the purpose of raising, collecting, and paying any sum collected to the Treasurer of the said District; which said sum shall be applied from time to time in such manner, for the purposes aforesaid, as the Magistrates in Quarter Sessions assembled, or the majority of them, shall direct and appoint.

Assessments to be paid in proportion to the sum each person is rated for upon any assessment, subject to such rules as may be made by the Magistrates in sessions;

All sums to be applied from time to time as Magistrates in sessions shall direct.

IV. *And be it further enacted by the authority aforesaid,* That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines upon the offenders against such rules and regulations as they may think proper, not exceeding forty shillings for any one offence, to be recovered before any Commissioner of the Peace of the said Towns, respectively, upon the oath of one credible witness, and levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the Treasurer of the said Districts, for the uses of the said Towns, respectively.

Magistrates in Sessions may limit and provide reasonable fines upon offenders against the rules, &c. as they may think proper, not exceeding 40s. for any one offence.

V. *And be it further enacted by the authority aforesaid,* That every such rule and regulation, so made as aforesaid, before it shall have effect, shall be published, and also be posted up in three or more public places in the said Towns, respectively.

Every rule, before it shall have effect, shall be posted up in three public places in the town.

VI. *And be it further enacted by the authority aforesaid,* That the Magistrates, as aforesaid, shall and they are hereby authorised to order the same fees to be allowed and paid to the Treasurer, Collector and Clerk of the Peace, for the extra duties imposed by this Act, as are paid to the said officers under any assessment law of this Province.

Magistrates authorised to order the same fees to be paid to the Treasurer, Collector, and Clerk of the Peace, for the extra duties imposed by this Act, as are paid to the said officers under any assessment law of this Province.

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## 1st Wm. IV. Chap. 3.

*AN ACT to establish a Market, and to establish Wharfage Fees, in the Town of Amherstburgh, in the Western District.*

[Passed 16th March, 1831.]

Preamble.

**WHEREAS** it is expedient for the convenience of the inhabitants of the Western District that a Market should be established at the Town of Amherstburgh, in the said District, and that the times and places for holding such Market should be ascertained: *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 intituled, reign, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of the Peace in the Western District, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered, to establish upon lot number seven, on the west side of Dalhousie street, in the said Town of Amherstburgh, which has been granted in trust for that purpose, a Market, where butcher's meat, butter, lard, eggs, poultry, fish and vegetables, shall be exposed to sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market to be established in Amherstburgh.

Magistrates to make regulations relative thereto.

Fines not exceeding twenty shillings may be imposed for the infraction of such regulations.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall be, and they are hereby authorised and empowered to impose such fines, not exceeding twenty shillings, for every offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Market regulations to be published.

III. *And be it further enacted by the authority aforesaid*, That all such orders, rules and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every Township in the said District, and at the door of the Court House of the said Western District; and that such orders, rules and regulations, shall not be in force until three weeks after such publication.

A public wharf may be erected in front of the market, and Magistrates may make regulations relative thereto;

IV. *And whereas* the said lot number seven, in Dalhousie street, in the said Town of Amherstburgh, extends to the channel of the River Detroit, and it may conduce to the convenience of the inhabitants of the said

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District, if a Wharf were erected upon that part of the said lot which is covered with water: *Be it therefore further enacted by the authority aforesaid*, That so soon as a public Wharf shall be erected on the said lot, it shall and may be lawful for the Commissioners of the Peace for the said District, or the majority of them, in General Quarter Sessions assembled, to make such rules and regulations in regard to the said Wharf, and to impose such tolls and fees for the use of the same, as may to them appear reasonable; and to enforce compliance to the said rules and regulations, the said Commissioners are hereby empowered to impose such fines, not exceeding twenty shillings, for every offence committed contrary thereto.

And impose fines for the infraction thereof.

V. *And be it further enacted by the authority aforesaid*, That if any person shall transgress the orders and regulations so made by the said Commissioners, such person for every such transgression shall forfeit the sum which in every such order, rule and regulation, shall be specified; to be recovered by information before any two Commissioners of the Peace, upon the oath of one credible witness, and to be levied, by warrant under the hand and seal of such Commissioner upon the goods and chattels of such offender; and be paid into the hands of the Treasurer of the District, and subject to the disposal of the Magistrates in General Quarter Sessions, at their meeting in the month of April in each year, for the improvement of the said Market, or of the said Town of Amherstburgh.

Fines to be recovered in a summary way before Justices of the Peace.

And applied to the improvement of the market.

## 2nd Geo. IV. Chap. 15.

*AN ACT to establish a Market in the Town of Perth, in the County of Carleton.*

[Passed 17th January, 1822.]

**WHEREAS** it is expedient for the convenience of the inhabitants of the County of Carleton, that a Market should be established at Perth, in the said County: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, a Market shall be established and kept in the Town of Perth, in the County aforesaid.

Preamble.

Market established in Perth.

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Justices of the Peace residing in Drummond, at a Special Sessions to be by them held for that purpose, to fix upon a place and make regulations for holding the said market.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the Peace residing in the Township of Drummond, at a Court of Special Sessions to be by them held for that purpose, and they are hereby authorised and empowered to fix upon a place, 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.

Commissioners may impose fines not exceeding 20s. for offences against such regulations.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised and empowered to impose such fine, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Regulations to be published.

IV. *And be it further enacted by the authority aforesaid,* That all such orders, rules and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every Township in the said County, and at the doors of the Churches in the said Town of Perth; and that such orders, rules and regulations, shall not be in force until three weeks after such publication.

Manner of levying fines imposed upon, and manner of punishing offenders against the market regulations.

V. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations so made by the said Commissioners, such person shall, for every such transgression, forfeit the sum which in every such order, rule and regulation, shall be specified, not exceeding the sum of twenty shillings, as aforesaid, to be recovered by information before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied, by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that one moiety shall be paid into the hands of His Majesty's Receiver-General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty through the Commissioners of His Treasury, for the time being, in such manner and form as it shall please His Majesty to direct, and the other moiety to the informer.

## 2nd Wm. IV. Chap. 17.

*AN ACT to establish a Police in the Town of Brockville, in the District of Johnstown.*

[Passed 28th January, 1832.]

Preamble.

**WHEREAS** from the great increase of the population of the Town of Brockville, in the District of Johnstown, it is necessary to make

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further provision than by law exists for the internal regulation thereof: [See 3 Wm. 4, chap. 40; 6 Wm. 4, chap. 13]  
*Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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 Brockville; 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.

The President and Board of Police of Brockville incorporated;

Common seal.

II. *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, to be called the East Ward and West Ward; that part of the said Town lying East of Saint Andrew's-street, on the south side of the King's highway or Main-street, and also that part lying East of a line commencing at the south-westerly angle of the Court House ground on the north side of the King's highway, and from thence following the westerly bounds and limits of the said ground to the north-west angle thereof, thence running upon a line at right angles with the King's highway or Main-street, until it intersects the rear or northerly limits of the said Town, together with the small island in the harbour in front and adjacent to the said Town, shall comprise the East Ward; and that the remainder of the said Town shall comprise the West Ward.

East and West Ward established.

III. *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 freeholders therein, or who being house-holders, shall each within twelve months before every election have paid two pounds or upwards for one year's rent of the dwelling house in which they shall have resided; and that the persons entitled to vote at the election of either of the said Wards, shall be the male inhabitant house-holders resident within such Ward, respectively, being Subjects of His Majesty, rated on the assessment roll of the said Town, and possessed of a freehold estate within such Ward, or tenants who having

Each Ward to elect two members of the Corporation;

Qualification of electors.



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been so assessed, shall have paid three months rent for the premises within such Ward in which they shall reside at the time of such election, at the rate of three pounds per annum; which residence and payment of rent shall have been for three months immediately preceding such election.

Time and place of holding first election.

IV. *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 District of Johnstown, who shall give public notice thereof at least six days before the said election; and that the Sheriff shall preside at the first election for one of the said Wards, and his Deputy, or some other person authorised by the said Sheriff, shall preside at the first election to be holden in the other of the said Wards, and shall declare the two persons 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.

Time, place and manner of holding subsequent elections.

V. *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 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 year an election shall be holden in each Ward for 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 Sheriff is hereby required to do at and after the first election, to be holden as aforesaid.

Public notice to be given after each election of the time and place of the first meeting of the persons chosen;

Mode of electing a fifth member of the Board.

VI. *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 some place within the said Town; 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 the Act provides with respect to the members to be elected in each of the said Wards, respectively; and in case they cannot agree in the election or appointment of such fifth member, they shall issue a precept to the 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 such fifth member of the Corporation, by the

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electors of the said Town generally, without regard to the said division into Wards, as aforesaid; at which election the said Sheriff shall preside after the first election of members by each of the said Wards, and one of the said Bailiffs, so to be appointed as aforesaid, to whom the said precept shall be directed after every subsequent election of members by each of the said Wards; and shall declare the member elected who shall have the greatest number of votes of the persons qualified to vote in the said Wards, and shall give notice thereof to the person so elected within six days after such election.

VII. *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 April in the ensuing year, and until the election and formation of the new Board.

One of the five members chosen to be President.

VIII. *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 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.

Penalty for neglecting to take the oath of office.

IX. *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 or members, (whose office or offices shall have become vacant) was or were chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election or elections, and the member or members so elected shall hold their offices 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 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

How vacancies in the Board to be supplied.

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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 in the said Wards, respectively, after this first election, or the member 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 Sheriff of the District as is herein-before provided.

Corporation not dissolved by reason of any non-election of members of the Corporation at the time appointed.

X. *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.

Corporation may make rules, ordinances and by-laws;

XI. *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 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, measuring of wood; to regulate carts and carmen; to regulate slaughter-houses; to prevent the firing of 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, 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 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 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 scuttels, 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 Corpo-

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ration 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.

Penalties may be inflicted for the non-observance of the by-laws.

XII. *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 assessments for property in the said Town, not exceeding two 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 for the said District, to select from the general assessment of the Township of Elizabethtown, a list or assessment of the ratable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after any general election.

Corporation may levy assessments not exceeding two pence in the pound annually;

Clerk of the Peace to prepare assessment roll for the Town of Brockville.

XIII. *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.

Persons refusing to pay assessments to the Collector, to be appointed by the Corporation, subject to distress for levying the same;

Overplus of distress to be rendered to the owner.

XIV. *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 and 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.

Corporation may appoint and remove officers.

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Powers of Corporation  
with regard to naming and  
laying out streets;

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation to alter the names of the streets of the said Town, and to direct the street Surveyor to lay out, mark and open any street of such width as they may deem proper in any part of the said Town, and cause any street already laid out, to be opened, altered or extended, whenever they shall deem the public good to require it; in doing which it shall and may be lawful for the said Corporation to remove and pull down any dwelling-house, out-house, shop, store, or any other building, fence, wall or erection whatsoever, and the owners of any lands over which such street shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof, the claim for such compensation being made to the said Corporation within thirty days after public notice of the new street having been laid out or the alteration made, in one or more of the newspapers of the said Town, and upon the door of the Court House of the said District, and also, by a notice duly served on the person whose property is affected; and in case no voluntary agreement shall be made as to the amount of compensation to be paid for damages as aforesaid, the said Corporation, upon request in writing to the Clerk by the person so claiming damages, or his agent legally authorised, shall 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, before proceeding to consider the claim, appoint a third arbitrator, which three arbitrators, not being inhabitants of the said Town or paying any assessment levied therein, being first sworn by some member of the said Corporation, who is hereby authorised to administer the said oath, to give a just and true award upon the claim submitted to them, shall, upon the statement 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 the award in writing, under their hands, or the hands of any two of them, of the amount of damages to be paid to such claimant.

Damages how ascertained  
and compensated;

Awards to be made in  
writing.

Either party declining to  
abide by award must  
notify the other of his  
refusal to abide thereby.

XVI. *And be it further enacted by the authority aforesaid,* That if either the said Corporation, 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 hereinafter mentioned, but at the sole expense of the party refusing to abide by such award.

In cases of refusal to abide  
by award, damages to be  
assessed by a Jury.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases where 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,

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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 two days from the time of serving such notice, at which he will attend at the office of the Sheriff of the District of Johnstown, 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 Corporation, by some one of their members, and the other party, or their attorneys or agents, shall attend at the Sheriff's office, and that the Sheriff shall at or about 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 chosen being fairly written out by such Sheriff, each party, 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.

Mode of striking Jury to assess damages;

Seven Jurors for assessing damages to be selected.

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 two 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 upon which they shall stand upon the original list, the oath following, that is to say:—"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," 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, which verdict shall be final and conclusive between the parties.

Jurors and Sheriff to attend and view premises, and the first five Jurors called to be the Jury to determine the matter;

Oath of Jurors.

XX. *And be it further enacted by the authority aforesaid,* That any

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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 moneys received and in the Treasury, and the amount expended, and for what purpose.

By-laws to be published.  
Penalty for infringing by-laws to be recovered by information before the Corporation;

XXI. *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 Brockville: *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.

Penalties how levied;

Limitation of prosecutions for penalties.

Penalties how to be applied.

XXII. *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 that other moneys coming into the said treasury may be applied for the public uses of the said Town.

Authority of Corporation with respect to the streets.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Corporation, shall and may, in the said Town of Brockville, 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.

Public Act.

XXIV. *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.

Presiding officer at elections to have a casting vote.

XXV. *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, 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 wards respectively.

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XXVI. *And be it further enacted by the authority aforesaid, That this Act shall not extend or be construed to extend to authorise the said Board of Police for the said Town of Brockville, to purchase any lands for a market in the said Town, or to fix upon any sight for a market in the said Town.*

Corporation not to purchase lands for a market.

[See 3 Wm. 4, chap. 40; 6 Wm. 4, chap. 13.]

## FORM OF OATH.

I, A. B. do swear, that I will faithfully discharge the duties of a member of "the President and Board of Police of the Town of Brockville," to the best of my skill and knowledge.

Oath of members of the Corporation.

## 3rd Wm. IV. Chap. 40.

*AN ACT to establish a Market in the Town of Brockville.*

[Passed 13th February, 1833.]

WHEREAS it is expedient and necessary that a market should be established in the Town of Brockville, and would if properly located tend much to promote the convenience of the inhabitants, and general prosperity of the said Town: *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, a market shall be established and kept in the said Town of Brockville, upon that piece or parcel of land butted and bounded as follows, that is to say: beginning at a stake planted on the north-westerly angle of a piece of ground reserved for a market square in the said Town, as laid out on lot number ten, and the west half of lot number eleven, in the first concession of Elizabethtown, by Charles Jones, Esquire; and at the north-west angle of the lot on which the house commonly called the Pierce House is erected, on the south side of the King's highway or King's street; then south thirty-four degrees east, to the water's edge of the River Saint Lawrence; then north-easterly along the water's edge two hundred and forty feet, more or less, to a certain wharf erected by and belonging to the said Charles Jones; then north thirty-four degrees west four hundred feet, more or less, to the said King's highway or King's-street; and then*

Preamble.

[See 2 Wm. 4, chap. 17; 6 Wm. chap. 13.]

Market place established.



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south fifty-six degrees west along the said highway two hundred and forty feet, more or less, to the place of beginning, shall be and is hereby established as the market place of the said Town, so soon as the said Charles Jones, Esquire, shall have executed a deed conveying the said piece of land to the Corporation of the said Town of Brockville.

Unless market place vested in the Board of Police within six months, they may select another site.

II. *Provided always, and be it further enacted by the authority aforesaid,* That unless a good and sufficient title to the piece of ground herein-before described, and hereby fixed upon and established as a site for the market in the said Town, shall be conveyed without purchase or expense to the President and Board of Police of the said Town, and their successors in office forever, for the uses of the said Town, within six calendar months from and after the passing of this Act, then and in such case it shall and may be lawful for the said President and Board of Police to fix upon any such site or place for a market within the limits of the said Town, as they may think suitable and proper.

Market days to be appointed.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Corporation of the said Town of Brockville, and they are hereby authorised and empowered, to fix upon and to 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.

Fines may be imposed for offences against Police regulations.

IV. *And be it further enacted by the authority aforesaid,* That the said Corporation shall be, and they are hereby authorised and empowered to impose such fines, not exceeding twenty shillings for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Police regulations to be published.

V. *And be it further enacted by the authority aforesaid,* That all such orders, rules and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every Township in the County of Leeds, and at the doors of the Churches, market place and Court House, in the said Town of Brockville, or published in one or more of the newspapers of the said Town, and that such orders, rules and regulations, shall not be in force until thirty days after such publication.

Forfeitures, how to be recovered.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall transgress the orders and regulations so made by the said Corporation, such person or persons shall for every such transgression forfeit the sum which in every such order, rule and regulation, shall be specified, not exceeding the sum of twenty shillings as aforesaid, to be recovered by information before the said Corporation, upon the oath of one or more credible witness or witnesses, to be levied of the goods

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and chattels of such offender or offenders, and that it shall be paid into the treasury of the said Corporation, and applied in the same manner that other moneys coming into the Treasurers hands may be applied for the public uses of the said Town.

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### 6th Wm. IV. Chap. 13.

*AN ACT to establish a Market in the West Ward of the Town of Brockville.*

[Passed 20th April, 1836.]

**W**HEREAS it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants of the West Ward of the Town of Brockville, and a large portion of the population of the Town in general, to have a market established in the said West Ward of the said Town: *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 a market shall be established and kept in the said West Ward of the said Town of Brockville, upon that piece or parcel of land situate at the corner formed by the intersection of St. Paul Street with the King's highway, bounded on the north by the said highway, on the east by St. Paul Street aforesaid, on the south by the premises of William Wood, and on the west by the premises lately owned by Hiram Kilborne; and the same shall be and is hereby established as the market place of the said West Ward of the said Town, as soon as the Corporation of the said Town shall have obtained a deed of conveyance of the said piece or parcel of land for that purpose.

II. *Provided always, and be it further enacted by the authority aforesaid,* That unless a good and sufficient title to the said piece or parcel of land herein-before mentioned and described, and hereby established as a site for the market in the said West Ward of the said Town, shall be conveyed to the President and Board of Police of the said Town, and their successors in office for ever, for the use of the said West Ward of the said Town as a market place, within six months from and after the

Preamble.

Market place described.

Site of market to be conveyed to President and Board within six months.

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Or another site may be selected.

passing of this Act, then and in such case it shall and may be lawful for the said President and Board of Police of the said Town to fix upon any such site or place for a market within the limits of the said West Ward thereof as they may think suitable and proper.

[For Boundaries of Brockville, see Public Act, 59 Geo. 3, chap. 7, sec. 2.]

### 3rd Wm. IV. Chap. 16.

*AN ACT to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein.*

[Passed 13th February, 1833.]

Preamble.

(See 2 Vic. chap. 45.)

**W**HEREAS from the great increase of population of the Town of Hamilton, in the District of Gore, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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 Hamilton"; 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 constituted.

Limits of Hamilton defined.

II. *And be it further enacted by the authority aforesaid, That the said Town of Hamilton shall be comprised within the following limits or boundaries, that is to say: commencing at the north-east corner of broken lot number thirteen, in the first concession of the Township of Barton, at the water's edge of Burlington Bay; thence along the shore of the said Bay to the north-west corner of lot number sixteen; thence southerly along the allowance for road between lots number sixteen and seventeen, to the*

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allowance for road in rear of the third concession; thence easterly along the said allowance, to the allowance for road between lots number thirteen and twelve; thence along the said allowance to Burlington Bay, to the place of beginning, including the whole of the said allowance for roads, and that part of the Harbour lying in front of the said Town.

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 Four Wards in the following manner, that is to say: the Street heretofore called the Mountain Street, or Ancaster Road, and which shall hereafter be called John's Street, and the Street leading from the Eastern part of the District, in the direction towards Dundas, hereafter to be called King's Street, and all that part of the Town lying West of John's Street and South of King's Street shall comprise the First Ward; and all that part of the said Town lying North of King's Street and West of John's Street shall comprise the Second Ward; and all that part East of John's Street and North of King's Street shall comprise the Third Ward; and that part of said Town lying North of King's Street and East of John's Street shall comprise the Fourth Ward.

Town 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 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 *bonâ 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.

Each Ward to elect a member of the Corporation;

Qualification 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 March next, at some place within each Ward respectively, to be appointed by the Sheriff of the District of Gore, 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 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 severally preside at the first election for each of the other three Wards,

First election, when to be holden;

Manner of holding elections.

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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.

Time and manner of holding all future elections.

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.

Person holding an election to take an oath;

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 Gore shall have authority to administer, that is to say:—

Form of oath.

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 Hamilton.—So help me God.

Candidates and voters may be required to take an oath of 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 form following:—

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.

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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 oath declared 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, 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.

Time and manner determining any contested election.

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

Oath to be taken by the officer trying any contested election.

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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 Gore, 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.

Penalty for witnesses refusing to attend.

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, shall, on conviction before any one of His Majesty's Justices of the Peace for the District of Gore, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice in the common Goal 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.

Time and place to be declared for the first meeting of the Police;

Any three members of the Board may choose a fifth;

In case of disagreement, the fifth member to be elected by the qualified inhabitants

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 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 the 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 such 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 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.

President to be elected by the Board.

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

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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.

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 herein-before stated for his refusal to act as a member of the said Corporation

Penalty for neglecting to take the oath of office.

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 herein-before 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 or 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 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 Sheriff of the District, as is herein-before provided.

How vacancies to be filled.

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

Corporation not dissolved by non-election of officers on day appointed.



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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.

Corporation may make ordinances and by-laws.

[See 3 Vic. chap. 20, sec. 9.]

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 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 cartmen; to regulate slaughter-houses; to prevent the firing of 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 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, 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 to 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.

Annual assessment may be levied, not exceeding four pence in the pound.

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

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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 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 general assessment of the Township of Barton, a list or assessment of the ratable 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.

**XX.** *And be it further enacted by the authority aforesaid,* That every Town lot in the said Town of Hamilton, 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.

What shall be considered a Town Lot, and the rate thereof.

**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.

Assessments may be levied by distress.

**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 and 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.

Corporation may appoint and remove officers;

May take security for due performance of duties.

**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

No new Streets to be less than 66 feet in width.

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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 moneys received and in the treasury, and the amount expended, and for what purpose.

Penalty for breach of by-laws;

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 Hamilton: *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.

How levied.

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 moneys coming into the said Treasury may be applied for the public uses of the said Town.

Corporation to have the power of Justices of the Peace in certain cases.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may in the said Town of Hamilton 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.

Market where and how to be established;

[See 2 Vic. chap. 45]

XXVIII. *And be it further enacted by the authority aforesaid,* That the market for the said Town of Hamilton shall be established in such place within the said Town, as a majority of the Justices of the Peace for the District of Gore 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

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the sitting of the Court at the Sessions in which it shall be made, and when not less than ten Magistrates shall be present: *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, which has been hitherto reserved for the site of a Market, or 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.

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 some fit and proper place where the same may be kept.

Corporation may borrow £1000 for certain purposes; [See 2 Vic. chap 45]

XXX. *And be it further enacted by the authority aforesaid*, That the said Corporation shall set apart so much of the assessments authorized 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.

Loan to be redeemed in ten years.

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 persons presiding at any election under this Act to vote at such election.

In case of equality of votes, person presiding at election to have a casting vote.

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.

Suits to be brought within six months for any thing done under this Act, and general issue pleaded.

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.

Public Act.

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HAMILTON.

## FORM OF OATH:

I, A. B. do swear, that I will faithfully discharge the duties of a member of the "Board of Police of the Town of Hamilton," to the best of my skill and knowledge.

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## 2nd Vic. Chap. 45.

*AN ACT to establish a second Market in the Town of Hamilton; to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned.*

[Passed 11th May, 1889.]

Preamble.

[See 3 *Wm. 4, chap. 16.*]

**WHEREAS** by an Act of the Parliament of this Province, passed in the third year of the reign of His late Majesty King William the Fourth, intituled, "An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a police and public market therein," a board of police was established in the said Town, under the corporate name of "the President and Board of Police of Hamilton": *And whereas*, by the twenty-eighth section of the said Act it was provided, that a market for the said Town should be established in manner therein-mentioned, and that the plot or piece of ground required for such market should not be less than one acre: *And whereas*, the said Corporation was authorized by the said Act to borrow the sum of one thousand pounds for the purpose of building a market house, and other purposes therein-mentioned: *And whereas*, a market for the said Town was established under and in pursuance of the said Act, but owing to the rapid growth and increase of the said Town, it has become necessary for the convenience of the inhabitants that a second market should be established therein, in a more convenient and central situation, and that the said Corporation should be enabled to take and hold one or more parcel or parcels of ground for that purpose, not exceeding in all three acres, and to borrow a further sum of one thousand pounds for the public uses of the said Town: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 Québec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That a second market shall be esta-

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blished in the said Town of Hamilton; and that it shall and may be lawful to and for the said Corporation to hold, in their corporate capacity, one or more parcel or parcels of ground for that purpose, not exceeding in all three acres, and to take and receive a conveyance of the same in such manner and on such terms as the said Corporation shall deem advisable, and to perfect any conveyance of land they may have already obtained for that purpose; and that for the purpose of holding such lands, or any portion thereof, and taking a conveyance for the same, the said Corporation shall be deemed and holden to be, and to have been fully competent and authorised by law, at all times since the thirteenth day of April, which was in the year of our Lord one thousand eight hundred and thirty-seven, any law or usage to the contrary notwithstanding.

Second market established; Corporation empowered to hold land for purpose of market.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Corporation to borrow, on the security of the said Town, the further sum of one thousand pounds, from any person, to be payable in such sums and at such periods (not exceeding ten years from the time of such borrowing) as may be agreed upon between the said Corporation and the party lending the same, to be applied in paying off the debts of the said Corporation, and otherwise for the benefit of the said Town, as the said Corporation shall from time to time deem most prudent and advisable.

Authority to borrow further sum of £1000.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Corporation to make and ordain such wholesome and reasonable rules, regulations and by-laws, touching the markets of the said Town of Hamilton, and for the government and management thereof, as they may deem wholesome and necessary, and from time to time to amend, alter and repeal the same, as occasion may require: *Provided always,* that such rules, regulations and by-laws, shall in no respect be at variance with the laws of this Province.

Corporation may establish rules and by-laws for the regulation of markets.

4th Wm. IV. Chap. 25.

*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: *Be it therefore*

Preamble.

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Board of Police to be a  
body corporate;

Common seal:

Boundaries as heretofore.

Town divided into two  
wards.Each ward to elect two  
persons annually;

Qualification of members;

Of voters.

enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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, impleaded 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.

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.

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.

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 freeholders 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 year's 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 year's rent for the dwelling house or dwelling houses, if they shall within one year have changed

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their place of residence within the said Ward in which they shall have resided, at the rate of six pounds per annum, or upwards.

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.

First election;

Six days notice;

Presiding officer;

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 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 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;

Presiding officer may examine candidate or voter on oath, as to qualification.



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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:—

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;

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.

A fifth member to be appointed at first meeting;

In case of disagreement, such fifth member to be elected by inhabitants generally;

Persons having majority of votes elected.

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 com-

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plained 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 enquired 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.”

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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;

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 authorized 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 authorized 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 penalty.

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

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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 precept 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 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 victualling 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, ware-houses, 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 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 scuttels, 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

Power of Corporation to make by-laws.

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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;

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 ratable 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.

Duty of Clerk of the Peace.

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.

£1000 may be borrowed for building a market house, &c.

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

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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.

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 moneys received, and in the Treasury, and the amount expended, and for what purpose.

Rules to be published;

Annual accounts of moneys 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 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 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.

Penalties how recoverable;

Distress and sale, or commitment for default;

Inhabitants competent witnesses;

Information within fifteen days.

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**Application of penalties.** 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 moneys coming into the said Treasury may be applied for the public uses of the said Town.

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

**Site for market may be purchased;** 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.

**Notice;**

**On objection to such site, signed by twelve persons, public meeting to be called;**

**Sheriff to preside.**

**Market;** 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

**Rules for the same,**

**subject to approbation of Quarter Sessions.**

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be examined and approved of by the General Quarter Sessions 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.

Presiding officer at elections to have a casting vote.

## 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."

Oath of office.

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 any wise notwithstanding.

Sheriff of Eastern District to preside at elections.

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.

Limitation of actions.

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, intituled, "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.

59 Geo. 3, ch. 4, repealed



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## 4th Wm. IV. Chap. 26.

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

[Passed 6th March, 1834.]

Preamble.

Board of Police to be a body corporate;

Common seal.

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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 of purchasing, holding and conveying, any estate, real or personal, for the uses of the said Town.

Boundaries of Port Hope.

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.

Divided into four wards.

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.

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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 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 bonâ 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, 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.

First election;

Six days notice;

Sheriff to preside;

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 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.

Members to serve till first Monday in March;

Annual election.

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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.

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.

Scrutiny,

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

Upon requisition within forty-eight hours;

To be held within six days after election;

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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, 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.

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.

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:—

Oath to be taken by Sheriff before scrutiny.

“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 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.

Non-attendance of witnesses, how punished;

Imprisonment not to exceed one month;

Perjury.

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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.

Presiding officer.

Appointment of a President.

Member refusing to take oath of office,

to forfeit £10;

Exemptions from such penalty.

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 the 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 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.

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.

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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 herein-before 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 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 Sheriff of the District as herein-before provided.

Vacancies how supplied.

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.

Provision in case of omitting 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 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

Power of Corporation to make by-laws; [See 2 Geo 4, chap. 11]

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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 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 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.

Annual assessments, 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 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 ratable 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 to be rated at twenty-five pounds.

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

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on which a house shall be built, shall be deemed and taken to be a Town lot.

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 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.

Rates to be levied, by distress and sale of the goods.

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.

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 sixty-six feet 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 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 moneys received and in the Treasury, and the amount expended, and for what purpose.

Rules to be published;

Accounts of monies expended, &c.

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

Penalties how recoverable;



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Distress and sale; 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 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.

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 moneys coming into the said Treasury may be applied 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 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.

Site for market; 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.

Not to be less in extent than one acre.

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

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.

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**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. To be repaid out of the assessment.

**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. Presiding officer to have casting vote.

**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. Limitation of actions.

## FORM OF OATH.

"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." Oath of office.

## 4th Wm. IV. Chap. 27.

*AN ACT to incorporate the Village of Prescott, and to establish an Elective Police therein.*

[Passed 6th March, 1834.]

**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 Pro- Preamble.

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Board of Police to be a  
body corporate;

Style.

Common seal.

vince of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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.

Boundaries of Prescott,

Including the harbour.

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 St. Lawrence; thence along the water's edge to the place of beginning, including the Harbour in front of the said Town.

To be 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 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 St. 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.

Two members to be  
elected annually for each  
ward;

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 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 person 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

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freehold; or who, being subjects of His Majesty, and male inhabitant householders within the said Ward at the time of such election, shall bonâ fide have paid within one year next before the election one year's 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.

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.

First election.

Six days notice.

Presiding officer.

Notice to persons elected.

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.

Period for service of members.

Annual elections.

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:—

Oath to be taken by person holding elections.

“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

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

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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:—

“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.

Scrutiny upon requisition made within forty-eight hours;

*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 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

Within six days after election.

If election void,

Eight days notice of new election.

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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.

Scrutiny by Corporation.

If election declared void, precept for new election to be issued.

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:—

Oath to be taken by officer holding scrutiny.

“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.

Penalty for non-attendance as witnesses;

For 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

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.

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Presiding officer.

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.

Appointment of President.

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.

Member refusing to take oath of office, to forfeit ten pounds;

Exemptions.

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 officer presiding that he will not accept the office, shall be subject to the penalty herein-before 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 herein before 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

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another 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.

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.

Provision in case election not held on day appointed by Act.

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 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, ware-houses, 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

Authority of Corporation to make by-laws.



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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.

Annual assessment,

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 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 ratable 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.

to the extent of four pence in the pound;

Duty of Clerk of the Peace.

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 said 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

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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.

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.

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 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.

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

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- 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 moneys coming into the said treasury may be applied for the public uses of the said town.
- Members of 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, 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.
- Site for market; **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 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.
- Notice of choice. **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.
- £1000 may be borrowed for purposes of market. **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.
- Money borrowed to be repaid out of assessments. **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.
- Officer presiding at elections to have casting vote.

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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. Limitation of actions.

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. Public Act.

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## 6th Wm. IV. Chap. 14.

*AN ACT to repeal an Act passed in the fourth year of His present Majesty's reign, intituled, "An Act to establish a Board of Police in the Town of Belleville," and to make further provision for the establishment of a Police in the said Town.*

[Passed 20th April, 1836.]

**WHEREAS** an Act passed in the fourth year of His Majesty's reign, intituled "An Act to establish a Board of Police in the town of Belleville," has been found insufficient for the purposes intended, and it is expedient to repeal the said Act, and to make other provisions in lieu thereof: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the above-recited Act be and the same is hereby repealed. Preamble.  
(4 Wm 4, chap. 24,  
repealed.)

II. *And be it further enacted by the authority aforesaid,* 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 Board of Police incorporated;

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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 use of the said town.

Common seal;  
May hold lands.

Limits of the town.

III. *And be it further enacted by the authority aforesaid*, That the following shall be the limits of the said town of Belleville, to wit:—Commencing at the limits between lots number five and six, in the first concession of Thurlow, so as a line at right angles will run on the northerly side of Wonnacott's Bridge; thence south seventy-four degrees west, to the limit between lots number two and three; thence south sixteen degrees east, to the Bay of Quinte; thence easterly, following the winding of the Bay, to the limit between lots number five and six aforesaid; thence north sixteen degrees west, to the place of beginning; together with the Island opposite Mr. Baldwin's wharf, and the Harbour.

Qualification of voters.

IV. *And be it further enacted by the authority aforesaid*, That all the persons entitled to vote for members of the said Corporation shall be subjects of His Majesty, and shall be the male inhabitant householders or leaseholders of a shop or other tenement within the said town, who shall severally be possessed, for their own use and benefit, of a dwelling-house, shop, store, or other tenement therein, such dwelling-house, store, shop, or other tenement, being by them held in freehold or leasehold; or who, being subjects of His Majesty, and male inhabitants of the said town at the time of such election, shall *bonâ fide* for one year next before the election have paid one years rent on a dwelling-house, shop, store, or other tenement, at the rate of ten pounds per annum, or upwards: *Provided always*, that if they shall within the year have changed their place of residence within the said town, or occupied a different shop, store, or other tenement, they shall not thereby be disqualified from voting.

Qualification of members  
of the Board.

V. *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 resident freeholder in the said town of Belleville, to the assessed value of sixty pounds or upwards, for the space of one year previous to the said election.

Town divided into two  
wards;

VI. *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

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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.

VII. *And be it further enacted by the authority aforesaid,* That the first election of members of the said Corporation under this Act shall be holden on the first Monday in June next, at some place within each ward respectively, to be appointed by the Clerk of the Court of Requests for the tenth division, who shall give public notice thereof at least six days previous to the election ; and that the said Clerk 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.

VIII. *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 according to the general provisions of this Act.

IX. *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 :—" 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."

X. *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 to 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

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Oath to be taken.

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.

False swearing under this Act perjury.

XI. *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 may be had upon requisition of three voters;

XII. *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 Clerk of the Court of Requests for the tenth division, 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 election, 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 that such person, so 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 said 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

Within six days of the election;

New election may be held on giving eight days notice;

After a Board of Police shall have been organized, scrutiny to be held before the Corporation, within six days after election;

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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 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 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.

Witnesses may be summoned;

In case of void election, precept for new election to issue.

XIII. *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:—"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."

Presiding officer at such scrutiny to be sworn;

Form of oath.

XIV. *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 imprisoned on the commitment of the said 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.

Witnesses neglecting to attend liable to imprisonment;

False swearing perjury.

XV. *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 said Corporation so chosen are first to meet, which meeting shall be at such time and place in the said town as the Clerk of the Court of Requests for the tenth division, 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 Clerk of the Court of Requests

Presiding officer to give notice of the meeting of the Board;

Meeting within ten days of the election;

A fifth member to be appointed by the Board;

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



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for the tenth division 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.

Members elected to  
appoint a President.

XVI. *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 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 a new Board.

Members refusing to take  
the oath of office to  
forfeit £10;

XVII. *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 is hereinafter 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 herein-before stated for his refusal to act as a member of the said Corporation.

Exceptions.

Vacancies to be supplied.

XVIII. *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 herein-before 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 such election, giving notice of the time and place of holding, such elec-

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tion; 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 Clerk of the Court of Requests for the tenth division, as is herein-before provided.

XIX. *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.

Corporation not dissolved by non-election of members on day specified.

XX. *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 victualling houses and ordinaries, where fruit and victuals shall be sold; 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 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 cattle, horses 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

Authority to make by-laws,

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and enforce penalties, 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 days and hours for sale of provisions, to 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.

Annual assessment to be made for the purposes of this Act, XXI. *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, not exceeding three pence in the pound; on any assessment for property in the said town, 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 Thurlow a list or assessment of the ratable 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.

Collection of rates. XXII. *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 town officers. XXIII. *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 so many and such other officers as they may require, and assign the duty and 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.

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XXIV. *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 street, 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 sixty-six feet wide.

XXV. *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 effect, shall be published in one or more of the newspapers published within the District; and shall be affixed in four of the 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 moneys received and in the treasury, and the amount expended, and for what purpose.

By-laws to be published.

XXVI. *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 imposed by by-laws recoverable before the Corporation;

To be levied, &c., and in default, commitment, not exceeding one month;

Inhabitants competent witnesses;

Complaints to be made within fifteen days.

XXVII. *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 moneys coming into the said treasury for the public uses of the said town.

Application of penalties.

XXVIII. *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, highway or road, within the said town.

Corporation invested with authority of Justices.

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

Authority to raise £1,000 by way of loan, for building market-house.

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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.

Interest to be paid out of the 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.

and the principal to be liquidated within ten years.

Presiding officer to have casting vote at elections.

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, 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.

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.

Form of oath for members of the board.

"I, A. B., swear, that I will faithfully discharge the duties of a member of the Board of Police of the town of Belleville, to the best of my skill and knowledge—So help me God."

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## 7th Wm. IV. Chap. 42.

*AN ACT to establish a Police in the Town of Cobourg, and to define the limits of the said Town.*

[Passed 4th March, 1837.]

Preamble.

**W**HEREAS from the great increase of population of the town of Cobourg, in the Newcastle District, 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

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and consent of the Legislative Council and Assembly of the Province of Upper Canada; constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That there shall be 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 Cobourg;" and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, pleading 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 constituted in Cobourg as a body corporate.

II. *And be it further enacted by the authority aforesaid,* That the said town of Cobourg shall be comprised within the following limits or boundaries, that is to say: commencing on the Lake shore, at the south-east angle of lot number fourteen, in concession B; thence north, sixteen degrees west, to the centre of the first concession; thence south, seventy-four degrees west, to the centre of lot number twenty-one, in said concession; thence south, sixteen degrees east, to the Lake shore; thence along the water's edge to the place of beginning.

Limits of the town of Cobourg.

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 three wards, in the following manner, that is to say: that part of the town of Cobourg south of King-street shall compose the south ward; all that part of the town east of the centre of the street between lots number sixteen and seventeen, and north of King-street, shall compose the east ward; and all that part of the town west of the centre of the street between lots number sixteen and seventeen, and north of King-street, shall compose the west ward.

Town divided into three wards:

South ward,

East ward,

West ward.

IV. *And be it further enacted by the authority aforesaid,* That the east and west wards shall each elect annually two persons, and the south ward one person, annually, to be members of the said Corporation, from among the inhabitants 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 of either of the said wards shall be subjects of His Majesty, and male inhabitant householders,

East and West wards to elect two members, South ward to elect one;

Qualification of candidates;

Qualification of voters.

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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 being by them held in freehold; or who, 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 ten pounds per annum, or upwards.

*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 June next, at some place within each ward respectively, to be appointed 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 said election for one of the said wards, and the Deputy Sheriff and High Constable, or some other person authorised by the said Sheriff shall preside at the first election of the other wards, and shall declare the persons in such other 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 in the said wards as members of the said Corporation, within six days after such election.

First election;

Notice thereof;

Who to preside;

Notice to party 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 of June in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday of June in each year an election shall be holden for each ward in the said town, for 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 required to do at and after the first election to be holden as aforesaid.

Members to serve till first Monday in June 1838;

Elections to be on the first Monday in June;

Before the Bailiff of the ward;

Notice.

*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:—"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 of the town of Cobourg—So help me God."

Oath to be taken by presiding officer at elections.

*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

Presiding officer at election may examine parties on oath, as to qualification as candidate or as voter.

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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 aforesaid, to examine upon 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 that 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 into a scrutiny of 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 for 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 Proceedings where any return is contested, at the first election; Scrutiny, Summoning witnesses; New election in certain cases; Mode of trial of contested return, on subsequent elections.



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Scrutiny,  
 Witnesses to be summoned,  
 New election.

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.

Oath to be taken before trial of contested election.

XI. *And be it further enacted by the authority aforesaid,* That before the Sheriff, or any member of the 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."

Penalty for witnesses refusing to attend.

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, upon 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.

Notice of meeting of Corporation to be given.

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 within six days after the election, and at some place within the said town.

President to be chosen.

XIV. *And be it further enacted by the authority aforesaid,* That the said five members elected as aforesaid shall, within ten days after their election, 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 June in the ensuing year, and until the election and formation of the new Board.

Penalty for members refusing to take the oath of office;

XV. *And be it further enacted by the authority aforesaid,* That if either of the members elected 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 as aforesaid is hereby autho-

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rised 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, without his knowledge or consent, shall be subject to the penalty herein-before stated, for his refusal to act as a member of the said Corporation.

XVI. *And be it further enacted by the authority aforesaid*, That in case it shall at any time happen that a vacancy occurs among the members of the said Corporation, by neglect or refusal to take the oath of office hereinafter contained, within the time herein-before 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 to hold an election for such ward of said town, 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, or until another is chosen in his place.

XVII. *And be it further enacted by the authority aforesaid*, That in case it shall at any time happen that an election 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 it shall and may be lawful on any other day, to hold and make an election of members, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

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, for the said town, as they may think reasonable; to regulate victualling-houses and ordinaries, where fruit and victuals shall be sold; to regulate the weighing of hay—measuring of wood; to regulate carts and carmen; to regulate slaughter houses; to prevent the firing of 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 any 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 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 fire-men; to make such rules and by-laws as may be thought

Exception.

How vacancies to be filled up.

Corporation not dissolved by reason of default in making an election.

Corporation may make by-laws,

Victualling houses,

Hay, Wood, &amp;c.,

Carts,

Slaughter houses,

Fire arms and fire works,

Destroying trees,

Defacing sign boards,

Indecency,

To examine houses, &amp;c.,

Fire wardens,

Fire Companies,

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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, and 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, order and good government, of the said town, as the said Corporation may deem expedient, the same not being 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 butchers' meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

Fire buckets and ladders,

Furious driving,

Assize of bread,

Nuisances,

Cattle running at large,

General rules,

Penalties.

Rules and regulations, and money accounts to be published.

XIX. *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 moneys received and in the treasury, and the amount expended, and for what purpose.

Corporation may impose an assessment,

XX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for 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 three pence in the pound, exclusive of the sum such persons may be rated for 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 Hamilton, a list or assessment of the ratable 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.

Limitation,

Clerk of the Peace to make assessment roll.

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XXI. *And be it further enacted by the authority aforesaid,* That every town lot in the said town of Cobourg 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, how rated.

XXII. *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, as aforesaid, for the space of ten days after demand duly made of the same by the Collector, to be appointed by the 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.

If rates unpaid, Collector may levy same by distress;

Warrant.

XXIII. *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 and three 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.

Corporation may appoint certain officers,

Salaries, Security.

XXIV. *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 be 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 Cobourg: *Provided always,* that the information and complaint for the breach of any orders or regulations of the said Corporation, shall be made within fifteen days of the time when the offence was committed.

Penalty for transgressing rules and regulations,

How recovered,

Commitment,

Witnesses,

Limitation of informations.

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**Application of penalties.** 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 moneys coming into the treasury may be applied for the public uses of the said town.

**Authority of other Boards of Police, respecting roads, extended to this Corporation,** XXVI. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may, in the said town of Cobourg, perform all the functions, and exercise the authority now by law given to the Board of Police in other Police towns within this Province, with respect to making or amending any street, or highway or road within the said town: *Provided always,* that it shall not be lawful for the said Board of Police to lay out, open or establish any new street which might interfere with the powers conferred upon the Cobourg Harbour Company, by the third clause of an Act passed in the tenth year of the reign of His late Majesty George the Fourth, intituled, "An Act to improve the navigation of Lake Ontario, by authorising the construction of a harbour at Cobourg, by a Joint Stock Company."

**Not to interfere with Harbour Company.**

**Market,** 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, as to them, or a majority of them, appear just and reasonable; and the said Corporation shall give at least six weeks notice in the newspapers published in the said town of Cobourg, of the site intended for such market; and if any objection, in writing, to such site shall, within the 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 President of such Corporation shall preside at such meeting, and conduct the proceedings thereof; and that when the site for the said market shall be confirmed, or in case of its being rejected, then when any other site which may be afterwards proposed shall be agreed to, or if objected to in like manner, shall be confirmed, such site shall be the market-place of the said town, any thing herein contained to the contrary in any wise notwithstanding.

**Purchase of site,**

**Notice,**

**In case of objection, public meeting to be held,**

**Majority to decide on site,**

**Site finally agreed to, shall be the market place.**

**Corporation authorised to borrow £1000;** XXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation to borrow the sum of one thousand pounds, of or from any person or persons, body politic or

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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, as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

For what purposes.

XXIX. *And be it further enacted by the authority aforesaid,* That the Corporation shall set apart so much of the assessments as are authorised by this Act to be raised for the use of the said town, as will 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 time such loan shall have been made.

Portion of yearly assessments to be set aside for payment of interest, and principal, within ten years.

XXX. *And be it further enacted by the authority aforesaid,* That in case an equality of votes shall happen at any election for members of the said Corporation in any of the said wards, 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 election for the said wards, respectively.

In case of equality at an election of members of the Corporation, the Presiding Officer may give a casting vote.

## FORM OF OATH.

I, A. B. do swear, that I will faithfully discharge the duties of a member of the Police of the Town of Cobourg, to the best of my skill and knowledge. So help me God.

## 7th Wm. IV. Chap. 44.

*AN ACT to incorporate the villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.*

[Passed 4th March, 1837.]

**W**HEREAS from the great increase of population of the villages of Hallowell and Picton, in the District of Prince Edward, it is necessary for the better internal regulation thereof, that the two villages be incorporated together, and that further provision be made therefor than by law now exists: *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 Pro-

Preamble.

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Villages of Hallowell and Picton incorporated in one town, under the name of Picton;

Board of Police created a body corporate;

Name,

Seal.

Limits of the town of Picton;

Harbour included.

Qualification of electors of members of the Board of Police.

vince of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said villages of Hallowell and Picton be incorporated in one town, under the name of the town of Picton; and that there be in the said town of Picton a Board of Police, to be composed and constituted in the manner hereinafter described; which shall be and is hereby declared a body corporate and politic, in fact and in law, by the name of the "President and Board of Police of Picton;" and that by that name they and their successors may have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all Courts, and in all actions, causes and complaints whatsoever; and shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the uses of the said town; and may have a common seal, and may alter the same at pleasure.

II. *And be it further enacted by the authority aforesaid,* That the said town of Picton shall be comprised within the following limits or boundaries, that is to say: commencing on the south side line on the south side of lot letter A, fifty chains from the front; thence at a right angle across lot letter A and lot number one, in the first concession, north of the Carrying-place, in the township of Hallowell; thence in a south-easterly direction along the side line between said lot number one and lot number two, twenty-five chains; thence at a right angle across said lot number two, number three and number four; thence on the side line between said lot number four and lot number five, to the water's edge; thence across the Bay to the line between lots number seventeen and eighteen, in the concession south-east of the Carrying-place; thence along the water's edge to the limits between lots number nineteen and twenty, in the said concession; thence along the line between the said lots number nineteen and twenty, fifty-five chains; thence at right angles across lots number twenty, twenty-one and twenty-two, in the last mentioned concession; thence along the line of the south-west side of said lot number twenty-two, to the front of the lot; thence along the line on the east side of lot number twenty-four, in the third concession of the Military Tract, in a southerly direction, twenty-five chains; thence, at a right angle across the said lot number twenty-four, and lots numbered twenty-three and twenty-two; thence along the westerly side of said lot number twenty-two to lot letter A, including the harbour in the above-mentioned boundaries.

III. *And be it further enacted by the authority aforesaid,* That all the persons entitled to vote for members of the said Corporation shall be subjects of His Majesty, and shall be male inhabitant householders or leaseholders of a shop or other tenement within the said town, who shall severally be possessed for their own use and benefit of a dwelling-house, shop, store or other tenement therein, such dwelling-house, shop, store or other tenement, being by them held in freehold; or leasehold, or who being

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subjects of His Majesty, and male inhabitants of the said town at the time of such election, shall bonâ fide, for one year next before the election, have paid one years rent on a dwelling-house, shop, store or other tenement, at the rate of ten pounds per annum, or upwards: *Provided always*, that if they shall within the year have changed their place of residence within the said town, or occupied a different shop, store or other tenement, they shall not thereby be disqualified from voting.

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 be a subject of His Majesty, and shall have been a resident freeholder in the said town of Picton to the assessed value of sixty pounds, or upwards, for the space of one year previous to the said election: *Provided always*, that no person shall be capable of serving as a member of the said Board, who shall be a minister, priest, ecclesiastic or teacher, under any form of profession of religious faith or worship.

Qualification of candidates.

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 Picton shall be divided into three wards, in the following manner; that is to say: all that part of the said town of Picton situated west of Elizabeth street, shall be and compose the first ward; and that part of the town lying east of the said Elizabeth street and north of the Bay, shall be and compose the second ward; and all that part of said town lying on the south side of the Bay, shall be and compose the third ward; and that each of the said wards shall elect, annually, one member.

Picton divided into three wards;

First ward,

Second ward,

Third ward,

Each ward to elect one member.

VI. *And be it further enacted by the authority aforesaid*, That the first election of members of the said Corporation, under this Act, shall be holden on the first Monday in June next, at some place within each ward, respectively, to be appointed by the Sheriff of the District for the time being, who shall give public notice thereof at least six days previous to the election; and that the said 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 person 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 on the first Monday in June;

Notice,

Person to preside;

The person having the greatest number of votes to be the member.

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 Picton, for choosing members of said Corporation, before the Bailiff of such ward, who shall be appointed from time to time

Future elections to be held on the first Monday in March.



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by the Corporation, and who shall appoint the place of holding the said election, and shall give notice thereof, and proceed in all respects according to the general provisions of this Act.

Oath to be taken by person holding the elections.

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 District of Prince Edward may administer:—"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 Picton,—So help me God."

Returning officer may administer oaths,

to candidates,

and to voters;

Form of oath.

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 where the party is allowed to affirm,) which oath or affirmation the said officer presiding at such election is hereby authorised to administer to 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, where such party is allowed to affirm,) any person tendering his vote at any election, respecting his right to vote at such election; and that the oath or affirmation to be administered for either of the said purposes, shall and may be in the following form:—"You shall well and truly answer 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.

False swearing perjury.

X. *And be it further enacted by the authority aforesaid,* That if any person being examined on oath or affirmation under this Act, touching his qualification to vote or 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.

Provisions for trying contests respecting the first election;

Requisition by three inhabitants,

XI. *And be it further enacted by the authority aforesaid,* That if the election of any member of the Board of Police aforesaid 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 District 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 after the passing of this Act, upon receiving, within forty-eight hours after the termination of

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the election, a written requisition, signed by three inhabitants of the town, having a right to vote at such election, 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 that such person, so appointed as aforesaid, shall have power to summon witnesses, and take evidence under 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 said 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 question to be determined, shall have power to summon witnesses, and 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, and 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.

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 District of Prince Edward, 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. as a member of the Board of Police of the town of Picton—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, upon conviction before any one of His Majesty's Justices of the Peace for the District of Prince Edward, having been summoned to answer such complaint, be liable to

Scrutiny,

Summoning witnesses,

determination,

new election in certain cases,

future election if contested,

requisition,

scrutiny;

Summoning witnesses,

determination;

New election.

Oath to be taken before scrutiny entered into.

Penalty on witnesses neglecting or refusing to attend;

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**Imprisonment.** 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 or she shall be deemed guilty of wilful and corrupt perjury.

**President to be chosen.** XIV. *And be it further enacted by the authority aforesaid,* That the three members elected as aforesaid shall, within ten days after their election or appointment 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 a new Board.

**Penalty on members elected refusing to take the oath of office;** XV. *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 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 for the District of Prince Edward, who is hereby authorised to proceed in the same manner as is hereinafter 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 said Corporation during his absence from said town, or who, at the time of the election shall openly give notice to the presiding officer that he will not accept the office, shall be subject to the penalty herein-before stated for his refusal to act as a member of the said Corporation.

**Exception.**

**Vacancies happening, to be filled by remaining members,** 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 herein-before limited, or by death, removal from the town, or from any other cause, the remaining members 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 cannot agree on such appointment, then and in such case the Corporation shall issue a precept to the Bailiff to hold such 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 elections; and in case any such vacancy shall happen amongst 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 of the said District, as herein-before provided.

**if they cannot agree, a new election to be holden.**

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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 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.

Corporation not to be dissolved for want of an election at the proper time.

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 victualling houses and ordinaries, where fruit and victuals shall be sold; 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, muskets, pistols, squibs and fire-balls, or injuring or destroying trees growing for shade or ornament in said town; to prevent the pulling down or defacing of sign-boards, or inserting 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 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 on any side-walk, or riding or driving immoderately in any street, or to inflict fines for any such offence; to prevent and abate and remove any nuisance; to prevent or license the public exhibition of any shew-men or mountebanks; to regulate the weight of bread; to restrain or prevent any cattle, horses 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-laws or ordinances of the said Corporation, not exceeding one pound ten shillings, currency; 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 may deem expedient.

Corporation may make by-laws to regulate Victualling houses,

Selling fruit,

Wharves,

Hay and wood, Carts,

Slaughter houses,

Firing guns, &c.,

Injuring trees,

Sign-boards,

Indecency,

To preserve order,

To examine houses,

Fire wardens, &c.,

Fire companies,

Fire buckets, &c.,

Persons driving,

Abating nuisances,

Public shows,

Bread,

Cattle running at large,

Encroachments on streets,

General rules,

To inflict penalties, not to exceed thirty shillings,

To appoint hours for selling meat, &c.

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Corporation may impose assessments, not exceeding 2d. in the pound;

XIX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for the procuring of fire-engines, aqueducts, and a supply of pure and wholesome water; for lighting, paving and 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 assessment for property in said town, not exceeding two pence in the pound, exclusive of the sum such person may be rated for in and upon any other assessment of this Province; and it shall be the duty of the Clerk of the Peace of said District to select, from a general assessment of the township of Hallowell a list or assessment of the ratable 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.

Clerk of the Peace to furnish an assessment roll for the said town.

If rates are refused, Collector to levy the same by distress,

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.

Warrant,

Information,

Overplus.

Corporation to appoint Surveyor of streets, Clerk, Assessors, Bailiff, Collector, Treasurer and other Officers;

XXI. *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, a Treasurer, and so many and such other officers as they may require, and assign the duty and 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 or allowances.

Rules inflicting penalties to be published before going into operation;

XXII. *And be it further enacted by the authority aforesaid,* That any rule or regulation of said Corporation, for the infraction of which any penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District; and shall be affixed in four public places in said town of Picton; and that in like

Account of moneys to be also published.

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manner shall be published, in each and every year before the annual election, an account of all moneys received into the treasury, and the amount expended, and for what purpose.

XXIII. *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 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 term not exceeding thirty days, 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 a resident of said town: *Provided always,* that the information and complaint for any breach of any order or regulation of the said Corporation shall be made within fifteen days after the time of the offence committed.

Penalties under any rule of the Corporation, how to be recovered;  
Levy;  
Imprisonment;  
Competency of witnesses;  
Time within which complaint to be made.

XXIV. *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 moneys coming into the treasury for the public uses of the said town.

Application of penalties.

XXV. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may, in the said town of Picton, perform all the duties of and exercise the authority now by law given to Justices of the Peace and Township Commissioners, with respect to making or amending any street, highway or road, within the said town.

Corporation to have the authority of Justices of the Peace, and of township Commissioners as to streets and highways in the town.

XXVI. *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, it shall and may be lawful for the person presiding at the said election to give a casting vote; and that, except in cases of the votes being equal, it shall not be lawful for the person presiding at any election under this Act to vote at any such election.

Presiding officer at any election may give casting vote;  
Otherwise not to vote.

XXVII. *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 actions or suits, may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitations of actions for any thing done under this Act;  
Defendant may plead the general issue.

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Width of streets laid out in Picton not to be altered;

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful, after the passing of this Act, to alter the width of any street already laid out in the said town of Picton, or in the protraction of any street or streets to vary from the width already established in those parts of any such street or streets which shall have been already laid out; *Provided always,* that every new street shall be laid out under the direction of the said Board of Police, and shall in no case be less than forty feet in width.

No new street to be less than forty feet wide.

Corporation to hold their sittings in the Court House of the District;

XXIX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall hold their sittings in the Court House of the said District of Prince Edward, in the said town of Picton; and the Sheriff and Gaoler of the said District shall be bound, and they are hereby authorised and required to receive and safely keep, until duly discharged, all persons lawfully committed thereto by the said Corporation, or under the authority thereof.

Sheriff and Gaoler to receive Prisoners.

Every lot on which there is a dwelling house, to be considered a town lot;

XXX. *And be it further enacted by the authority aforesaid,* That each lot, piece or parcel of land in the said town of Picton, held by lease or otherwise, on which a dwelling-house or shop has been erected, shall be taken and considered to be a town lot, and be rated at the valuation of twenty-five pounds.

Rated at £25 value.

## FORM OF OATH.

Oath.

"I, A. B., swear, that I will faithfully discharge the duties of a member of the Board of Police of the town of Picton, to the best of my skill and knowledge—So help me God."

## 1st Vic. Chap. 27.

*AN ACT to Incorporate the Town of Kingston, under the name of "the Mayor and Common Council of the Town of Kingston."*

[Passed 6th March, 1838.]

Preamble.

(See 2 Vic. c. 36 & 37.)

**W**HEREAS the incorporation of the town of Kingston, in consequence of its increase, has become advisable and necessary for the improvement and prosperity of said town: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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

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Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same. That an Act passed in the forty-first year of the reign of His Majesty King George the Third, intituled, "An Act to empower the Commissioners of the Peace for the Midland District, in their Court of General Quarter Sessions, to establish and regulate a market in and for the town of Kingston, in the said District"; and also an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to make more ample provision for regulating the Police of the town of Kingston"; and also an Act passed in the seventh year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part and extend the provisions of an Act passed in the fourth year of His Majesty's reign, intituled, 'An Act to make more ample provision for regulating the Police of the town of Kingston'; and also an Act passed in the Parliament of this Province, in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act authorising the Magistrates of the Midland District to make rules and regulations for the prevention of accidental fires in the town of Kingston, and for other purposes therein mentioned"; and also so much of an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled, "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 Kingston, in the Midland District, be and the same are hereby repealed.

(41 Geo 3, chap. 3;

4 Geo 4, Sess 2, ch. 30;

7 Geo 4, chap. 12;

7 Wm 4, chap. 43,  
repealed;7 Geo 4, chap. 6, in part  
repealed)

II. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace of the Midland District, in General Quarter Sessions, on or before the first day of April next, be and they are hereby authorised and required to define and establish the limits between the said town and township, including within the said town the tracts of land called Park lots number one and two, granted from the Crown to Sir John Johnson, and Ann Earl, respectively; the lot of land on the eastern side of the original town plot of Kingston, granted to Magdalen Ferguson; and also lot number twenty-five, in the first concession of the said township of Kingston, granted from the Crown to Michael Grass.

Limits of Kingston to be  
defined by Justices in  
Quarter Sessions.

III. *And be it further enacted by the authority aforesaid,* That the said town shall be and the same is hereby divided into four wards.

Divided into four wards.

IV. *And be it further enacted by the authority aforesaid,* That ward number one shall consist of all that part of the said town which lies west of Brock-street, and south of Grass-street, to the line of lot number twenty-four, in the first concession of the township of Kingston.

Limits of ward No. one.



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- Limits of ward No. two.** V. *And be it further enacted by the authority aforesaid,* That ward number two shall consist of all that part of the said town which lies west of Brock-street, and north of Grass-street, to the line of the said lot number twenty-four.
- Limits of ward No. three.** VI. *And be it further enacted by the authority aforesaid,* That ward number three shall consist of all that part of the said town which lies east of Brock-street, and south of Quarry-street.
- Limits of ward No. four.** VII. *And be it further enacted by the authority aforesaid,* That ward number four shall consist of all that part of the said town which lies east of Brock-street, and north of Quarry-street, including the land granted to Magdalen Ferguson, to the line of the said lot number twenty-four.
- Limits of the harbour.** VIII. *And be it further enacted by the authority aforesaid,* That the harbour shall consist of all that part of the river and bay opposite the said town.
- Style of the Corporation.** IX. *And be it further enacted by the authority aforesaid,* That all the inhabitants of the said town 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 "Commonalty of the town of Kingston."
- One Alderman and Common Council-man for each ward;**  
**Choice of Mayor;**  
**When equality of votes;**  
**One fourth to retire annually.**
- X. *And be it further enacted by the authority aforesaid,* That for every ward within the limits of the said town, one Alderman and one Common Council-man shall be chosen in manner hereinafter mentioned; and the Aldermen and Common Council-men shall choose a Mayor from among the inhabitants duly qualified, as hereinafter mentioned, by vote of the majority of such Aldermen and Common Council-men in person, to be a Mayor of the said town; and in case it shall happen that the votes shall be equally divided, then that Alderman who shall have been rated upon the last assessment list of the said town for the greatest amount of property, shall give a second or casting vote; and that one-fourth of the said Aldermen and Common Council-men shall retire in each year by rotation, the order in the first instance to be by ballot, and afterwards in succession, but that they shall be capable of being re-elected.
- Jurisdiction of the Corporation.**
- XI. *And be it further enacted by the authority aforesaid,* That the Legislative power of the town of Kingston shall be and is hereby vested in the Mayor, Aldermen and Common Council-men, who together shall form the Common Council of the said town,
- Style of enactments.**
- XII. *And be it further enacted by the authority aforesaid,* That every Legislative Act of the said town be expressed to be enacted by the Mayor,

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Aldermen and Commonalty of the town of Kingston, in Common Council assembled.

XIII. *And be it further enacted by the authority aforesaid,* That the town of Kingston shall not have authority by Act of Common Council or otherwise, to borrow any sum of money whatever, on the credit of the said town, except in anticipation of the revenue to accrue within five years next after such loans shall be made, unless authorised by Act of Parliament: *Provided always,* that nothing in this clause contained shall be construed to prevent the said town, by Act of Common Council or otherwise, from borrowing a sufficient sum of money to provide for the erection of a new market-house in the said town.

Power of Corporation in respect to raising loans.

XIV. *And be it further enacted by the authority aforesaid,* That the assessment shall not exceed six pence in the pound in any one year.

Rate of assessments;

XV. *And be it further enacted by the authority aforesaid,* That Aldermen and Common Council-men of the said town shall be chosen in each of the said wards on the last Tuesday in March; 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; and that they shall be sworn in on the following Monday by the Judge of the District Court, or the Chairman of the Quarter Sessions.

Time & mode of elections. [See 2 Vic. chap. 36.]

When Aldermen, &c. to be sworn in.

XVI. *And be it further enacted by the authority aforesaid,* That the Mayor of the said town shall be elected by a majority of votes of the Aldermen and Common Council-men, from among the inhabitants of the said town: *Provided always,* that no person shall be eligible to be elected a Mayor of the said town, unless he shall have been resident within the said town for the space of ten years next before his election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, of real property within the said town, either in freehold or for a term of years, which shall be assessed under this Act at seventy-five pounds, or in the receipt of seventy-five pounds or upwards of yearly rent or profit, accruing from or out of real property within the said town.

From whom the Mayor to be chosen;

His qualification;

[See 2 Vic. chap. 37. sec. 4.]

XVII. *And be it further enacted by the authority aforesaid,* That neither the officer holding any election for Aldermen or Common Council-men of the said town, 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

Returning Officer or his Clerk, not eligible to be elected, or to vote;

Except in case of equality of votes.

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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 favour of one or the other of the persons having such equality of votes, in order that the election may be completed.

Persons exempted from serving in the Corporation.

XVIII. *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 or District Court, or Her Majesty's Attorney or Solicitor General, 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.

Voters oath of qualification.

XIX. *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 Council-men, 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 of the particulars of his qualification, and that he has not before voted at said election; which oath or affirmation the said presiding officer is hereby authorised and required to administer.

Elections to supply vacancies in municipal offices; [See 2 Vic. chap. 37.]

XX. *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 town, by death, resignation, removal out of town, or other disqualification, before the return of another 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 herein-before mentioned; and such election shall in other respects be held and conducted in like manner as the regular elections in the said town 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.

Office to be held till end of predecessors time only.

XXI. *And be it further enacted by the authority aforesaid,* That in the Court of Common Council two Aldermen and two Common Council-men, together with the Mayor, shall form 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.

How many to form a quorum;

Smaller number competent to adjourn.

President of the Common Council.

XXII. *And be it further enacted by the authority aforesaid,* That the Mayor, or in his absence from sickness or otherwise, a member, being the

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senior Alderman, 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 the casting vote.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Mayor of the said town to call special meetings of the Common Council; and in case of his death or removal from the town 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 the inhabitants duly qualified, 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 the Judge of the District Court, or Chairman of the Quarter Sessions of the Midland District.

Special meetings;  
Election in case of vacancy to Mayoralty.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the Mayor, Aldermen or Common Council-men, of the said town to receive any salary.

Mayor, Aldermen, &c. not to receive salaries.

XXV. *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 it shall have the same power to punish for contempt as is by law vested in any other Court of record.

Common Council a Court of record, &c.;  
[See 2 Vic. ch. 37, sec. 3.]

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Common Council of the said town to appoint a Clerk, a Treasurer and a High Bailiff, in and for the said town, with such salaries as they may think proper: *Provided always,* that such salaries shall not exceed the sum of one hundred pounds each: *And provided also,* 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 town, it shall be lawful for the said Common Council to appoint to the vacant office: *And provided also,* that nothing in this clause contained shall be construed to prevent the Common Council to appoint the Treasurer of the Midland District, for the time being, to the office of Treasurer of the said town, if the said Common Council shall see fit; and also the Clerk of the Peace of the Midland District to be their Clerk.

Officers of the Corporation,

Their salaries.

Removable for misconduct;

Treasurer of Midland District may be Treasurer to the Common Council.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Clerk, so to be chosen and appointed, shall receive, have, and take charge of and keep, such writings and papers belonging to the Mayor, Aldermen and Common Council-men of the town of Kingston, as the Mayor of the said Common Council shall direct from time to time, or

Duties of the Clerk of the Common Council.

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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 control of the said Common Council.

Appointment of Clerks of the market, and other subordinate officers;

XXVIII. *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; 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 town; and one Assessor and one Collector for each ward of said town; 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 town of Kingston, shall be and the same are hereby repealed: *Provided always, nevertheless,* that the Assessors and Collectors, to be appointed for the said town, respectively, shall perform all such duties as before the passing of this Act were to be performed by the Assessors and Collectors for the town of Kingston, in order to the collecting and paying over into the general funds of the Midland District the rates and assessments to be levied and raised upon the inhabitants of said town under the general assessment Act 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 shall be necessary respecting the paying over and accounting for the said rates and assessments by the Collectors and the proper officers to the Treasurer of the Midland District.

Special duties of Assessors and Collectors.

Liability for non-payment of rates;

XXIX. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he stands rated in manner aforesaid, 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 Her Majesty's Justices of the Peace in and for the Midland District, 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 be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Distress and sale;

Overplus to be returned.

Appointment and remuneration of Bailiffs and Constables.

XXX. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace of the said District, in Quarter Sessions assembled, shall from time to time employ so many Bailiffs and Constables for the said town as to the Common Council shall seem necessary and proper, and pay them such sum per annum, out of the funds of said town, for

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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 town, such remuneration as to the said Council shall seem meet.

XXXI. *And be it further enacted by the authority aforesaid,* That the Common Council shall be required to publish half yearly in the newspapers of said town, a detailed account of the state of the finances of the said town, and also a detailed account of the receipt and expenditure of all sums of money that may have been paid into the town already.

Finance accounts to be published annually.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Council shall keep a journal of its proceedings, and all discussions shall be open to the public, unless three members shall require otherwise: *Provided always, 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 said town, or any of them, the same shall be proposed, discussed, debated and resolved on and determined in open Court, accessible to the inhabitants of the said town, any thing herein contained to the contrary thereof, notwithstanding.

Journal to be kept, and discussions to be open.

XXXIII. *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 determine its rules, and judge of qualifications, &c.

XXXIV. *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, shall be published in at least one newspaper a week; and every measure for taxing or assessing the inhabitants of the said town, or for imposing fines, shall be published ten days before the same shall be adopted, and after adoption shall be published fifteen days before it shall have effect.

Certain resolutions to be published before the same can take effect.

XXXV. *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 power as Alderman or Common Council-man, as the case may be.

Common Council may punish its members for misconduct.

XXXVI. *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 Corporation, and enrolled; and such Act shall thenceforth go into effect as a law of

Acts of the Common Council to be signed by the Mayor, sealed and enrolled;

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And open to inspection. the town of Kingston; and all such laws, together with this Act, and all other Acts of Parliament particularly relating to the said town, shall be entered verbatim in a book to be kept by the Clerk, and signed by the Mayor, and be open to the public for inspection, between the hours of eleven of the clock, A. M., and two of the clock, P. M., on payment to the Clerk of three pence, and no more, for every examination.

Meetings of Common Council.

XXXVII. *And be it further enacted by the authority aforesaid, That the Council shall meet on the first Monday of every month, in each year at the least.*

Authority of Common Council in respect to licences.

XXXVIII. *And be it further enacted by the authority aforesaid, That it shall be lawful for the Mayor and Common Council of the town of Kingston, to regulate and license owners of livery stables, and to regulate and license the owners and keepers of hackney coaches, and of horse phaetons, chairs, sleighs, sleds, wagons, carts and carriages of every description, used for hire or reward in the said town.*

In suits where Corporation or its members are interested, inhabitants, &c, not incompetent as witnesses or jurors;

XXXIX. *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 fact whatsoever, to which issue, inquest or investigation, the said town, or the Mayor, Aldermen and Common Council-men 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 town; and 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.*

This Act may be given in evidence under general issue.

Common Council may appoint Board of Health.

XL. *And be it further enacted by the authority aforesaid, That it shall and may 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 town to carry into effect the provisions of the Statutes which now are or may be passed to preserve the health of the said town, 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 power 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 late Majesty's reign, intituled, "An Act to establish Boards of Health, and guard against the introduction of malignant, contagious and infectious diseases in this Province."*

Powers and duties of Clerk of the market.

XLI. *And be it further enacted by the authority aforesaid, That the person appointed as aforesaid Clerk of the market shall, during his con-*

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tinuance as such Clerk, under the direction of the Mayor, inspect the weights, measures and balances, that shall or may be used in any market in the said town of Kingston, and seize and destroy such as are not according to the established standard; and also to inspect all meats and fish that may be exposed for sale in such market, and seize and destroy such as may be tainted or otherwise unfit to eat; and also inspect the stalls in such market, and cause the occupants to keep them clear; and also to enquire into the conduct of all persons who shall expose for sale or vend any provisions in such market, and whether they, or any of them, are guilty of a breach of any 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.

**XLII.** *And be it further enacted by the authority aforesaid,* That the Mayor or Aldermen, or any one or more of them, shall have full power and authority to take up and arrest, or order to be taken up and arrested, all rogues, vagabonds, drunkards and disorderly persons, and as the said Mayor, Aldermen, or any two of them, shall see fit or cause to order all or any such rogues, vagabonds, drunkards and disorderly persons, to be committed to any work-house that may hereafter be erected, or else to any house of correction or gaol, there to receive such punishment, not exceeding three days imprisonment, or the common stocks, as the said Mayor or Aldermen, or any two of them shall see fit.

Authority of Common Council in the apprehension and punishment of rogues and vagabonds.

**XLIII.** *And be it further enacted by the authority aforesaid,* That the market-square be, and the same is hereby conveyed to and vested in the said town of Kingston, to hold to the said town of Kingston for ever, to and for the public uses of the said town, to be superintended and managed as the said town, by Act of Common Council, shall or may from time to time direct.

Market square vested in the Common Council.

**XLIV.** *And be it further enacted by the authority aforesaid,* That the said town of Kingston shall, by its representatives in whom the Legislative power of the town shall be vested, as herein-before 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 cleansing, any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, high-ways, bridges, public wharves, docks, slips, shores and sewers, now laid out or erected, or hereafter to be laid out or erected, within the limits of the said town; 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 town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors

General powers of the body corporate within the town of Kingston.



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thereof; to regulate or prevent the incumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, high-ways, bridges, public wharves, docks and slips, with any wheel-barrows, carts, carriages, lumber, stone, or other materials whatsoever; to regulate or prevent the selling or vending by retail, in the public high-ways, any meat, vegetables, fruit, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child, or apprentice or servant, without the consent of his legal protector; to prevent the immoderate riding or driving horses or other cattle in any of the public high-ways of the said town; to prevent the leading, riding or driving, horses 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 erecting or use of weirs for eels or other fish; to prevent or regulate bathing or swimming in and about the docks, wharves, slips and shores, within the limits of the said town; to suppress tipping 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 show-men; 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 purposes of distilling spirituous liquors for sale; auctioneers, butchers, cart-men 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 show-men, mountebanks, circus-riders or jugglers, usually practise or perform, and to limit the number, and to provide for the purpose of licensing of the same; to regulate and to prevent the firing off guns, pistols and other fire-arms, and to prevent the firing off 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 town; to regulate any 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 to 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 weighing or measuring of coal, cord-wood and other fuel, salt and lime, exposed for sale in any part of the said town; 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

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enforce the erection of party walls; to provide for the permanent improvement of the said town in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimneys, and to regulate the dimension of chimneys hereafter to be built, so as to admit chimney sweeps to sweep and clean the same, and to 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 regulate 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 purposes as they may deem necessary or expedient; to provide for the security of the public property of the said town; to establish and regulate a town watch, and prescribe the powers of watchmen; to license and appoint by warrant, under the common seal of the said town, 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 as often as the said Common Council of the said town shall think fit; to establish and regulate one or more pounds; to direct the returning and keeping the bills of mortality, and to impose penalties on physicians, sextons and others, for default in the premises; to regulate the police of the town; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water to the said town, 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 town; to regulate the time and place of holding elections for all municipal officers, and to make provision for a register of electors or voters for Aldermen or Common Council-men, and other elective officers of the said

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town; to impose and provide for the raising, levying and collecting annually, by a tax on the real and personal property in the said town, in addition to the rates and assessments payable to the general funds of the Midland 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 one year, six pence in the pound, upon the assessed value of property lying and being within the limits of the town, according to the value as hereinafter provided; to require the road-labour of the said town, 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 said town, to be at the disposal of the said town, for the purpose of improving the public highways of the said town; 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 town, as they may from time to time deem expedient, such laws not being repugnant to this Act, or the general laws of this 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 by-law or regulation of the said town: *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.

[See 2 Vic. ch. 37, sec. 2.]

Authority of Common Council in respect to the protraction, widening, &c., of the streets;

Lands may be entered upon for purpose of surveying;

Notice of intended application to the Legislature for alteration in the streets;

**XLV.** *And whereas*, it may be expedient for the convenience of the inhabitants of the said town, to protract the streets already laid out within the town of Kingston, or some of them, so as to continue them through the extent of the tract which may hereafter form the town: *Be it therefore further enacted by the authority aforesaid*, that it shall be competent for the Common Council of the said town, at any time, to consider and report upon the expediency of protracting any street or streets laid out and opened in the town of Kingston, and of widening or otherwise altering any street now laid out, or hereafter to be laid out within the said town; and for that purpose the said Common Council, and any person authorised and empowered by them, may enter upon the grounds of any person, for the purpose of surveying and examining the same, with a view to the laying out, altering and protracting any street, 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 or recorded in the books of the said Common Council, and a copy thereof shall be published in the several newspapers published in the said town, with a notification that the Common Council intend to apply in the ensuing Session of the Legislature of this Province, for an

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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 and altering such street, 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 the publishing of 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 land assent in writing to the proposed alterations.

Application to the Legislature not necessary when proprietors consent.

**XLVI.** *And be it further enacted by the authority aforesaid*, That the rate or rates aforesaid shall also be raised, levied or assessed, upon the owners or possessors of the following chattel property, that is to say: stone horses kept for the purpose of covering mares; other horses of the age of three years and upwards; horned cattle, phaetons, carriages, gigs, wagons, sleighs and other carriages kept for pleasure only, according to the yearly value thereof, ascertained as hereinafter mentioned: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend to any house, lands, property, goods, effects, matters or things herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of Her Majesty, Her Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, public places of worship, or burying grounds.

Chattels liable to be assessed;

Property of the Crown, in possession, excepted.

**XLVII.** *And be it further enacted by the authority aforesaid*, That except as respects vacant grounds, or other property hereinafter specially mentioned and provided for, the annual value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements and parts and portions thereof, being separate tenements as aforesaid, so to be rated and assessed as aforesaid, shall be rated according to the real rack rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessors, once in each year.

Principle upon which property is to be rated.

**XLVIII.** *And be it further enacted by the authority aforesaid*, That every lot or parcel of ground whereon any house or other building to be valued as aforesaid is situate, and being held therewith as the same tenement, when such lot of ground is not above an acre in extent, and to the amount of an acre thereof, shall be assessed and valued with the house or building thereon; and the overplus (if any) above an acre, shall be valued as a separate tenement and vacant ground, as hereinafter mentioned.

Ground to the extent of an acre to be assessed with the house upon it, any excess to be valued as a separate tenement.

**XLIX.** *And be it further enacted by the authority aforesaid*, That the possessors or owners of all cultivated, vacant or unoccupied ground, farms,

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Principle of assessing  
lands, &c. not in connec-  
tion with houses or  
buildings.

gardens and other lands, not valued with any house or buildings as above-mentioned, situate, or partly situate, within the said town; and also the said horses, cattle and carriages, herein-before mentioned; shall not be rated in respect thereof as herein-before mentioned; but the same shall be valued according to the certain fixed rates following, that is to say:—Every lot or piece of ground, being a separate tenement, under half an acre in extent, shall be valued at five pounds of yearly value; every lot or piece of ground, being a separate tenement, above half an acre in extent, and not containing an acre, at ten pounds of yearly value; every lot or piece of ground, being a separate tenement, containing an acre in extent, and not containing two acres, at twenty pounds yearly value; and every lot or piece of ground, being a separate tenement, containing more than two acres, at twenty pounds yearly value for the first acre, ten pounds yearly value for the second acre, five pounds yearly value for the third acre, and one pound ten shillings yearly value for every subsequent acre; every stone horse kept for the purpose of covering mares for hire or gain, at forty pounds yearly value; every other horse, mare or gelden, above the age of three years, at three pounds yearly value; milch cows, and other horned cattle, above the age of two years, at one pound of yearly value; every close carriage with four wheels, kept for pleasure only, at twenty-five pounds of yearly value; every phaeton, or other open carriage with four wheels, kept for pleasure only, at twelve pounds ten shillings of yearly value; and every wagon, or other carriage or gig, kept for pleasure only, at five pounds of yearly value; every two horse sleigh, kept for pleasure only, at twelve pounds ten shillings yearly value; and every one horse sleigh, kept for pleasure only, at ten pounds of yearly value.

Assessor to be sworn.

L. *And be it further enacted by the authority aforesaid,* That every Assessor of the town, before entering on the duty of such Assessor, shall be first sworn by the Mayor of the town, faithfully and impartially to perform and fulfil the duties of Assessor to the best of his knowledge and ability; which said oath the Mayor of the said town is hereby authorised to administer.

Duties of Assessor;

LI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Assessor of the said town to make such valuation as aforesaid as soon as conveniently may be, on the requisition of the Mayor, in pursuance of any resolution of the Common Council, authorising such valuation as aforesaid; and also to leave for every person so rated, whether he shall reside within the ward in which such property is situate, or elsewhere in the said town, at the residence of such person, a notice of the rent or yearly value of the property in respect whereof he shall be so rated; and immediately after such assessment or yearly value shall be completed, the Assessor or Assessors respectively shall deposit with the Clerk of the Common Council of the said town, distinct rent or assess-

Notice to persons whose  
property shall be assessed;

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ment rolls, books or returns, of the said yearly rents or value, which shall be rated as aforesaid; and in case any person shall think himself over-charged in such rent or assessment roll, book or return, it shall and may be lawful for such person, within six days next after the said notice shall have been given or left at his residence as aforesaid, to give notice, in writing, to the Clerk of the Common Council of the said town, of the over-charge complained of; and the same shall be tried by a court of five members of the Common Council, to be appointed by the said Common Council for the purpose of hearing and determining such complaints, at such times and meetings of the said court as the members composing the same shall direct and appoint, reasonable notice of such time and meeting to be given to the complaining party, and to the Assessor who shall have made such rate; and the court, after hearing the complaining party and his witnesses upon oath, (or affirmation as the case may be) shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor accordingly: *Provided always*, that if the said complaining party shall neglect to appear at such meeting of the said court, he having had reasonable notice thereof as aforesaid, the said court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more members of the Common Council aforesaid, that the rent or yearly value has been in any case given in or returned by the Assessor too low, they shall cause the Clerk aforesaid to give to the person so valued as aforesaid, and to the person who shall have made such rate, notice of the time of meeting of the court aforesaid, at which the said matter shall be heard, and the same shall be finally determined by the said court, in like manner as aforesaid, after hearing the said parties and witnesses, upon oath or affirmation as aforesaid; or in default of their appearance as aforesaid, that any three or more members shall be a quorum for the despatch of business, and that the said court shall have power to adjourn, from time to time, as they shall see fit.

Power of appeal against overcharge;

Court for the trial of such appeals;

Notice to Appellant and Assessor;

If Appellant fail to appear, Court may give decision;

Proceedings where property rated below its apparent value.

LII. *And be it further enacted by the authority aforesaid*, That any member of the said court shall have full power and authority to administer such oath or affirmation as aforesaid; and the Mayor, or any one of the Aldermen of the said town, shall have full power and authority to issue a summons for each witness who shall be required to attend before the said court; and if any person shall neglect or refuse to obey such summons, upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six pence per day, he shall be liable to such fine, not exceeding five pounds, as the said court, on proof upon oath (or affirmation, as the case may be) of the due service of such summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said court to commit such person to the Gaol of the Midland District, until such fine shall be paid: *Provided*

Court may administer oath, &amp;c.;

Mayor may summon witnesses;

And inflict fines for non-attendance;

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Imprisonment (not exceeding 30 days) if fine not paid;  
False swearing perjury.

*always*, that such imprisonment shall not exceed in any case thirty days; and if any person shall knowingly swear or affirm falsely, in any of the cases referred to in this or the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any court having jurisdiction thereof.

Annual Act may be passed declaring the amount in the pound to be levied;

LIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said town, at some convenient time after the return of the rent or assessment rolls aforesaid, to pass a yearly Act declaring the amount in the pound on such rent or valuation which shall be raised and levied for the year in which such Act shall be passed: *Provided* that the same doth not exceed six-pence in the pound.

Not to exceed six pence in the pound.

Authority of the Court to remit assessments in certain cases.

LIV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said court, so constituted in the thirteenth section of this Act mentioned, to hear on memorial or petition, the case or cases of such person or persons as during any one year for which rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year; and also the case or cases of such person or persons not assessed in respect of any property in the said town, who, from sickness or extreme poverty, shall be unable to pay any rate by this Act imposed; and on hearing such case or cases, it shall and may be lawful for the said court to compound for or remit the whole or any part of such rate or rates.

Proprietors having rented their premises liable for rates as well as the tenants.

LV. *And be it further enacted by the authority aforesaid*, That all proprietors, lessees and others, who shall let for rent premises within the said town for a space less than one year, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessments aforesaid; and such assessment shall and may be recovered from the said proprietors, lessees or others, or from the said occupiers, as the Collector or Collectors of the said town shall judge convenient.

Assessment upon certain persons not possessing rateable property;

LVI. *And be it further enacted by the authority aforesaid*, That each male inhabitant of the said town, of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the laws now in force would be liable to perform statute labour, shall be rated and assessed in the sum of ten shillings yearly, which said sum shall be paid to the general uses of the said town, in like manner as the other rates, levies and assessments, under the authority of this Act; and it shall be the duty of the Assessor of the said town, to return with the rent or assessment rolls to be made or returned under the authority of this Act, a true and correct list of persons within the town; to give notice to the persons respectively who shall be

Duty of Assessor and Collector in such cases.

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so liable and placed upon the said list; it shall be the duty of the Collector of the town to collect and receive such sum and sums of money, and pay over the same in like manner as other moneys to be levied and raised under the authority of this Act.

LVII. *And be it further enacted by the authority aforesaid,* That if any person or persons rated or assessed, as in manner herein directed, shall refuse or neglect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due and demanded by any one of the Collectors of the town, it shall and may be lawful for the said Collector to apply to the Mayor, or one of the Aldermen of the said town, for a warrant to the High Bailiff, or any Constable of the said town, to enter into the house or houses, other dwellings or premises of such person or persons, and seize and take possession of his, her or their goods and effects, (whether in the ward in which the assessed property is situate, or elsewhere in the said town,) which warrant the said Mayor or Alderman is hereby authorised to grant, upon a certificate signed and sworn to by such Collector, of a demand of such rate having been made, and of such person or persons being in arrear to the amount stated in such certificate; and if such rate or assessment shall not be paid within five days next after seizure, the said Collector is hereby authorised to sell by public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus (if any there be) to the owner.

Recovery of rates;

By seizure, and sale.

LVIII. *And be it further enacted by the authority aforesaid* That from and after the passing of this Act, every landlord, proprietor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent usually paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding five pounds, to be recovered and disposed of in like manner as other penalties are recovered and disposed in the said town, for breach of any of the by-laws and ordinances thereof.

Penalty for giving or using false certificate of rent.

LIX. *And be it further enacted by the authority aforesaid,* That the yearly rate so to be rated and assessed as aforesaid, shall be in the proportion of a certain sum in every pound of yearly rent or value so ascertained as aforesaid, within the said town: *Provided always, and it is hereby further enacted by the authority aforesaid,* that except as hereinafter provided, the rate or rates to be levied and assessed as aforesaid, shall not exceed in any one year the amount or sum of six pence in the pound, of such yearly rent or value.

Yearly rate to be a certain sum in the pound of rent or value;

Not to exceed annually six pence in the pound thereon.



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When owner rated for unoccupied real property does not reside within the town, the arrears, with interest, to be paid by future occupier.

LX. *And be it further enacted by the authority aforesaid,* That in all cases where the person who shall be rated in respect of any vacant ground, or other real property within the said town, shall not reside within the said town, and the rates and assessments payable in respect to such vacant ground or other property shall remain unpaid, the rates or assessments payable in respect of such vacant ground or other property shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof, who shall reside within the said town at any time after the said rates and assessments shall be due and in arrear, together with interest on the sum or sums so in arrear, from the time at which they shall respectively become payable, after the rate of six per centum per annum; and the said sum or sums so in arrear, and the interest thereon, shall be recovered in like manner as hereinbefore provided for the recovery of the rates and assessments.

Wages of member representing the town in Parliament.

[See Act of Union]

LXI. *And be it further enacted by the authority aforesaid,* That the wages of any member or members of the House of Assembly, representing the said town in Parliament, shall be paid and payable to such member or members by the Treasurer of the said town, out of the moneys in his hands for the uses of the said town, on warrant from the Mayor, and without any particular rate or assessment being raised or rated in respect thereof.

Qualification of Alderman and Common Council-man.

LXII. *And be it further enacted by the authority aforesaid,* That at every election of Aldermen and Common Council-men, or any of them, within the said town, no person shall be eligible to be elected an Alderman of the said town unless he shall have been resident within the said town for seven years next before the election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, of real property within the said town, either in freehold, or for a term of years was a tenant from year to year, which shall be assessed under this Act at sixty pounds, or in the receipt of sixty pounds or upwards of yearly rent or profit accruing from or out of real property within the said town; and that no person shall be eligible to be elected as Common Council-man of the said town unless he shall have been resident within the said town for the space of five years next before the election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, either in freehold or for a term of years, or as a tenant from year to year, of real property within the said town, which shall be rated under the Act at forty pounds yearly rent or value, or in the receipt of forty pounds or upwards of yearly rents or profits, accruing from or out of real property within the said town; and that every candidate at such election shall, if thereunto required by any elector for the ward where such person is a candidate, make and subscribe an oath or affirmation of his qualification, and of the particulars of the property in respect whereof he is so quali-

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fied; which oath or affirmation the Returning Officer is hereby authorised and required to administer.

LXIII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Council-men of the said town shall be elected, respectively, by the majority of the votes of such persons, being male inhabitant householders of the said town, as shall be possessed, at the time of being registered as electors as hereinafter provided, and shall have been possessed three months prior thereto, either in freehold or as tenants for a term of years, or from year to year, of a town lot or dwelling house, within the ward for which the election shall be held, shall be rated at the yearly value of ten pounds, and shall have their names duly registered as electors in manner hereinafter mentioned, and shall have actually paid their rents and taxes due at the time of his being registered as a voter: *Provided always,* that a portion of a house in which any inhabitant shall reside as a house-holder, and not as a boarder or lodger, and having a distinct communication with the street by an out-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 town for a period of twelve calendar months next before the election.

Qualification of voters for  
Aldermen or Common  
Council-men.

LXIV. *And whereas,* it is necessary to provide a registry of electors or voters for Aldermen, Common Council-men, or other elective officers of the said town, *be it therefore further enacted by the authority aforesaid,* That the Clerk of the Common Council of the said town shall, on or before the first Monday of December in each and every year, make out an alphabetical list of every person residing within each ward, entitled to vote under the provisions of this Act, and shall put up a correct copy of such list in the town hall on the same day, and continually keep the same there until the next ensuing election.

Registration of voters.

LXV. *And be it further enacted by the authority aforesaid,* That a court of three members of the Common Council, to be appointed by the Common Council, shall sit in the town hall, on days whereof due notice shall be given, and not less than once in every week after such lists shall have been made out as aforesaid, and before the then next ensuing election, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for hearing and deciding upon all objections which may be made by any elector of the town to the insertion or omission of names in the said lists, and for the purpose of expunging, retaining or inserting, from or in the said lists according to the best of their judgment; and such court may adjourn from time to time as they may deem expedient; and such court are not to expunge any name to which no valid objection shall be made and established, either by the admission of the party himself, or by the oath of some person or persons deposing to such an objection; and

Court of three members  
of the Common Council  
to examine objections to  
registration of voters;

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Court may insert names not already inserted in lists of voters;

the said court are hereby required to add to and insert in such list the name or names of any person or persons not therein inserted; and whose right to vote shall be satisfactorily established: *Provided always*, that no persons name shall be expunged without a notice, to be signed by the Clerk of the Common Council, shall be given to him or left at his residence, that his right to vote is disputed, at least four days before such expunging; and that no persons name shall be inserted in such list or lists, unless he shall have given four days notice of his intention to apply to have his name inserted therein, to the Clerk of the Common Council, who shall forthwith communicate the same to the said court.

Four days notice previous to the expunging or insertion of a voters name.

Court may administer oaths;

LXVI. *And be it further enacted by the authority aforesaid*, That the said court of three members shall have power to administer an oath to all persons making an objection to the insertion or omission of any name in such list as aforesaid, and to all persons objected against or requiring their names to be inserted, and to all witnesses tendered on either side; and the member of the court presiding shall sign his name to the lists after the validity of the claims and objections shall have been decided on, and the names inserted or expunged accordingly; and that such lists, so signed, shall be held to contain the names of all the electors entitled to vote at the election next ensuing the making and signing such lists.

Lists to be signed by President of the Court.

Lists to be filed with Clerk of the Council, and certified copies sent to Returning Officers;

LXVII. *And be it further enacted by the authority aforesaid*, That the list for each ward, when so settled and signed, shall be filed in the office of the Clerk of the Common Council, and a certified copy thereof shall be by him transmitted to the Returning Officer for the several wards in the town, not less than five days before any such election; and that every person whose name shall appear in such list shall be entitled to vote at the elections for such ward, without any further inquiry as to his qualification, and without taking any oath or affirmation, other than that he is the person named in such list, and has not before voted at such election; which oath or affirmation the Returning Officer is hereby required and authorised to administer.

Oath of voter.

*Form of Collector's certificate, for the purpose of procuring a distress warrant.*

Collectors certificate.

I—, one of the Collectors for the town of Kingston, do hereby certify, that the sum of—, rated against—, an individual of the said town, in respect of ratable property in the ward—, attached to the said ward, or not assessed in respect of ratable property in the said town, is now in arrear and unpaid; and further, that I did, on the— day of —, duly demand the said sum of —, from the said —.

—, Collector.

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*Form of Attestation.*

I, ——— one of the Collectors of the town of Kingston, do swear, that Attestation.  
the above certificate is true in all its particulars.

*Form of Warrant of Distress thereon.*

To ———, High Bailiff, or one of the Constables of the town of King- Warrant of distress.  
ston, (as the case may be.) You are hereby authorised and required to  
distrain the goods, chattels and effects, of ———, which you shall find  
upon the premises of the said ———, in the town, for the sum of ———,  
rated against him or her, and now in arrear and unpaid; and in default  
of payment of such rate or rates, and the lawful costs and expenses of the  
said distress, to sell and dispose of the said distress or distresses, according  
to law, for the recovery of the said rate or rates, together with the said  
costs and expenses, according to law; and for so doing, this shall be your  
sufficient warrant. Given under my hand and seal at the town of King-  
ston aforesaid, this ——— day of ———, one thousand eight hundred  
and ———.

**2nd Vic. Chap. 36.**

*AN ACT to render valid the late Elections for Aldermen and Councilmen  
for the Town of Kingston.*

[Passed 11th May, 1839.]

Preamble; First election of members of the Corporation of Kingston, declared valid.

[TEMPORARY.]

**2nd Vic. Chap. 37.**

*AN ACT to amend an Act passed in the first year of Her Majesty's reign,  
intituled, "An Act to incorporate the Town of Kingston, under the  
name of the Mayor and Common Council of the Town of Kingston."*

[Passed 11th May, 1839.]

**W**HEREAS an Act was passed in the last Session of the Provincial Preamble.  
Legislature, intituled, "An Act to incorporate the town of Kingston, under [See 1 Vic. chap. 27.]  
the name of the Mayor and Common Council of the town of Kingston,"  
in which it was enacted, that the Mayor, Aldermen and Council-men, of

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the said town of Kingston, shall be sworn into their respective offices on a certain day therein named, by the Judge of the District Court, or the Chairman of the Quarter Sessions: *And whereas* at the election in the month of March last past, the officers in the fourth ward of the said town, and also the Mayor of the said Corporation, were sworn into office by the Chairman of an adjourned Quarter Sessions of the Peace, in the absence of the Chairman; and doubts having arisen whether the same is lawful, for remedy thereof: *Be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said swearing into office of the Mayor of the said town, and also the Aldermen and Common Council-men of the fourth ward thereof, shall be, and the same is hereby declared to be legal, valid and effectual in law, any thing in the said Act of incorporation to the contrary thereof in anywise notwithstanding.

Mode in which Mayor, Aldermen, &c of Kingston, were sworn into office, declared valid.

Corporation empowered to levy penalties imposed by their by-laws.

II. *And whereas* no power is given to the said Corporation to enforce any penalty or punishment, for disobedience of the provisions of any Act or by-law, which by the aforesaid recited Act the said Corporation are authorised to make: *Be it therefore further enacted by the authority aforesaid*, That the fines, penalties and punishments, imposed or to be imposed by such Acts or by-laws, shall be made, levied and recovered, on conviction, on the oath of one or more credible witness or witnesses, of the offender or offenders, before the Mayor or either of the Aldermen of the said town, by distress and sale of the goods and chattels of such offender or offenders, or imprisonment of his or their persons; which fine shall in no case exceed five pounds, nor imprisonment more than thirty days, at the discretion of the said Mayor or Aldermen; which warrant of distress or imprisonment the said Mayor, or either of the Aldermen, are hereby empowered to grant.

Mayor and Senior Alderman, Justices of the Peace.

III. *And be it further enacted by the authority aforesaid*, That the Mayor and the senior Alderman of the said town shall, by virtue of his and their respective offices, be Justices of the Peace in and for the said town.

Returning Officer to be appointed by Common Council;

IV. *And be it further enacted by the authority aforesaid*, That at every general election for any ward in the said town, or in case any vacancy shall occur in the office of Aldermen or Common Council-men for either of the said wards, the same shall be held by and before a Returning Officer

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to be appointed by the said Common Council, who shall be sworn by the Mayor or either of the Aldermen of the said town, duly and faithfully to discharge the duties of the said office; and in case of any election to supply any vacancy, as aforesaid, every person duly qualified, according to the before recited Act of incorporation, shall be entitled to vote thereat.

To take oath of office;

Persons qualified to vote in case of vacancies.

### 3rd Vic. Chap. 31.

*AN ACT to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein.*

[Passed 10th February, 1840.]

**W**HEREAS from the great increase of the population in the town of London, in the District of London, it is necessary to make further provision than by law exists for the internal regulation thereof: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the 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 Government of the Province of 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 London a Board of Police, to be composed and constituted in 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 London;" 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 receiving titles by gift, and of purchasing, holding and conveying any estate, real or personal, for the uses of the said town.

Preamble.

Board of Police for the town of London, a body corporate;

Name,

Corporate powers.

II. *And be it further enacted by the authority aforesaid,* That the said town of London shall be comprised within the following limits or boundaries, that is to say: all the lands comprised within the old and new surveys of the said town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing the northern boundary line of the said new survey until it intersects the north branch of the said River.

Limits of the town of London.

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III. *And be it further enacted by the authority aforesaid,* That the said town shall be divided into four wards, by the names of Saint George's ward, Saint Patrick's ward, Saint Andrew's ward, and Saint David's ward, as follows, that is to say: all that part of the town that lies north of Dundas street shall compose Saint George's ward; that part of the town lying between Dundas and King street shall compose Saint Patrick's ward; that part of the town lying between King street and Bathurst street shall compose Saint Andrew's ward; and that part of the town lying south of Bathurst street shall compose Saint David's ward.

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 said Corporation, from among the inhabitant householders of the said town, who being subjects of Her Majesty, shall be freeholders therein to the assessed value of forty pounds for the previous year; and that no person shall be capable of holding the office of member of the said Corporation who shall not be a resident within the said town for the time being.

V. *And be it further enacted by the authority aforesaid,* That the persons entitled to vote at either of the wards for the election of such members, shall be the male inhabitant householders of the said town, resident within their respective wards, being subjects of Her Majesty, possessed of freehold estate in the said wards of the assessed value of twenty pounds; or tenants, like subjects of Her Majesty, being rated upon the assessment roll of the said town, and who shall have paid within one year next before the election one year's rent for their dwelling house within the said ward, at the rate of not less than ten pounds per annum.

VI. *And be it further enacted by the authority aforesaid,* That the members of the said Corporation, so elected, shall choose another of the like qualifications as themselves; and that the last chosen member, together with those elected, shall proceed to elect one of their number to be President.

VII. *And be it further enacted by the authority aforesaid,* That the first election shall take place on the first Monday in March next, and shall be held by the Sheriff of the District of London, in Saint George's ward, and by persons appointed by him under his hand and seal, in Saint Patrick's, Saint Andrew's and Saint David's wards; and that all subsequent elections of members shall be held by the officers to be appointed by the said Board of Police, on the first Monday in February in each year.

VIII. *And be it further enacted by the authority aforesaid,* That any controverted elections, either as to the qualification of the members or of that of the voters, or on any other grounds whatsoever, shall be determined by the members whose election shall not be disputed; that the scrutiny

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shall take place within six days of the election; and in case of the election being declared void, that a new election shall take place within eight days thereafter; such election to be held by the proper officer, after having given eight days notice thereof, by advertisement in the public newspapers of the town, or by affixing two or more notices thereof in some public place in each ward.

If election declared void, new one to be held;

Eight days notice.

IX. *And be it further enacted by the authority aforesaid,* That the said Board, as soon as they shall have chosen a President, shall have the power of enacting such laws and regulations for the internal government of the said town as to them shall seem meet; and shall have the power of appointing all such officers as shall be required for the due execution of the laws to be by them enacted, and requiring such security to be given by any of the said officers as to the said Board may seem meet, and of removing the said officers at pleasure.

Power of the Board;

Enacting laws;

Appointing officers.

X. *Provided always, 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 Board of Police to make any laws, rules or regulations, which may in any manner relate to or interfere with the military reservation made by Her Majesty's Government within Saint George's ward, in the said town of London, for a garrison and barracks, and the accommodation of Her Majesty's troops.

Laws so made not to affect the military reservation.

XI. *And be it further enacted by the authority aforesaid,* That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said town; to procure fire-engines; for building a market-house; for lighting and repairing the streets, and for all other purposes deemed expedient and necessary by the said Board for the welfare and improvement of the said town, it shall and may be lawful for the said Board to levy an assessment annually upon the persons rated, or liable to be rated, upon any assessment for property in said town, any sum not exceeding four pence in the pound; and it shall be the duty of the officer to be appointed by the said Board to make out an assessment list for the said town, and lay the same before the said Board annually, upon its organization after any general election.

In order to raise funds for certain purposes, Board may levy an assessment annually.

XII. *And be it further enacted by the authority aforesaid,* That such rates as shall be so imposed shall be collected by the officer to be appointed by such Board, according to such laws as shall be enacted for that purpose by the said Board, and be paid into the treasury of the said Corporation.

Rates to be paid into the treasury of the Corporation.

XIII. *And be it further enacted by the authority aforesaid,* That every town lot in London shall be rated at the sum of five pounds; and that every portion of a lot on which a dwelling has been erected shall be

Every town lot to be rated at £5;

What to be deemed a town lot.



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deemed a lot ; and that all lots located by the Crown, and for which the titles may not have been completed, be liable to be assessed.

Oath to be taken by person holding an election.

XIV. *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 London shall have the 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 London,—So help me God.”

Officer presiding at an election may examine, on oath, every candidate or voter.

XV. *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 :—“ 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 to such oath declared to be perjury.

XVI. *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.

Oath to be taken before trying contested election.

XVII. *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 London, 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.”

Penalty on witnesses duly summoned who neglect to attend.

XVIII. *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

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one of Her Majesty's Justices of the Peace for the District of London, 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.

XIX. *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, by 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 herein-before stated for his refusal to act as a member of the said Corporation.

Penalty on member elected not taking the oath of office;

Exception in certain cases.

XX. *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 herein-before 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 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 Sheriff of the District, as is herein-before provided.

In case of vacancy in the Corporation of an elected member;

Precept to issue;

To hold a new election;

Vacancy in the member elected by the other four;

How filled;

In other cases,

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<p><b>Powers of the Corporation;</b></p> <p><b>To make by-laws ;</b></p> <p><b>To regulate Victualling houses,</b></p> <p><b>Wharves and quays, Hay and wood,</b></p> <p><b>Carts, Slaughter houses, Firing guns,</b></p> <p><b>Generally to preserve good order,</b></p> <p><b>Fire companies,</b></p> <p><b>Immoderate driving,</b></p> <p><b>Assize of bread, Cattle,</b></p> <p><b>Penalties how limited.</b></p> <p><b>Rules to be published before taking effect;</b></p> <p><b>Account of receipts and expenditures to be published.</b></p>	<p><b>XXI. 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 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 cartmen; to regulate slaughter-houses; to prevent the firing of any guns, muskets, pistols, squibs and fire-balls, or injuring or destroying trees planted or growing for shade or ornament in 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 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 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 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 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 butchers' meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.</b></p> <p><b>XXII. 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 of London; and that in like manner shall be published in each and every year before the annual election, an account of all moneys received and in the treasury, and the amount expended, and for what purpose.</b></p>
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## RAIL ROADS.

COBOURG.

XXIII. *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 London: *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.

Penalty on infraction of rules;

How recoverable;

Imprisonment;

Competency of residents as witnesses;

Limitation of time in instituting prosecutions.

XXIV. *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 moneys coming into the said treasury may be applied for the public uses of the said town.

Penalties appropriated.

XXV. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may in the said town of London, 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.

Corporation to exercise functions of Justices of the Peace.

## FORM OF OATH.

I, A. B. do swear, that I will faithfully discharge the duties of a member of the "Board of Police of the town of London," to the best of my skill and knowledge. So help me God.

## 4th Wm. IV. Chap. 28.

*AN ACT to incorporate certain persons under the style and title of the Cobourg Rail Road Company.*

[Passed 6th March, 1834.]

XXII. *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.

Rail Road to be commenced within two years. [See 6 Wm. 4, chap. 19.]

RAIL ROADS.

COBOURG.—LONDON AND GORE.

## 6th Wm. IV. Chap. 19.

*AN ACT to extend the time of commencing the Cobourg Rail Road.*

[Passed 20th April, 1836.]

Preamble; Time for commencing operations extended for three years, from 20th April, 1836.

## 7th Wm. IV. Chap. 74.

*AN ACT to authorise a loan to the Cobourg Rail Road Company.*

[Passed 4th March, 1837.]

[EXPIRED BY NON USER.]

## 4th Wm. IV. Chap. 29.

*AN ACT to incorporate certain persons under the style and title of the London and Gore Rail Road Company.*

[Passed 6th March, 1834.]

Preamble.

[See 7 Wm. 4, chaps. 61, 62, 63.]

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 at 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, 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 Edward Allan Talbot, Thomas Parke, George J. Goodhue,

## RAIL ROADS.

## LONDON AND GORE.

Allan Napier McNab, Colin Campbell Ferrie, John McFarlane, Wm. Robertson, Thomas Gibbins, Lawrence Lawreison, Denis O'Brien, John Scatcherd, James Hamilton, Joseph Cowley, Nicholas Gaffeny, Joseph L. O'Dell, John O'Neil, James Farley, John Jennings, Harvèy 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'Reilly, 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 formed.

Company a body corporate.

(Sec 7 Wm. 4, chap. 61, sec. 1.)

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,

Company empowered to construct rail road;

Between London and Burlington Bay, to navigable waters of River Thames, and to Lake Huron;

## RAIL ROADS.

LONDON AND GORE.

For transport of passengers and property.

and to the navigable waters of the River Thames, and also to Lake Huron; 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,

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 herein-before provided.

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,

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

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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 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 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 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

Company empowered to explore country along intended line of road; (See 7 Wm. 4, chap. 61, secs. 3, 15)

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.



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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.

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.

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

Rail road and tolls, &c. vested in the company.

VII. *And be it further enacted by the authority aforesaid,* That the said double or single Rail Road or Way, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize or passengers, as herein-before mentioned, shall be and the same are hereby vested in the said Company, and their successors for ever.

Tolls when payable;

VIII. *And be it further enacted by the authority aforesaid,* That so soon as the double or single iron or wooden Rail Road or Way shall be so far completed as to be capable of being used for 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.

Power to regulate transport of goods and passengers, and collection of tolls;

To erect toll-houses.

Company may construct their rail way across any stream or water-course, highway, &c.

IX. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their single or double Rail Road or Way to intersect or cross any stream of water or water course, or any road or highway lying on the route of the said Rail Road or Way, between the town of London, in the London District, and Lake Ontario, it shall be lawful for the Corporation to construct their single or

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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.

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.

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

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,

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Provision in case of equality of votes,

more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders, herein-before authorised to hold such election, shall proceed to elect by ballot, until it is determined which of the said persons, so having an equal number of votes, shall be 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.

Election of president,

Supply of vacancies during current year.

Ratio of votes according to the number of shares.

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

Corporation not dissolved by non election of directors on day appointed.

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

Directors empowered to make by-laws;

XV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duty of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Corporation; and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

And appoint officers.

First meeting of stockholders;

To elect directors, who shall appoint president;

Period of service;

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 herein-before provided shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their election, and who, during such continuance, shall discharge the duties of Directors, in the same

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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.

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 shares, (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.  
[See 7 Wm. 4, chap. 61, sec 2]

May be extended to £200,000 if rail road carried to River Thames or Lake Huron;

8000, or 16000 shares, at £12 10s. each;

May be transferred after first instalment paid;

Transfer to be registered;

Company not to act as bankers.

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.

Upon appointment of directors a call of 5 per cent may be made, on 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.

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

Shares forfeited by non-payment of any instalment;

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Forfeited shares to be sold, and proceeds accounted for,

Purchaser to pay the instalment due,

Thirty days notice of sale of forfeited shares.

Annual dividends of profits to be made,

And statement of accounts to be rendered.

Public Act.

Power to His Majesty, forty years after completion of work, to assume possession, on paying amount of shares, &c. and 20 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 10s. per cent.

Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys 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 advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.

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

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

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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.

XXIII. *And be it further enacted by the authority aforesaid* That from and after the period when the possession of the right, interest and property, in and to the said double or single iron or wooden Rail Road or Way shall have been assumed by His Majesty, His Heirs and Successors, as herein-before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposal of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct: *Provided always*, that the said double or single iron or wooden Rail Road or Way shall be commenced within 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.

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.

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.

Company's works on Grand River not to interfere with its navigation.

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.

This Act may be modified by Legislature.

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.

Limitation of actions.

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## 7th Wm. IV. Chap. 61.

*AN ACT to alter and amend the Act Incorporating sundry persons under the name of the London and Gore Rail Road Company, and to grant them a sum of money by way of Loan.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** the construction of a great Western Rail Road in this Province, would be of infinite benefit to the people of this Province, by increasing the value of the waste lands of the Crown, by increasing the value of land owned by individuals, by increasing the quantity and value of the products of the whole extent of Country lying between the Lakes Ontario, Erie and Huron, and by exciting a spirit of enterprise and activity among the inhabitants of the Western part of this Province, which has hitherto comparatively lain dormant: *And whereas*, certain persons have been incorporated under the style and title of "the London and Gore Rail Road Company," and the route taken up by the said Company, from the head of Lake Ontario to the town of London, is the proper one for securing the advantages before enumerated: *And whereas*, it is expedient to amend the charter of the London and Gore Rail Road Company, and to increase the capital stock, and to grant them a loan under conditions hereinafter provided, for the purpose of aiding them to complete the construction of a work, which is likely to be of so much advantage to this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the style and title of the London and Gore Rail Road Company, shall be henceforward changed to that of 'the Great Western Rail Road Company.'

Persons have been incorporated under title of London and Gore Rail Road Company;

Route taken up by Company the proper one;

Expedient to amend the Charter, and to increase capital stock, and to grant a loan.

[See 4 Wm. 4. chap. 29; 7 Wm. 4. chaps. 62, 63.]

Style and title of Company changed to that of 'the Great Western Rail Road Company.'

Limitation of Capital to £200,000, repealed;

Liberty given to Company to extend Capital to £500,000, in shares of £12 10s. each.

II. *And be it further enacted by the authority aforesaid*, That so much of the Act incorporating the said Company, as limits the capital stock of the same to two hundred thousand pounds, be and the same is hereby repealed; and that the said Company shall have liberty to extend their capital stock to five hundred thousand pounds, in shares of twelve pounds ten shillings each; and that such increase stock as they may find it expedient to create and dispose of, shall be subject to all the provisions contained in the original Act of incorporation, touching the original capital stock.

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III. *And be it further enacted by the authority aforesaid,* That the said Company, in case they do not already possess the same, shall have full power to continue their Rail Road from the town of London to Point Edward, at the foot of Lake Huron; and that they may contract, compound, compromise and agree, with the owners or occupiers of any lands upon which they may determine to construct their Rail Road, either by purchase of so much of the said land and privileges as they shall require, or for any damage done either to or by the said Company, in the same manner as is provided for by the original Act of incorporation, in cases of the same kind.

Company may continue Rail Road from town of London to Point Edward;

And may agree for the purchase of lands on which Rail Road is to be constructed.

IV. *And be it further enacted by the authority aforesaid,* That whenever the said Company shall produce to the Receiver General satisfactory evidence, by the affidavits of the Treasurer and two of the Directors of the said Company, and by the affidavits of such other Directors or Agents of the said Company, as the Receiver General shall reasonably require, that the sum of twelve hundred and fifty pounds shall have been paid in by the Stockholders of the said Company, upon the capital stock thereof, and that the said sum has been actually expended in the construction of the said Rail Road; the said Receiver General shall issue and deliver to the said Company Government Debentures, in sums not less than fifty pounds, at the option of the said Company, to the amount of three thousand seven hundred and fifty pounds, bearing interest at the rate of six per cent per annum, payable half-yearly, and redeemable in twenty years; and that when and so often as the said Company shall produce like evidence to the Receiver General of further sums, not less than two hundred and fifty pounds at each time, having been paid in by the Stockholders of the said Company upon the capital stock subscribed, and that the same has been actually expended as aforesaid, the said Receiver General shall issue and deliver to the said Company Government Debentures, for three times the amount so paid in, in sums not less than fifty pounds, at the option of the said Company, bearing interest at six per cent, payable half yearly, and redeemable in twenty years, until the whole amount of said Debentures shall equal the sum of two hundred thousand pounds.

When satisfactory proof given to the Receiver General that £1,250 stock has been paid in and expended on Road;

Receiver General may issue Debentures to the Company for £3,750, bearing interest, &c. redeemable in twenty years;

When proof given that further sums, not less than £250 shall in like manner have been paid in and expended by Company, Government Debentures to issue to Company for three times the amount so paid in:

Amount of Debentures to be issued limited to £200,000.

V. *And be it further enacted by the authority aforesaid,* That no part of such Debentures shall be delivered to the said Company, until the acceptance thereof shall be signified to the Receiver General, by the filing in his office of a certificate of such acceptance, under the Corporate Seal of the Company, and the signature of their President.

Acceptance of Debentures to be signified by Company, under Corporate Seal of Company, &c.

VI. *And be it further enacted by the authority aforesaid,* That each certificate of acceptance, so executed and filed as aforesaid, shall be recorded in the office of the Registrar of the Province, and shall thereupon become, and be, to all intents and purposes, a mortgage of said Rail Road, and every part and section thereof, and its appurtenances, to the

Certificates of acceptance to be recorded in office of Registrar of the Province, and to constitute mortgages for securing repayment of sums advanced on Debenture.



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Province, for securing the payment of the principal and interest of the sums of money, for which such Debentures shall, from time to time, be issued and accepted as aforesaid.

Debentures to be made payable to Company, and to be assigned by them;

See Act of this Session, chap. 63.

VII. *And be it further enacted by the authority aforesaid,* That the said Debentures shall be made payable to the said Company, or their order, and may be assigned and transferred by the said Company; and that the said Company shall enter upon books, to be kept by them for that purpose, each and every Debenture, together with the name or names of such person or persons, or bodies corporate, as they shall assign the same to, and furnish from time to time an account thereof to the Receiver General.

Company required to make provision for payment of interest;

When road constructed, after paying necessary repairs and expenses, tolls to be pledged for payment of principal and interest.

VIII. *And be it further enacted by the authority aforesaid,* That the said Company shall make provision for the punctual redemption of said Debentures, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of this Province from any advances of money for that purpose; and the tolls and income which shall accrue from the use of the said Road, when the same, or any part thereof, shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

Debentures not to be issued until satisfactory proof given that no incumbrance exists on Rail Road or appurtenances, except such as created by law;

Nor until payment of interest due.

IX. *And be it further enacted by the authority aforesaid,* That no part of such Debentures, so authorised as aforesaid, shall be issued to the said Company, until full and satisfactory evidence shall have been given to the Receiver General, and approved of by the Attorney or Solicitor General, that no prior lien or incumbrance has been created or exists on said Road, or its appurtenances, except such lien or incumbrance as may have been created under any law that may be passed in reference thereto; nor until the regular payment of the interest accruing on the said Debentures shall be secured by personal bonds or obligations, approved of by the Executive Council.

If default made in payment of either principal or interest advanced by Debenture, Receiver General may dispose of the Rail Road and appurtenances at public sale, and to buy the same for the use and benefit of the Province.

X. *And be it further enacted by the authority aforesaid,* That in case the said Company shall make default in the payment, of either the interest or principal of said Debentures, or any part thereof, it shall and may be lawful for the Receiver General to sell the said Road, and appurtenances, at auction, to the highest bidder, giving at least six months notice of the time and place of such sale, by advertisement, to be published once in each week in the Upper Canada Gazette, and in two public newspapers in the Gore, London and Western Districts, or to buy the same at such sale for the use and benefit of this Province, subject to such disposition in respect to the said Road, or its proceeds, as the Legislature may thereafter direct.

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XI. *And be it further enacted by the authority aforesaid,* That the said Company shall expend, in the laying out and construction of said Road, all the moneys paid in by the Stockholders of said Company, upon the stock subscribed, together with the moneys to arise from the sale or transfer of said Debentures; and shall annually render to each Branch of the Provincial Legislature, a true account thereof, verified by the oath or affidavits of the Treasurer, and any two of the Directors of the said Company, with a full statement of the receipts and expenditures, with the proper vouchers of all payments.

Money paid in by Stockholders, as well as sums raised on Debentures, to be expended on Rail Road;

And account to be laid before Provincial Legislature.

XII. *And be it further enacted by the authority aforesaid,* That no part of such Debentures, so authorised as aforesaid, shall be issued to the said Company, unless the regular payment of the interest thereon, shall at the time of issuing the said Debentures, be further secured by personal obligations, to the satisfaction of the Lieutenant Governor and Executive Council of this Province.

Personal security to be given for payment of interest on Debentures.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Canada Company, to construct a branch Rail Road from Goderich Harbour, to join the Great Western Rail Road at any point between Hamilton and London, upon such terms as shall be agreed upon between the said parties.

Canada Company authorised to construct a branch Rail Road from Goderich Harbour, to any point between Hamilton and London, upon terms to be agreed upon.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Niagara and Detroit Rivers Rail Road Company, or a majority of them, at any time hereafter, to agree with the Great Western Rail Road Company, to connect their said Rail Roads at such place or places, and upon such terms and conditions, as the President and Directors, for the time being, of each of the said Companies, or a majority of them, shall, by contract or contracts, under the Seals of the said Companies, respectively, agree and determine.

Niagara and Detroit Rivers Rail Road Company may, upon agreement made, connect said Rail Road with Great Western Rail Road.

XV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint a fit and proper person or persons, as Civil Engineer or Engineers and Surveyors, with competent assistants, to survey and locate the line of the Great Western Rail Road, from the town of London to any part of the Western District, at or between Port Amherstburg and Port Sarnia, or Point Edward; and the said Great Western Rail Road Company shall have power, and they are hereby authorised to make arrangements with the President and Directors, for the time being, of the Niagara and Detroit Rivers Rail Road Company, or a majority of them, to intersect or unite with that Road, at any point they may deem expedient or agree upon; and that after having made personal inspections of the said lines, they shall establish and determine the same, and until the route is so determined, and a diagram of the same presented

Governor to appoint an Engineer to survey and locate the line of Rail Road from town of London to any part of the Western District between Port Amherstburg and Port Sarnia, or Point Edward;

Company may make arrangements with Niagara and Detroit Rivers Rail Road Company, to intersect or unite with that road;

No portion of the loan granted to be expended beyond the town of London, until route agreed upon be determined, and

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a diagram presented to Governor, to be laid before the Legislature, and approved by it.

Great Western Rail Road Company not authorised to run the road into townships of Sandwich or Bertie, without consent of President of Niagara and Detroit Rivers Rail Road Company.

to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at its next meeting, it shall not be lawful for the said Company to expend any portion of the loan hereby granted beyond the said town of London, until the said route so to be established be approved of by the Legislature: *Provided nevertheless*, that nothing herein contained shall extend, or be construed to extend, to authorise the said Engineers or Surveyors, or the said Great Western Rail Road Company, to run their said Road into the townships of Sandwich or Bertie, or either of them, without the consent, in writing, of the President of the Niagara and Detroit Rivers Rail Road Company, for that purpose first had and obtained.

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## 7th Wm. IV. Chap. 62.

*AN ACT to provide for the payment, in certain cases, of the interest on the Loan for the construction of the Great Western Rail Road.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** it is expedient to provide, by assessment upon the District of Gore, and the London and Western Districts, for the payment of the interest on any loan to be raised on the credit of the Province, for the construction of the Great Western Rail Road, when the same shall be necessarily advanced by the Receiver General, from the Revenues of the Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That if the Receiver General of this Province, shall be compelled to pay the interest upon any debenture or debentures, issued for raising any sum or sums of money to be loaned to the London and Gore Rail Road Company, pursuant to the provisions of law, such interest not having been otherwise paid, the amount thereof, so from time to time advanced, shall be raised, levied and collected, from the inhabitants of the Districts of Gore and London, and the Western District, paying or liable to pay the ordinary taxes now by law imposed; which additional rate shall be imposed upon property liable by law to be rated and assessed, and shall be collected in the same manner as other taxes are by law collected, by the Collectors of the several townships in

Default being made in the payment of interest on Debentures to be issued, the same to be levied by assessment in the Districts of Gore, London and the Western District.

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the said Districts, and paid by them into the hands of the Treasurers of the said Districts, who shall forthwith present the same to the Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said respective Districts, in General Quarter Sessions assembled, made in pursuance of any application of the said Receiver General for that purpose, upon its being made to appear, that the interest upon the said loan has not been otherwise paid and discharged, under the provisions of the law authorising the same.

II. *And be it further enacted by the authority aforesaid, That if any moneys shall be raised by assessment, and applied for the purposes of this Act, the amount thereof, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Treasurers of the said Districts, (in the proportion in which the same has been contributed by the respective Districts,) before any dividend shall be paid to the Stockholders of the said Company; and that the moneys so repaid to the said Treasurers, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said respective Districts.*

Moneys so raised to be repaid by the Company;

And to remain with the Treasurer, subject to the disposal of the Legislature, for public improvements within the respective Districts.

### 7th Wm. IV. Chap. 63.

*AN ACT to make further provision respecting the affording of Public aid to the Great Western Rail Road, and the Toronto and Lake Huron Rail Road, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

**W**HEREAS several Bills have passed the two Houses of the Legislature during the present Session, authorising the Receiver General to issue Debentures to the Directors of certain Companies, or to Commissioners for completing the Welland Canal, the constructing certain Rail Roads, and for making sundry other public improvements: *And whereas*, it is necessary to make further provision, to ensure the payment of the interest of the money to be advanced for these purposes, and to make certain regulations respecting some of these works: *And whereas*, it is expedient that all these loans should be negotiated by the Receiver General, in manner 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, 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

Preamble.

[See 7 Wm. 4, chap. 60, 61, 62;  
6 Wm. 4, chap. 5;  
4 Wm. 4, chap. 29.]

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Notwithstanding any thing to the contrary in any Bills passed the Legislature, the Receiver General to negotiate loans, for which Debentures are to be issued;

And to advance the money to the several Companies or Commissioners, entitled to receive the same;

Loans to be limited to sums authorised by the different bills passed.

Receiver General to take certificates for sums advanced by him, which are to be registered, and have the like effect as certificates given and registered pursuant to former Bills passed.

Interest of any sum advanced being in arrear, no further advance to be made until all arrears are satisfied.

Great Western Rail-road to be divided into three sections;

First section, from town of Hamilton to Woodstock; second section to commence at the end of the first, and terminate at the town of London; and the third section to commence at the termination of the second, and continue to the end of the work;

Second section not to be commenced until first is completed, and third section not to be commenced until the second is completed.

North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That notwithstanding any thing in the said Bills contained, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice of the Executive Council, from time to time, to direct any loan or loans for which Debentures might, under the authority of any Bills passed during this Session, be issued, to be negotiated by the Receiver General of this Province; and that the said Receiver General shall and may, from time to time, advance such sum or sums of money to the Directors of the said several Companies, or the said Commissioners respectively, as will equal in amount the Debentures authorised to be issued by the said several Bills: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to authorise the negotiation of any loan or loans for a larger sum of money, or at a higher rate of interest, or on terms in any respect different from those contained and expressed in the said Bills respectively, of and concerning the issue of any such Debentures.

II. *And be it further enacted by the authority aforesaid*, That the Receiver General shall require, and take certificates and acknowledgments, of and for the sum or sums which he may advance, under the authority of this Act; which certificates or acknowledgments shall be of the same form, force and effect, and shall be recorded in like manner, as is declared of and concerning certificates to be given for such Debentures, in and by the said several Bills authorising the issue thereof.

III. *And be it further enacted by the authority aforesaid*, That if after any loan or advance shall have been made by the said Receiver General, to the Directors of any of the said Companies, or to any of the said Commissioners, respectively, the interest thereon shall become in arrear, and remain unpaid, no further loan or advance of money shall be made by the said Receiver General, in the cases in which default shall be made, until all arrears thereof shall be fully paid and satisfied.

IV. *And be it further enacted by the authority aforesaid*, That the Great Western Rail Road shall be divided into the three Sections following, that is to say: the first section shall commence in the town of Hamilton, and terminate at the town of Woodstock, or its vicinity: the second section shall commence at the end of the first, and terminate at the town of London; and the third section shall commence at the end of the second, and terminate at such place as shall be determined on according to the provisions of the Act authorising the construction of the said Rail Road; and that the construction of the second section shall not be commenced, until the first section is completely finished, and in like manner the construction of the third section shall not be commenced, until the second section is completely finished.

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V. *And be it further enacted by the authority aforesaid*, That the Toronto and Lake Huron Rail Road shall, in like manner, be divided into three Sections following, that is to say: the first section shall commence in the City of Toronto, or the Liberties thereof, and terminate at the south side of the Oak Ridges; and the second section shall commence at the end of the first, and shall terminate on the northern side of the said Oak Ridges; and the third section shall commence at the end of the second section, and terminate on Lake Huron, in the township of Nottawasaga, or such other place in the county of Simcoe as shall be determined upon; and that the construction of the second section shall not be commenced, until the first shall be completely finished, and in like manner the construction of the third section shall not be commenced, until the second section shall be completely finished.

Toronto and Lake Huron Rail-road to be divided into three sections, and completed in succession.

VI. *And be it further enacted by the authority aforesaid*, That the Directors of the said Great Western Rail Road Company, and of the Toronto and Lake Huron Rail Road Company, shall, and they are hereby required to call in, and enforce payment of all the stock which shall be subscribed to the said Companies respectively, within five years after the passing of this Act: *Provided*, the same shall be required for the construction of the said Rail Roads.

Great Western, and Toronto and Lake Huron Rail-road Companies, required to call in and enforce payment of stock subscribed, in five years, if required to complete roads.

VII. *And whereas*, an Act has passed during the present Session, granting the sum of seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, for the improvement of the navigation of the River Trent: *And whereas*, the said improvement is to be undertaken at the public expense, and it is expedient that the expenditure should be made in such parts of the Sections of the said River, as is authorised by the aforesaid Act to be improved, and in such a manner as the Executive Government may from time to time direct: *Be it therefore further enacted by the authority aforesaid*, That the Commissioners to be appointed under the authority of the said Act, for the expenditure of the said sum of seventy-seven thousand five hundred and seven pounds, eleven shillings and four pence half-penny, shall commence their operations on such of the aforesaid sections of the said Canal, or improvement of the Trent, and shall proceed in the said work, from time to time, under the direction of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice of the Executive Council.

£77,507 11s. 4d. granted the present Session to improve the navigation of the River Trent, which improvements shall be made in such parts and in such manner as Executive Government may direct.

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## 5th Wm. IV. Chap. 17.

*AN ACT to Incorporate sundry persons under the style and title of the Hamilton and Port Dover Rail Road Company.*

[Passed 16th April, 1835.]

Rail Road to be commenced within four years.

XXIII. *Provided always*, that the said double or single iron or wooden Rail Road or Way shall be commenced within four years after the passing of this Act, and finished in ten years, otherwise this Act and every matter and thing herein contained shall cease, and be utterly null and void.

## 5th Wm. IV. Chap. 19.

*AN ACT to Incorporate certain persons therein mentioned, under the name and style of the Erie and Ontario Rail Road Company.*

[Passed 16th April, 1835.]

Preamble.

[See 7 Wm. 4, chap. 68,  
3 Vic. chap. 49.]

**WHEREAS** Thomas Clark, Humphrey J. Tench, David Thorburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, and others, of the District of Niagara, have, by petition, prayed to be incorporated as a Joint Stock Company, for the purpose of constructing a double or single iron or wooden Rail Road or Way, commencing at the River Welland, at any point, and extending to the Niagara River, at or below Queenston, with the privilege of extending the same to Lake Erie or Ontario, or both, at any future period: *And whereas*, it is expedient to incorporate the said petitioners, for the purposes herein-before mentioned: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Clarke, Humphrey J. Tench, David Thorburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby

Incorporation:

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ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of the Erie and Ontario Rail Road Company; and by that name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Erie and Ontario Rail Road Company, shall be by law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always, nevertheless,* that the real estate to be held by the said Company, shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road, and for objects immediately connected therewith.

Common seal;

Power to hold lands.

II. *And be it further enacted by the authority aforesaid,* That the said Company, and their agents or servants, shall have full power under this Act, to lay out, construct, make and finish a double or single iron or wooden Rail Road or Way, at their own costs and charges, on and over any part of the country lying between the River Welland and the Niagara River, at or below Queenston; and to take, carry and transport thereon passengers, goods and property, either in carriages used and propelled by the force of steam or by the power of animals, or by any mechanical or other power, or by any combination of power which the said Company may choose to employ; and that the said Company shall in like manner, and for the like purposes, have power to make and use a double or single Rail Road or Way of iron or wood, to lead from the River Welland to Lake Erie, or to the Niagara River below Lake Erie, and also to continue their Rail Road or Way from Queenston to Lake Ontario, if they shall undertake and contract for the making of the said last mentioned Rail Road before any other Company shall be chartered by the Legislature for that purpose.

Authority to construct Rail-road.

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

To purchase lands;



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In case of disagreement  
Arbitrators to be named.

tive 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 them for that purpose by the said Company, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Their award to be final;

Arbitrators to be sworn.

Amount awarded to be  
paid within three months,

or owner may resume  
the property.

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

Authority to explore and  
take levels;

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

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their necessary Rail-ways and side-walks, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with Lake Erie, on or near the route laid down in the plan surveyed by Mr. Jarvis, Civil Engineer, and accompanying his report; and for the purposes aforesaid, the said Company, and their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and 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 and belonging to the said Rail Road; and also place, lay, work and manufacture the said materials on the grounds near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter, any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect and keep in repair any piers, arches or other works, in and upon and across any rivers or brooks, for making, using, maintaining and repairing the said Rail Road, and side paths; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using, the said Rail Road, in pursuance and within the true meaning of this Act; they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owner or occupier of such lands tenements and hereditaments.

To erect works.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company, 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

President and Directors  
to establish tolls.

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Rail Road or Way aforesaid, hereby authorised to be constructed, erected, built, made and used.

Rail road to be vested in the Company.

VII. *And be it further enacted by the authority aforesaid,* That the said double or single Rail Road or Way, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize or passengers, as herein-before mentioned, shall be and the same are hereby vested in the said Company, and their successors for ever.

Tolls when payable.

VIII. *And be it further enacted by the authority aforesaid,* That so soon as the 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.

Water courses not to be obstructed.

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

Injuries to the property low punishable.

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

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means of such offence or injury; to be recovered in the name of the said Corporation, with costs of suit, by action of debt, to be brought in any Court of Record in this Province.

XI. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their office for one year; which said Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in June, in every year, at Stamford, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper or newspapers that may be published in the said District of Niagara, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own persons, or by proxy; and all elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors; then the said Stockholders, herein-before authorised to hold such election shall proceed to elect by ballot, until it is determined which of the said persons, so having an equal number of votes, shall be 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.

Affairs of the company to be managed by seven directors;

Time and mode of election;

Vacancies how supplied.

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.

Number of votes.

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

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

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of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

Directors may make by-laws.

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.

First meeting of stockholders;

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

Capital not to exceed £75,000.

Power of extending capital,

Number and value of shares;

XVI. *And be it further enacted by the authority aforesaid,* That the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value seventy-five thousand pounds, with a privilege to the said Company of extending the amount of such capital to the sum of one hundred and fifty thousand pounds, in the event of the extension of the works, as aforesaid, to Lakes Erie and Ontario; and that such capital or stock of seventy-five thousand pounds, or one hundred and fifty thousand pounds, (if increased) be held in six thousand, or twelve thousand shares, of twelve pounds and ten shillings each; and that the shares of the capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same, to any other person or persons; and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company: *Provided always,* that nothing herein contained shall extend to authorise the said Company to carry on the business of banking.

Proviso against banking.

Directors may call for £10 per cent.

XVII. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed as aforesaid, it shall and may be

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lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any paper or papers published in the said District of Niagara, for an instalment of ten per cent upon each share which they or any of them may respectively subscribe; and that the residue of the sum or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed ten per cent, nor become payable in less than thirty days after public notice in the paper or papers as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Rail Road or Way until the first instalment shall be paid in.

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 moneys of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares, so purchased as aforesaid: *Provided always*, that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the District of Niagara; and that the instalments due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

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

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.

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After 50 years His Majesty may assume the property;

XXI. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said Rail Road or Way, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said double or single iron or wooden Rail Road or Way, together with such further sum as will amount to twenty-five per cent upon the moneys 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.

Conditions.

Future tolls to be payable to the Receiver General;

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

Commencement of the works;

(See 3 Vic. ch. 49.)

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Company hereby incorporated, within three years after the passing of this Act.

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

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

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

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

CHAP.



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## 7th Wm. IV. Chap. 68.

*AN ACT to Loan a sum of money to the Erie and Ontario Rail Road Company.*

[Passed 4th March, 1837.]

Preamble.

(See 5 Wm. 4. chap. 19;  
3 Vic. chap. 49.)Security being given for  
re-payment of principal  
and interest;£5,000 to be raised by  
Debenture, and loaned  
the Company.

WHEREAS the President, Directors and Company, of the Erie and Ontario Rail Road Company, have petitioned the Legislature to grant them a loan of five thousand pounds, to enable them to prosecute with effect the Rail Road commenced by them: *And whereas*, it is in their petition set forth, that they have expended, from their own private funds, the sum of four thousand pounds, and have every reason to believe that with the aid of the said loan of five thousand pounds, they will be able to complete the said work, and it is expedient that the prayer of the said petition should be granted: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That whenever the said Erie and Ontario Rail Road Company shall have executed a bond, in due form of law, conditioned for the punctual payment of the interest and principal of such debentures as shall, by the authority of this Act, be issued for their benefit, and shall also have executed a mortgage upon the said Rail Road, and the tolls thereon, as collateral security for the payment of the said condition, and shall have procured such real or personal security as the Lieutenant Governor, for the time being, shall deem sufficient to ensure the punctual payment of the interest annually, and the ultimate payment of the principal of such loan, at the time herein appointed for the redemption thereof, then and in that case it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to direct His Majesty's Receiver General of the Province to issue and deliver, to the President and Directors of the said Company, the debentures of this Province, to the amount of five thousand pounds, at a rate of interest not exceeding six per centum per annum, payable half yearly, in sums of not less than fifty pounds each, as may be required by the said Directors; which debentures shall be made out in such method and form as the Receiver General shall think most safe and convenient, and shall be redeemable at the expiration of ten years from the passing of this Act, and shall be signed by the said Receiver General.

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II. *And be it further enacted by the authority aforesaid,* That the debentures hereby authorised to be issued shall be, and are hereby charged and chargeable upon, and shall be re-paid and borne out of the moneys 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 to be charged on Revenues of the Province.

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

Directors to make provision for payment of interest one year in advance.

IV. *And be it further enacted by the authority aforesaid,* That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon the fund provided by the securities given for the re-payment thereof, by the said Erie and Ontario Rail Road Company; and if at any time satisfactory provision shall not have been made, in the manner mentioned in the preceding clauses, for the payment of the interest when due, it shall and may be the duty of His Majesty's Receiver General of this Province, for the time being, and he is hereby required, in the name and on behalf of His Majesty, to take possession of the said Rail Road, and appoint such agent, collectors and other officers, as may be necessary to manage the affairs of the same, and deposit and apply the proceeds thereof to the payment of interest and principal aforesaid.

Default being made in payment of principal and interest by the Company, Receiver General may take possession of the Rail-road on behalf of His Majesty, &c.

V. *And be it further enacted by the authority aforesaid,* That the sum of five thousand pounds, hereby loaned to the said Erie and Ontario Rail Road Company, shall be applied by the said Company to the completion of the said Rail Road, commenced by them as aforesaid, and to no other use or purpose whatsoever.

Money loaned to be applied to the completion of Rail-road.

### 3rd Vic. Chap. 49.

*AN ACT to extend the time for completing the Erie and Ontario Rail Road.*

[Passed 10th February, 1840.]

WHEREAS by a certain Act of the Parliament of this Province, passed on the sixteenth day of April, in the year of our Lord one thousand eight hundred and thirty-five, and intituled, "An Act to Incorporate certain persons therein named, under the name and style of the Erie and Ontario

Preamble.

(See 5 Wm. 4, chap. 19 ; 7 Wm. 4, chap. 68.)

## RAIL ROADS.

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Rail-road Company," it is provided in the twenty-second clause of the said Act, that the double or single iron or wooden Rail-road or Way between the River Welland and the River Niagara, at or below Queenston, shall be completed within five years after the passing of the said Act, otherwise every thing therein-contained should cease and be utterly null and void: *And whereas*, from causes unforeseen and beyond the control of the Company, by the said Act incorporated, it will not be possible to complete the work so required: *And whereas*, it is necessary to extend the time for the completion of the said work: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the time for completing the said double or single iron or wooden Rail-road or Way, between the River Welland and the River Niagara, at or below Queenston, shall be extended for and during the term of five years, any thing in the said recited Act to the contrary notwithstanding.

Time for completing  
Frie and Ontario Rail-  
road extended five years.

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### 6th Wm. IV. Chap. 5.

*AN ACT to incorporate the City of Toronto and Lake Huron Rail Road Company.*

[Passed 20th April, 1836.]

XXIII. *Provided always, and be it further enacted by the authority aforesaid*, That the said double or single Rail-road or Way shall be commenced within three years from the date hereof, and be completed within ten years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall be utterly null and void.

Rail-road to be commen-  
ced within three years,  
and completed within  
ten.

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### 7th Wm. IV. Chap. 60.

*AN ACT granting a loan to the City of Toronto and Lake Huron Rail Road Company, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

[EXPIRED BY NON USER.]

RAIL ROADS.

NIAGARA, &amp;c.—BURLINGTON BAY, &amp;c.—LONDON AND DEVONPORT.

**6th Wm. IV. Chap. 6.**

*AN ACT to incorporate certain persons therein-mentioned, under the name and style of the Niagara and Detroit Rivers Rail Road Company.*

[Passed 20th April, 1836.]

XVII. *And be it further enacted by the authority aforesaid, That if the said Corporation shall not within two years from the passage of this Act commence the construction of said Rail Road, and shall not within ten years from the passing of this Act, construct, finish and put in operation the whole of the said Rail Road; then on failure of the Company to construct the said Rail Road within the ten years time above mentioned, the rights and privileges of the said Corporation under this Act shall be null and void, as to such parts of the said Rail Road as are not finished within the time limited by this Act, and to them only.*

Rail-road to be commenced within two and completed within ten years.

**6th Wm. IV. Chap. 7.**

*AN ACT to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron.*

[Passed 20th April, 1836.]

XXIV. *Provided always, that the said double or single iron or wooden Rail-road or Way shall be commenced within four years after the passing of this Act, and finished in ten years, otherwise this Act, and every matter and thing herein contained shall cease and be utterly null and void.*

Rail-road to be commenced within four and completed within ten years.

**7th Wm. IV. Chap. 52.**

*AN ACT granting a Charter to an Incorporated Company, under the style and title of the President and Directors of the London and Devonport Rail Road and Harbour Company.*

[Passed 4th March, 1837.]

XXI. *And be it further enacted by the authority aforesaid, That the construction of the Rail Road and Harbour contemplated by this Act, shall be commenced by the said Company within two years, and completed within seven years, from and after the time of the passing of this Act.*

Rail-road and Harbour to be commenced in two years, and completed in seven years.

## 2nd Geo. IV. Chap. 14. (2nd Session.)

*AN ACT to establish the Division Line between the Second and Third Concessions of the Township of Osnabruck, in the Eastern District.*

[Passed 17th January, 1822.]

Preamble.

WHEREAS divers disputes have arisen between the inhabitants of the Second and Third Concessions of the Township of Osnabruck, in the Eastern District of this Province, as to the Division line between the said Concessions; *And whereas* it appears that in consequence of an erroneous survey of the said line, by the late Patrick McNiff, the same has been re-surveyed, under the direction of Government, by Lewis Grant, Esquire, Deputy Provincial Surveyor, whose line was intended and considered as the division line between the said Concessions, till the passing of an Act in the fifty-eighth year of His late Majesty's reign, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands;' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different Townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed;'" by which Act the survey of the said Patrick McNiff, being the first survey intended to fix the boundary between the said Concessions, hath been established, and it is expedient, in order to quiet the disputes which have arisen, and to prevent litigation, that the line run by the said Lewis Grant between the said Concessions should by Law be established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the line run by the said Lewis Grant, Deputy Surveyor as aforesaid, shall be deemed and taken to be the original and true Boundary between the said Concessions, any thing in any Law of this Province to the contrary notwithstanding.

Line run by Lewis Grant to be taken as the true boundary line between the 2d and 3d concessions of Osnabruck.

## SURVEYS.

CRAMAHE.

## 4th Geo. IV. Chap. 35. (1st Session.)

*AN ACT to repeal part of an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the Boundary line of the different Townships of this Province; and further, to regulate the manner in which Lands are hereafter to be surveyed, in so far as it affects the Township of Cramahe, and to make further provisions for ascertaining the side lines of lots within the same, and also to authorise the correction of the Eastern side line of said Township.'*

[Passed 19th March, 1823.]

**W**HEREAS by an Act of the Parliament of this Province passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the Boundary line of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" it is among other things enacted, that all boundary lines of townships made in the first survey, shall be the true and unalterable boundary lines of all and every such townships respectively; *and also*, that every licensed Surveyor, when and as often as he is employed to run any side line or limit between lots or lines required to go the same course of the side line or limits between the lots in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done before, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such concession, or that boundary of the township from which the lots are numbered, and run such line or lines as aforesaid, truly parallel to such course, which is thereby declared, and shall be deemed and taken to be the true course of such lines in the several townships in this Province: *And whereas*, it appears by the petition of the inhabitants of the township of Cramahe, in the Newcastle District, and also from a report of the Surveyor General of this Province, that the eastern side line of the said township of Cramahe, whence the lots are

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ANCASTER AND FLAMBORO.

numbered, was, in the first survey, erroneously run, whereby great confusion is daily arising from the surveying of the side lines of lots in the said township parallel to such erroneous line: *And whereas* it also appears by the report aforesaid, that the western side line of the said township of Cramahe, toward which the lots are numbered, has been correctly and truly surveyed: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That when and so often as any licensed Surveyor shall be employed to run any side line or limit between lots in the said township of Cramahe, reference shall only be had to the western side line of the township in that concession in which he is required to survey any such side line or limit, in the same manner as is now directed by the before-recited Act, for such reference to be had to the side line from whence the lots are numbered, any thing in the said Act contained to the contrary notwithstanding.

Reference to be had to the western side line of the township of Cramahe in all future surveys of that township.

Surveyor General to order the eastern line of the said township to be re-surveyed.

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, to direct the Surveyor General to order the said erroneous line to be re-surveyed and corrected, and that the expenses incurred thereby shall be considered as part of the contingent expenses of the Surveyor General's office; and that such line, so corrected as aforesaid, shall be, and it is hereby declared to be, the true and unalterable boundary line of the said township of Cramahe.

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## 6th Geo. IV. Chap. 5.

*AN ACT to provide for ascertaining and establishing the Division Line between the Townships of Ancaster and Flamborough West, in the District of Gore.*

[Passed 13th April, 1825.]

Preamble.

**WHEREAS** doubts being entertained respecting the Boundary Line between the townships of Ancaster and Flamborough West, in the District of Gore, it is expedient and proper to have the same ascertained and established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assem-

## SURVEYS.

TOWNSEND.

bly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to direct the Surveyor General to cause such Boundary Line to be run out and ascertained, in conformity with the original survey of the said townships.

The Governor, &c. to direct the Surveyor General to cause the boundary line between Ancaster and Flamboro West, to be ascertained.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Surveyor General, and he is hereby required, when and as soon as he shall have caused the said Boundary Line to be run out and ascertained, to have certain and permanent boundaries placed at the governing points thereof; and that the line so run, ascertained and marked out by the placing of such boundaries, shall be considered as the permanent and established Boundary Line between the said townships.

Permanent boundaries to be placed and the governing points and such line to be considered the true line.

## 7th Geo. IV. Chap. 15.

*AN ACT to authorise and establish a Re-survey of the Front of the Thirteenth Concession of the Township of Townsend.*

[Passed 30th January, 1826.]

**WHEREAS** by an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors and the admeasurement of Lands,' and also, to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the Boundary Lines of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" an erroneous line, surveyed by the late William Hambly, as the front of the thirteenth concession of the township of Townsend, in the London District of this Province, being the first survey, would be established, to the prejudice of the persons owning lands in the twelfth concession of the said township of Townsend: *And whereas,* the said erroneous survey has been fully examined, and reported to the Surveyor General's office by a Deputy Pro-

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vincial Surveyor, in pursuance of special instructions to examine and report upon the same, and it is necessary to establish more correctly the front of the thirteenth concession of the township of Townsend aforesaid: *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 stone monuments, or monuments of other durable materials, shall be placed as governing points, from which to correct the front of the thirteenth concession of the township of Townsend aforesaid, so that a line from such monument or governing points shall divide the said twelfth and thirteenth concessions equally as nearly as may be done; which monuments shall be placed and survey corrected under the order of the Surveyor General of this Province, and posts or boundaries shall be placed along the said line from such monuments at proper distances for the front angles, to determine the width of the lots in the thirteenth concession aforesaid.

The front line of the 13th concession of Townsend, how to be corrected and established.

When corrected to be confirmed, notwithstanding any letters patent.

II. *And be it further enacted by the authority aforesaid*, That the course of the said line, when so corrected as aforesaid, and the distances, boundaries and monuments after the same shall be correctly ascertained and established in pursuance of this Act, shall on all occasions be, and be taken to be, and to have been the true course, distances and boundaries of such concession line and lots respectively, whether the same do or do not, on actual measurement, coincide with the course and distances in any Letters Patent or grant, or other instrument in respect of such concession line, boundaries or distances mentioned and expressed, any thing contained in the said Act passed in the fifty-eighth year of His late Majesty's reign, to the contrary thereof in anywise notwithstanding.

Title to lands in 12th or 13th concessions of Townsend not to be affected.

III. *And be it further enacted by the authority aforesaid*, That nothing in this Act shall invalidate, or be taken or construed to invalidate, annul or make void, any such Letters Patent, grant or instrument, affecting lands in either of the said concessions, but that the same shall be as valid as if this Act had not been made.

Surveyor General to direct the new survey required.

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, to direct the Surveyor General to order the said erroneous line to be surveyed and corrected as aforesaid; and that such line, so corrected, for the front of the said thirteenth concession, and the posts and boundaries which shall be placed on the same, to determine

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the width of lots as aforesaid, shall be, and be taken to be the true and unalterable concession line and boundaries respectively.

V. *And be it further enacted by the authority aforesaid,* That if any action of ejectment should be brought against any person or persons, who, after the front of the said thirteenth concession shall be so ascertained or corrected in pursuance of this Act, shall be found, in consequence of the aforesaid erroneous survey, to have improved on land not his, her or their own, the like proceedings may be had, and the same relief shall be afforded, as is provided in the said Act in case any person or persons may be found, in consequence of a side line having been unskilfully surveyed, to have improved on land not his, her or their own.

Provision in case ejectments shall be brought.

VI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall give any right, or be taken or construed to give any right, to any person or persons possessed of lands by gift, devise, inheritance, purchase or marriage, in the said thirteenth concession, to maintain any action or actions against any person or persons for or on account of any alteration occasioned by the passing of this Act, in the limits of any lot or parcel of land which shall be unimproved at the time of the passing thereof.

Restraint of actions for unimproved lands, in consequence of the intended re-survey.

## 7th Geo. IV. Chap. 16.

*AN ACT to make provision for a Survey of the first, second and third Concessions of Fredericksburgh original, and the whole of Fredericksburgh additional.*

[Passed 30th January, 1826.]

**WHEREAS** it is expedient to repeal the third and fourth clauses of an Act passed in the fifty-ninth year of the reign of George the Third, intituled, An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,' so far as they respect that part of the second concession of the township of Fredericksburgh, in the Midland District, lying between the eastern boundary of lot number seventeen, and the eastern boundary of lot number twenty-five, in the said concession; and also that part of the

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third concession of the said township, between the head of Hay Bay and the eastern boundary of lot number twenty-five, in the last mentioned concession: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the third and fourth clauses of the aforesaid Act, shall be and the same are hereby repealed, so far as respects the aforesaid tracts of land.

59 Geo 3, ch 14, sec. 3 & 4 repealed, so far as respects a certain part of Fredericksburgh.

The course of the side lines declared.

II. *And be it further enacted by the authority aforesaid*, That the eastern boundary line of the said township, otherwise known as the line between lots number twenty-five and the Gore in the said second and third concessions, shall be, and the same is hereby declared to be the course or courses of the respective division or side lines of lots or parcels lying in the aforesaid tract of land; and all Surveyors shall be, and are hereby required to run all such division or side lines of any of such lots or parcels of land, which they may be called upon to survey, to correspond with and be parallel to the aforesaid eastern boundary line.

How side lines shall be run in such part of Fredericksburgh in any new survey.

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 lines in the said tract, required to go the same course as the aforesaid eastern boundary line, shall, if it has not been done before, or if it has been done, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles on the eastern boundary of lot number twenty-five, in that concession in which the land is 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.

A re-survey to be made of certain parts of Fredericksburgh, and monuments placed;

IV. *And whereas*, it is expedient to make provision for a survey of the first, second and third concessions of that part of the said Fredericksburgh generally known as Fredericksburgh original, and also of the whole of that part of the said Fredericksburgh generally known as Fredericksburgh additional: *be it therefore enacted by the authority aforesaid*, that it shall and may be lawful for the Justices of the Peace, serving for the division within which the said concessions are situated, or a majority of them, and they are hereby authorised and required, at a special Session to be by them held on the first Saturday in March in each and every year, or at

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any adjourned Session, for the purpose of carrying this Act into effect, to receive proposals from, and contract with, taking and demanding security as they may think expedient, any licensed Surveyor to erect monuments and to establish boundaries for any or all the concessions or lots in the last mentioned tracts of land, or for the actual survey of any or of all of the aforesaid concession lines, either in front or rear of the said concessions, and also for the actual survey of the whole or any number of the said lines or limits between lots or parcels of land in each or every of the aforesaid concessions, which survey shall be as near as can be ascertained according to the original survey of such concession; and to levy a proportionate tax, which said tax shall be appropriated and levied agreeable to the request of the inhabitants of such concession, to be made in a manner and form as shall be hereafter provided, on the several lots or parcels of land in such concession for the payment of such Surveyor, and also for a Collector, as hereinafter mentioned, and to issue their warrant or warrants to a Collector or Collectors, to be by them appointed for the purpose of collecting the aforesaid tax; and every such Collector, so appointed, upon receiving such warrant aforesaid, is hereby authorised and required to demand and receive from each and every inhabitant of such concession or concessions for which he is Collector, his proportion of the tax imposed agreeable to the provisions of this Act; and shall have the same power and may use the same means to compel the payment of such tax as the several Collectors of the several parishes, townships or reputed townships, have in this Province; and shall upon such Surveyors producing an order therefor, under the hands and seals of such Justices, pay over to such Surveyor the said moneys, reserving to himself, as a compensation for his services, five per cent upon the moneys so collected.

How the expense shall be defrayed,

and collected;

Compensation to Collector.

V. *And be it further enacted by the authority aforesaid,* That the expense of surveying each or any of the aforesaid concessions, either in the original or additional part of the aforesaid township, shall be satisfied and paid by an appropriate tax aforesaid, on the several lots or parcels of land situate in such concession.

Expense of surveying each concession to be levied on the lands in such concession.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That such Justices as aforesaid, shall not be authorised to carry the provisions of this Act into effect, without first being requested by a writing signed by at least three-fourths of the proprietors of the land situate in such concessions, stating in what manner such concessions shall be surveyed, what sort of monument shall be erected, and in what manner such tax shall be proportioned for the purposes aforesaid.

Justices not to proceed unless required by the freeholders.

VII. *And be it further enacted by the authority aforesaid,* That when the boundaries or survey of each or any of the aforesaid concessions shall be established agreeable to the provisions of this Act, such survey shall be permanent and conclusive.

New survey to be made shall be conclusive.

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LANCASTER.

Public Act.

VIII. *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.*

### 10th Geo. IV. Chap. 13.

*AN ACT to provide for the guiding line in the Township of Lancaster, in the Eastern District.*

[Passed 20th March, 1829.]

Preamble.

59th Geo 3, chap. 13,  
recited;

Side lines in the township  
of Lancaster were not  
originally run parallel  
to the eastern boundary  
of the township from  
whence the lots are  
numbered.

The western side line of  
the township to be taken  
as the governing bound-  
ary.

**W**HEREAS by the third clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the Boundary lines of the different Townships of this Province, and further to regulate the manner in which lands are hereafter to be Surveyed,'" it is enacted, that the boundary line of each and every Township, on that side from which the lots are numbered, shall be the course or courses of the respective division or side lines throughout the several Townships and Concessions of this Province, respectively: *And whereas* the side lines of lots in the Township of Lancaster, in the Eastern District, were not originally run parallel to the Eastern Boundary of the said Townships from which the lots are numbered, and great difficulty and inconvenience would arise to the inhabitants of the said Townships by having their side lines, or limits between lots, run pursuant to the said Act: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act the western limit or side line of the said Township shall be taken as the governing boundary; and that the side lines of lots in the said Township shall and may be run parallel thereto, any thing in the said recited Act to the contrary notwithstanding.

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OXFORD AND CORNWALL.

## 10th Geo. IV. Chap. 14.

*AN ACT to provide for the Survey of a part of the Township of Oxford, in the Johnstown District.*

[Passed 20th March, 1829.]

**WHEREAS** the inhabitants of the tenth concession of the Township of Oxford, in the District of Johnstown, have by petition set forth, that the division line between the said concession and the ninth concession of the said Township hath never been surveyed and ascertained, and have prayed that an Act may be passed to authorise a survey of the said line: *And whereas* it is expedient, in order to prevent disputes and litigation, that the prayer of the said petition should be granted: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Surveyor General of the Province, or person acting in that capacity for the time being, to cause such line to be duly surveyed, and a plan and report thereof to be returned to his office, by some competent and disinterested Surveyor; and that such line, when surveyed and ascertained under the authority of this Act, shall be deemed and considered as the true and unalterable Boundary between the said concessions.

Preamble.

Surveyor General to order a survey to be made of the limit between the ninth and tenth concessions of Oxford, in the District of Johnstown.

*II. Provided always however, and be it further enacted by the authority aforesaid, That no such line shall be run or ascertained by the authority of this Act until the parties, or persons requiring the same, shall have given proper security for the payment of all reasonable expenses attending the same.*

Parties requiring such survey shall first give security for the expense.

## 11th Geo. IV. Chap. 15.

*AN ACT to confirm the Survey of a part of the Concession Line between the Seventh and Eighth Concessions of the Township of Cornwall.*

[Passed 6th March, 1830.]

**WHEREAS** it appears by the petition of sundry inhabitants of the eighth concession, reckoned on the eastern Boundary line of the township

Preamble.

## SURVEYS.

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of Cornwall, in the Eastern District, that the division line between the said concession and the seventh concession hath not been correctly ascertained in the original survey of the township, from lot number nineteen to the western limit: *And whereas*, it is expedient, in order to prevent disputes respecting the said division line, that the same as run by Duncan McDonell, Esquire, Deputy Surveyor, and examined and reported on by Thomas T. Bower, Esquire, also a Deputy Surveyor, should be 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, 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 Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the said line so run and ascertained by the said Duncan McDonell, and Thomas T. Bower, Deputy Surveyors, shall be deemed and taken to be the true Boundary between the said seventh and eighth concessions, reckoned on the eastern Boundary line of the said township of Cornwall, any thing in any former Act to the contrary notwithstanding.

Boundary between the seventh and eighth concessions of Cornwall established.

## 11th Geo. IV. Chap. 16.

*AN ACT to correct the Survey of the Fifth Concession Line of the Township of Yonge.*

[Passed 6th March, 1830.]

Preamble.

**WHEREAS** it appears that an error was committed in numbering the posts planted at the front angles of lot number thirteen, in the fifth concession of the township of Yonge, in the District of Johnstown, by reason of which error the lots lying in the same concession to the westward of the said lot number thirteen have been also erroneously numbered: *And whereas*, one James McNish was, before the passing of a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning land Surveyors and the admeasurement of lands'; and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different townships of this Province, and further to regulate the manner

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in which lands are hereafter to be surveyed," located by the Government of this Province upon lot number nineteen, in the said fifth concession, and assigned the same to one Henry Weeks, who erected buildings and made considerable improvements, and was for many years resident upon the lot; which according to actual admeasurement upon the ground, and according to the intention of the original survey was the nineteenth lot in the said fifth concession, but which, from the erroneous numbering of the posts, was marked upon the ground as lot number eighteen: *And whereas*, after such settlement and improvement, made by the said Henry Weeks, one Edward Murphy was located by the Government upon lot number eighteen, in the said fifth concession of Yonge, under which location the said Edward Murphy claimed to be entitled to the lot, which by reason of the error aforesaid, was designated by the numbers on the posts planted at the front angles thereof, as lot number eighteen, though it was in fact the nineteenth lot in the said concession as aforesaid: *And whereas*, in the prosecution of such his claim, and relying upon the provision of the Act above recited, which declares that the posts planted at the front angles of any lot shall be the true and unalterable Boundaries thereof, the said Edward Murphy, hath by legal process, dispossessed the said Henry Weeks of his said farm: *And whereas*, the operation of the said Act is injurious in thus giving effect to a manifest error of the description heretofore recited, and thereby leading to the dispossession of the said Henry Weeks, whose occupation was prior to the passing of the said Act; and the said Henry Weeks, hath by petition, prayed that relief in the premises which it seems reasonable to grant; and also, to prevent further inconvenience from the application of the above recited Act, to the confirmation of the erroneous numbering of the lots in the said concession: *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 for and notwithstanding any law or statute to the contrary, the survey which hath been made by the authority of the Government of this Province, by Samuel Street Wilmot, Esquire, Deputy Provincial Surveyor, in the month of February, in the year of our Lord one thousand eight hundred and twenty-nine, for the purpose of correcting the error in the numbering of the lots in the fifth concession of the said township of Yonge, and for designating the said lots by their proper numbers, according to the number of lots actually contained in the said concession; a map of which survey, hath by the said Samuel Street Wilmot, been duly returned to the Surveyor General's office in this Province, shall be deemed to be the correct and true survey

Mr. Wilmot's survey  
established;



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## SALTFLEET AND BINBROOK.

Provided that no person shall be prejudiced who had made improvements according to the erroneous numbering.

of the said concession, and that the lots in such concession shall severally bear the numbers assigned in such survey: *Provided always, nevertheless,* that nothing in this Act contained, shall have the effect of prejudicing the title or possession of any person, who before the passing of this Act, may have settled and made improvements upon any lot in the said concession, according to the said erroneous numbering, before the same had been occupied by any other person or persons.

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## 1st Wm. IV. Chap. 8.

*AN ACT to provide for settling and determining by arbitration certain difficulties that have arisen, or may arise, between persons owning land in the Eighth Concession of Saltfleet, and persons owning or claiming to own lands in the First Concession of Binbrook, who through mistake may have made improvements on the rear part of the said Eighth Concession of Saltfleet.*

[Passed 16th March, 1831.]

Preamble.

[See 7 Wm. 4, chap. 59.]

**W**HEREAS the inhabitants residing on the front concession of the township of Binbrook, in the county of Wentworth, in the District of Gore, having commenced their improvements and erected their buildings on the front of the said first concession, and in accordance with a line run by Samuel Street Wilmot, a Deputy Surveyor, sent by order of the Government to ascertain and mark out the said line, and which line has since been discovered to be erroneous, as encroaching on the eighth concession or rear boundary line of the township of Saltfleet, and by which the parties interested are liable to be exposed to great difficulty and loss: *And whereas* the inhabitants living on the first concession of the township of Binbrook aforesaid, and whose improvements and buildings are found to be on the eighth concession of Saltfleet, not having made such encroachments knowingly or with evil intention, it is therefore expedient that provision be made by law to enable the parties to settle the difficulties that may have arisen, or are liable to arise, on account of the said error: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and

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may be lawful for any person or persons owning land in the eighth concession of Saltfleet, and which may have been improved by any person or persons owning or claiming to own lands in the first concession of the township of Binbrook, and who shall not mutually agree to settle the matter in dispute between themselves, to submit the same to be determined by arbitration, in the manner hereinafter set forth.

Owners of land in eighth concession of Saltfleet may refer disputes respecting the same to arbitration.

II. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons owning any lot or parcel of land in the eighth concession of Saltfleet aforesaid, and which may have been improved before the passing of this Act by any person or persons owning or claiming to own land in the first concession of Binbrook, to eject such person or persons from any such improvement, or take possession of such improved part of a lot or parcel of land without the consent of the occupant thereof, unless the same shall have been submitted to the determination and award of arbitrators, indifferently chosen by the parties for settling and determining the same.

Persons not to be removed from their respective possessions unless disputes respecting the same shall have been submitted to arbitration.

III. *And be it further enacted by the authority aforesaid,* That in all cases where the owner of any such improved part of a lot or parcel of land, or the person having improved the same, or who may be otherwise interested therein, shall not agree as to the value of the land so improved, or the improvement thereon, it shall and may be lawful to and for each of the parties so interested to choose one fit and proper person as an arbitrator, and the two arbitrators thus chosen may choose a third arbitrator, and the three arbitrators so chosen shall have full power and authority to award and determine the whole matter of difference between the parties.

Arbitrators to be named, who shall choose an umpire.

IV. *And be it further enacted by the authority aforesaid,* That before any arbitrator shall enter upon the duties assigned him by this Act, he shall take the following oath:—"I, A. B. do solemnly swear that I will faithfully inquire into the matter in dispute between C. D. and E. F.; and will make a just and true award thereon according to the best of my knowledge and belief—so help me God;" and which oath it shall and may be lawful for any Justice of the Peace in the District of Gore to administer.

Arbitrators to take an oath;

Form thereof.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said arbitrators, and they are hereby required, to fix and determine the value of such improvements, as also the value of the land on which such improvements may have been made, considered only in its uncultivated state.

Duty of the arbitrators.

VI. *And be it further enacted by the authority aforesaid,* That in all cases where an award shall be made under this Act, determining the value

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## SALTFLEET AND BINBROOK.

Owners of land may receive the value of land decided to be theirs, or pay the value of the improvements fixed by the award of arbitrators.

of any such improvement, it shall be optional with the owner of the land whether he will pay the amount at which such improvement may be valued, or receive the sum awarded to be paid by the person having made such improvement as the value of the land on which the same may have been made.

Certain persons not eligible to be named as arbitrators.

VII. *And be it further enacted by the authority aforesaid,* That no person owning land in the eighth concession of the township of Saltfleet, nor any person who may claim remuneration for any such improvement as aforesaid, shall be eligible to be chosen or appointed an arbitrator for the purposes of this Act.

If a road shall be laid out in front of Binbrook, the owners of the front lots shall be entitled to the former allowance for road.

VIII. *And be it further enacted by the authority aforesaid,* That if upon application to the Court of Quarter Sessions for the Gore District, being made in the manner pointed out by law, the aforesaid line run by the said Samuel Street Wilmot, shall be confirmed as a common public highway, it shall and may be lawful for the owners of the land in the first concession of the township of Binbrook to take, hold, occupy and enjoy, the road allowance in front of the said first concession in lieu thereof, any law, usage or custom, to the contrary notwithstanding: *Provided always,* that the value of the said allowance be paid for by such occupant to the owners of land in the eighth concession of Saltfleet next adjoining.

Any award may be made a rule of King's Bench.

IX. *And be it further enacted by the authority aforesaid,* That every award that shall be made, as herein-before directed, shall be made a rule of His Majesty's Court of King's Bench, and as such may be specially pleaded by the party or parties having complied with the same.

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## 7th Wm. IV. Chap. 59.

*AN ACT to amend an Act passed in the first year of His present Majesty's reign, intituled, "An Act to provide for settling and determining by Arbitration certain difficulties that have arisen, or may arise, between persons owning Land in the Eighth Concession of Saltfleet, and persons owning, or claiming to own, Lands in the First Concession of Binbrook, who through mistake may have made improvements on the rear part of the said Eighth Concession of Saltfleet."*

[Passed 4th March, 1837.]

Preamble.

Recites that disputes are to be settled by arbitration.

WHEREAS an Act was passed in the first year of His present Majesty's reign, intituled, "An Act to provide for settling and determining by arbitration certain difficulties that have arisen, or may arise, between

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persons owning land in the eighth concession of Saltfleet, and persons [See 1 Wm. 4, chap. 9.] owning, or claiming to own, lands in the first concession of Binbrook, who through mistake may have made improvements on the rear part of the said eighth concession of Saltfleet," by which it is provided, that the said disputes shall be settled by arbitration, but no provision is made therein in cases where persons in the first concession of Binbrook, having possession of lands in the eighth concession of Saltfleet, refuse so to arbitrate, and thereby keep possession of the said lands contrary to the rights of the proper owners, for remedy thereof: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That in all cases where any person or persons in the first concession of the township of Binbrook, in the District of Gore, or any other person or persons having possession, shall neglect or refuse to arbitrate agreeably to the provisions of the before recited Act, for the period of three months, after due notice of the time and place when and where such arbitration as is provided for by said Act shall be held, then and in such case the Judge of the District Court, of said District, shall and may nominate and appoint one other arbitrator on their behalf, with the same powers and authority, as if appointed by any party or parties in adverse possession; whose award shall be final, and subject to be enforced in the same manner, as if the party so in adverse possession had appointed an arbitrator, according to the above recited Act.

Provides remedy when party refuses or neglects to arbitrate.

## 2nd Wm. IV. Chap. 19.

*AN ACT to provide for the appointment of Commissioners to ascertain the North Boundary Line of the Township of Niagara, and to establish a Public Highway contiguous to the same.*

[Passed 28th January, 1832.]

**WHEREAS** the inhabitants of the township of Niagara in possession of land in the Boundary of said township to the north, have been involved in numerous, expensive, and perplexing law suits, arising out of doubtful and inaccurate surveys made at different times at an early period of the settlement thereof, and His Majesty's Justices of the Peace in the execu- Preamble.

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tion of their duty relative to highways, from conflicting evidence, are unable to determine correctly in what manner to proceed in determining whether upon such original surveys of the township an allowance was made of one chain to or upon the northern Boundary thereof, as usual in similar surveys of townships, as an highway to and for the use of the public, and if so, whether the original Grantees of the Crown along said Boundary line have the full complement of their lands expressed in their Deeds, exclusive of such allowance on the said northern Boundary, if otherwise, whether a road of one chain in width was intended to be taken from what has been called the Garrison Line to the north of the said township, and on part or parcel of the Military Reservation, then so called, or whether any road at all was intended to be made which should interfere with the Reserved Lands of the Crown: *And whereas*, no Boundary line has ever been ascertained and established in the said township, on a permanent footing, under the Provincial Act of the year one thousand seven hundred and ninety-eight: *And whereas*, it would tend much to the allaying of disputes, and diminishing litigation, to provide for the appointment of three impartial, able, and discreet persons, not inhabitants of the District in which the said township is situated, to investigate the premises, and a final award and decree to make on all matters hereafter directed to be submitted to them, with the exception of a power of the Court of King's Bench as hereafter 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, 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 John Macaulay, of Kingston, in the Midland District, Samuel Ridout, of York, in the Home District, and John Willson, of Saltfleet, in the District of Gore, 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, to the land and Boundaries in question, and then and there to employ one or more Provincial Licensed Surveyors, with necessary chain bearers and other assistants, under the direction and order of the said Commissioners, to view and survey all such pieces or parcels of land lying and being in the township of Niagara, lying either north or south of the northern Boundary of said township, or the disputed lines contiguous thereto.

J. Macaulay, S. Ridout,  
and J. Willson, Esquires,  
appointed Commissioners  
for the purposes of this  
Act.

Power of the Commis-  
sioners to enter upon the  
adjacent lands.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said 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 the farms or

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lands of any of His Majesty's subjects lying and being contiguous or near to the northern boundary of said township, where it may be necessary to survey any lines in dispute, and to place any posts or marks thereon for the purposes of this Act, without being considered as liable to any action at law as trespassers.

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 award, and by all such lawful ways and means as are incident to a Court of Civil Jurisdiction to compel the attendance and appearance 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 said matters hitherto in controversy, as well as to tender and administer to such witnesses an oath or oaths pertinent to the subject matter; 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.

Commissioners may compel the attendance of witnesses and production of papers;

Commissioners may administer an oath to witnesses;

False swearing 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, a road, or an allowance for a road at the northern boundary thereof, was made in such survey, and by what Surveyor; and also whether the original grantees of the Crown have the full complement of land expressed in their Deeds, exclusive of such allowance if made in such survey, if on the contrary no such allowance was made, whether a road of one chain in width was intended to be taken from the ground within the line usually called the Garrison Line, or whether any road at all was intended to be made from the river, westward, which would interfere with the reserved lands of the Crown; and whether such land, composing what has been called the Military Reserve, has since been granted by the Crown to other persons, up to the north boundary of the township; and whether any and what reserves have been made in any Patents therefor; and further to inquire what difference there is, if any, between what is called the West Line and the Garrison Line.

Certain inquiries to be made by Commissioners.

V. *And be it further enacted by the authority aforesaid,* That after the said Commissioners, or the majority of them, shall have decided upon all or any of the points herein-before 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 a governing point on the bank of the Niagara river as the said Commissioners may determine ought or should be the north eastern Boundary of said township of Niagara; and to deter-

Majority of the Commissioners to decide upon all points referred to them;

Commissioners to place stone boundaries at the N. E. boundary of the township of Niagara;

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Commissioners to decide whether there shall be an allowance for road on the west line, and to lay out said road if they think proper;

Commissioners to award compensation to owners of land taken for the road.

mine whether a road or a chain in width shall be allowed to constitute hereafter a public highway, and whether to the south or north of such monument as aforesaid; and whether exactly running a course west, or with what deviation either to the north or south thereof, and to cause the same to be laid out and surveyed; and to award to the owners of the soil such compensation as the said Commissioners, or the majority of them, in their discretion may think just and reasonable, having a due regard to each particular claim, and diminishing the same as a consideration of the advantages of such a road being opened will suggest to the Commissioners.

Commissioners may survey and plant posts to the S. W. of the line to be established, and to lay out an allowance for road there.

VI. *And be it further enacted by the authority aforesaid,* That if it shall appear to the said Commissioners expedient in carrying into effect the provisions of this Act, it shall and may be lawful for the said Commissioners to survey the land of any person occupying the same to the south-west of the said monument, when ascertained, in order to assist them in their judgment in awarding or not awarding compensation, and in tracing or surveying the road to be laid out from the aforesaid monument westward, and to plant posts and mark them wherever an allowance has been made of one chain for a highway, and not included in any of the grants from the Crown; and thenceforward the said road shall become a public highway to all intents and purposes, and subject to the general laws of the Province as such.

If any reservations for roads are found to be included, Commissioners to report thereon to the Chairman of the Quarter Sessions.

VII. *And be it further enacted by the authority aforesaid,* That if upon such survey any lands are enclosed which are not included in any of the said Patents from the Crown, or otherwise ungranted by reason of being reserved as concession roads or allowances for highways, it shall be the duty of the Commissioners to report that matter as part of their award to the Chairman, for the time being, of the Quarter Sessions of the District of Niagara, in general Quarter Sessions assembled, to enable the Justices of the Peace to carry into execution the powers given them by law in respect to highways.

Commissioners to make their award in duplicate;

One copy of award to be filed in the Court of King's Bench, and the other in the Court of Quarter Sessions for the District of Niagara;

Period within which motion may be made for setting aside award.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, in a reasonable time thereafter, shall make their award of and concerning such matters and things hereby submitted to their impartial decision, by an instrument under their hands and seals, in duplicate, one part thereof to 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 award 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.

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## GWILLIMBURY NORTH.

IX. *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 award, decree or order, under the hands and seals of said Commissioners, 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 King's Bench therein.

Public Act.

X. *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 be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint under his sign manual an other or others to act in the place and stead of such Commissioner or Commissioners.

In case any Commissioner shall die, become incapable, or refuse to act, Governor may appoint another, or others, in his or their stead.

XI. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and required, upon any compensation being awarded to any person claiming such under the provisions of this Act, to certify the same in writing to the general Quarter Sessions of the Peace of the said District; who are hereby required to give an order on the Treasurer of the said District to pay and discharge the amount of the certificate so granted out of the general funds of the District.

Commissioners to certify the amount of compensation awarded to individuals to the Quarter Sessions;

Order therefor to be given upon the Treasurer.

XII. *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, to be paid to each of them out of the funds of the District, by an order under the hand of the Chairman of the Quarter Sessions for the time being.

Compensation to the Commissioners.

### 3rd Wm. IV. Chap. 38.

*AN ACT to establish the side lines between certain lots in the Township of North Gwillimbury, in the Home District.*

[Passed 13th February, 1833.]

**W**HEREAS certain inhabitants of the township of North Gwillimbury, in the Home District, have by their petition set forth, that the lots in the third concession of that township, from number nine to thirty, inclusive, have not been surveyed and marked out by posts, in consequence of the road between the second and third concessions running into Lake Simcoe at lot number eight: *And whereas,* in consequence thereof, the owners and occupiers of the said lots in that concession have made improvements

Preamble.



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SOPHIASBURGH.

upon their respective lots, having had them run from the rear of the third concession, corresponding with the posts in front of the fourth concession, and it is expedient to confirm and establish the side lines between the said respective lots: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the side lines between the respective lots in the third concession of the township of North Gwillimbury, from numbers nine to thirty, inclusive, shall be ascertained and established by, and shall correspond with, the posts in front of the fourth concession of that township, any law for regulating surveys to the contrary notwithstanding.

Side lines in 3d concession of North Gwillimbury, how determined.

#### 4th Wm. IV. Chap. 19.

*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.]

Preamble.

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 and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all 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

Side lines to be governed by side lines run by John Ryder, Deputy Surveyor, A. D. 1817;

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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.

Commencing at S. E. angle of lot 23.

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

Not to alter or annul any lines of a higher number than lot 58.

## 4th Wm. IV. Chap. 20.

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

[Passed 6th March, 1834.]

**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

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

Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the 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.

Eastern boundary.

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.

Future surveys.

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 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.

SURVEYS.

LOUTH.

## 4th Wm. IV. Chap. 21.

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

[Passed 6th March, 1834.]

**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, 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 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.

Preamble.

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

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Commissioners with their Surveyors may enter upon any lands in order to survey and determine the lines;

And to place marks.

the purposes aforesaid, with their Surveyor or Surveyors, and for those persons employed by them, to make entry on any or all 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.

To inquire 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.

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.

Original survey to be taken into consideration;

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

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 deeds were originally placed on the north or south side of the said concession; and that after the said Commissioners, or a majority of them, shall have determined upon the point herein-before 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.

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 Quarter Sessions;

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 neverthe-*

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less, that such award, or any part thereof, shall not be set aside unless the said Court of King's Bench shall be moved by any of the parties interested to alter or set aside such award within twelve months from the execution of such award.

Award not to be set aside after 12 months.

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 King's Bench therein.

This Act a public 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.

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

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 employed 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.

Remuneration to Commissioners and Surveyors;

And to persons employed by Surveyors;

Payable out of District funds.

## 5th Wm. IV. Chap. 20.

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

[Passed 16th April, 1835.]

**WHEREAS** it appears from a representation made during the present Session that the line between the eighth and ninth concessions of the township of King, in the Home District, has been very incorrectly run, so that some of the lots in the eighth concession contain more and some of the ninth concession less than their due quantities of land, and such line, if not altered, may hereafter occasion endless litigation and expense: *And whereas* Alexander Lang, and others, by petition prayed that the

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## SURVEYS.

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New survey to be made under the authority of the Surveyor General.

said line may be corrected: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Surveyor General of this Province, and he is hereby required, so soon as may be after the passing of this Act, to direct a Deputy Surveyor carefully to examine the said concession line between the eighth and ninth concessions of the township of King aforesaid, and to correct the same by running a right line from the south east angle of lot number one, in the ninth concession, to the north east angle of lot number thirty-five, in the said ninth concession, which line, when so corrected, shall be and the same is hereby declared to be the true and unalterable boundary between the said concessions.

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

II. *And be it further enacted by the authority aforesaid*, That all lots or parcels of land in the ninth concession of said township of King, shall contain the same width in front as in the original survey of said concession line; and that such monuments as are planted on the said new line shall coincide in width with the stakes planted on the line done in the first survey of said concession line.

Provision in case of monuments being lost.

III. *And be it further enacted by the authority aforesaid*, That if any monument so set in the original survey of said concession line is lost, such Deputy Surveyor shall proceed and measure the true distance between the nearest undisputed posts or monuments, into the same number of lots contained in the original survey of such concession line, having due respect to any allowance for road or roads, common or commons, as were contained in such original survey; and such limit so found is hereby declared to be the true and unalterable boundary or limit between such lots, any law or usage to the contrary thereof in any wise notwithstanding.

Diagram of new survey to be lodged in Surveyor General's office.

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

CHAP.

SURVEYS.

WOLFORD.

## 5th Wm. IV. Chap. 21.

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

[Passed 16th April, 1835.]

**WHEREAS** by the third clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different townships of this Province,' and further to regulate the manner in which lands are hereafter to be surveyed," it is enacted, that the boundary line of each and every township on that side from which the lots are numbered shall be the course or courses of the respective division or side lines throughout the several townships and concessions of this Province respectively: *And whereas* the side lines of lots in the township of Wolford, in the Johnstown District, were not originally run parallel to the eastern boundary of the said township from which the lots are numbered, and great difficulty and inconvenience would arise to the inhabitants of the said township by having their side lines, or limits between lots, run pursuant to the said Act: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the western boundary line of the said township shall be and the same is hereby declared to be the course or courses of the respective division or side lines of lots or parcels of land in the aforesaid township; and all Surveyors shall be and are hereby required to run all such division or side lines of any such lots or parcels of land which they may be called upon to survey, to correspond with and be parallel to the aforesaid western boundary line.

Side lines to be run parallel to western boundary line.

II. *And be it further enacted by the authority aforesaid,* That every licensed Surveyor, when and as often as he may be employed to run any side line or limit between lots or lines in the said township, required to go the same course as the aforesaid western boundary line, shall, if it has not been done before, or if it has been done, but the course cannot at such

Course to be pursued by licensed Surveyors in future surveys.



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time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles on the western boundary of the said township, in that concession in which the land to be surveyed may be, and shall run such line or lines as aforesaid, truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be, the true course of such lines, any law, usage or custom, to the contrary notwithstanding.

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### 5th Wm. IV. Chap. 26.

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

[Passed 16th April, 1835.]

Preamble.

**W**HEREAS the late Peter Lossing, of the township of Norwich, county of Oxford, District of London, and Province of Upper Canada, yeoman, and Peter Delong, of the same place, yeoman, did on the seventh day of July, in the year of our Lord one thousand eight hundred and ten, purchase of and from William Wilcox, of the town of York, in the Home District, fifteen thousand acres of land, in the said township of Norwich aforesaid, being lots numbers eight, nine, eleven, thirteen and fourteen, in the first and third concessions; and lots numbers eight, ten, eleven, twelve and fourteen, in the second concession, in Block number two; and lots numbers one, three, four, five, seven, eight, ten, eleven, twelve and fourteen, in the fourth and sixth concessions; and lots numbers one, two, four, six, seven, eight, nine, eleven and fourteen, in the fifth concession, in Blocks numbers five and six; and lots numbers one, two, four, six and seven, in the seventh, ninth, and eleventh concessions; and lots numbers one, three, four, five and seven, in the eighth, tenth and twelfth concessions, in Blocks numbers nine and thirteen; various parts of which said fifteen thousand acres the said late Peter Lossing sold and conveyed as hereinafter stated: *And whereas* the said late Peter Lossing did, by and with the advice and consent of all parties at that time interested or concerned in the same, survey the said tract of land in the said township of Norwich, he, the said Peter Lossing, not being a licensed Surveyor in this Province: *And whereas* in accordance with the said survey, so made, the said late Peter Lossing did make and execute deeds and titles of conveyance to various parcels of the said tract of land; *And whereas* disputes and difficulties have arisen among the inhabitants of the said township of Norwich, owing to various inaccuracies in the early surveys of the said township of Norwich, as well the survey of the said Peter Lossing as other early Government

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surveys: *And whereas* sundry inhabitants of the said township of Norwich, and resident upon the said tract of land, so purchased and surveyed as aforesaid, and others, have petitioned the Parliament of this Province, praying to have some plan devised and some law passed by which disputes, difficulties and law suits, and law costs may be prevented, and peace, harmony and concord restored to the neighbourhood, as well as certainty as to where the roads and lines are in future, shall be and continue to be established: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 George Rykert, David Gibson, and John Bailey, be and are hereby authorised and appointed Commissioners for the purposes of this Act, whose duty it shall be, within three months after the first day of June next, to proceed to the said township of Norwich aforesaid, and personally to examine, if they shall deem it necessary, the boundaries, stakes, monuments, concessions and concession lines, and side lines, roads and road lines, and allowances for roads, in all and every such part or parts of the said tract or parcel of land, so surveyed by the said late Peter Lossing aforesaid, in the said township of Norwich aforesaid.

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

II. *And be it further enacted by the authority aforesaid*, That if the said Commissioners shall deem it necessary and expedient, for the more perfectly settling the disputes and difficulties arising out of the said survey of the said late Peter Lossing aforesaid, it shall be lawful for them to appoint one or more Deputy Surveyor or Surveyors, Chain-bearers and other assistants, subject to their control and under their direction, to survey so much and so many of the disputed lines and roads in the said tract aforesaid, as to them shall appear necessary to an equitable and just settlement of all the differences and disputes of the inhabitants of the said township of Norwich aforesaid; and to require the attendance of all such persons as may be necessary as witnesses, with all papers, parchments, deeds and conveyances, relating to the cause of the said difficulty and dispute aforesaid.

Commissioners to direct a new survey if necessary;

Attendance of witnesses.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, after having duly examined such witnesses, deeds, conveyances, papers and parchments, as they may deem necessary and expedient, upon the subject matter and dispute, shall confirm and continue, or alter, annul and disallow, any and all, or part or parts of the said survey of the said tract of land, so surveyed or intended to be surveyed by the said late

Final adjustment of boundaries.

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Peter Lossing aforesaid, and to re-survey, plant posts, and establish such lines, either with or without regard to any posts now planted or lines now run, as to them shall appear to be necessary and just between the contending parties, always regarding the equitable intention of the parties at the time of their making their contracts; and such lines so run, and such posts so planted by the authority of the Commissioners aforesaid, shall be, and be taken to be the lines and posts governing and establishing the lines and roads of the said tract aforesaid.

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

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners, or a majority of them, for the purposes aforesaid, with their Surveyor or Surveyors, and for those persons employed by them, to make entry on any or all of the farms or lands within the said township of Norwich, whenever it may be necessary to survey the said lines, or concessions, or roads, for the purpose of ascertaining and determining the same; and to place any marks or monuments thereon for the purposes of this Act, without being considered as liable to any action at law as trespassers.

Nature and jurisdiction  
of the Commissioners  
Court;

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, and they are hereby required, well and truly to inquire into all matters of fact necessary for directing their judgment as to their determination, by all lawful ways and means as are incident to a Court of Civil Jurisdiction, to compel the attendance of witnesses necessary in the investigation, and the production before them of all or any deeds, books, maps, diagrams, or other documents or evidence, in any way relating to the better and more completely ascertaining the true, just and equitable interest of the parties; and also to tender such witness or witnesses such oath or oaths, affirmation or affirmations, pertinent to the question in dispute; and in case of any false swearing by any witness or witnesses, such witness or witnesses upon conviction thereof, shall be liable to the pains and penalties of being guilty of wilful and corrupt perjury.

False swearing under  
this Act perjury.

Commissioners award;

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

Award not to be set  
aside after 12 months

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moved by any of the parties interested, to alter or set aside such award within twelve months from the execution of such award.

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

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

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to receive, for each and every day they may be so employed in carrying the provisions of this Act into execution, the sum of twenty shillings, currency; the said Surveyor the sum of ten shillings, and each and every other person or persons employed for the purposes aforesaid, the sum of three shillings and nine pence, to be paid to each of them, out of the funds of the District, by an order under the hand and seal of the Chairman of the Quarter Sessions, for the time being. Commissioners allowance.

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## 7th Wm. IV. Chap. 58.

*AN ACT to establish the Boundary Lines in front of lots on the River Thames, in the Townships of Chatham and Camden, in the Western District.*

[Passed 4th March, 1837.]

**WHEREAS** certain inhabitants of the townships of Chatham and Camden, in the Western District, have by petition set forth, that the lots in front of the said townships have not been originally surveyed and marked out by posts in the usual manner, in consequence of which the posts or boundaries on the opposite side of the River Thames, in the townships of Harwich and Howard, have been taken and considered by the inhabitants thereof to be the governing posts or boundaries of the lots in the Preamble.

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front of the said townships of Chatham and Camden: *And whereas*, in consequence thereof, the owners and occupiers of lots in front of the said townships have made improvements on their respective lots, corresponding to the posts or boundaries of the lots on the opposite side of the River Thames, in the townships of Howard and Harwich, and it is expedient to confirm and establish the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the boundaries between the lots in the fronts of the townships of Chatham and Camden, on the River Thames, shall be ascertained and established by, and shall correspond with the posts or boundaries in front of the townships of Howard and Harwich, on the River Thames, any law, usage or custom, to the contrary notwithstanding: *Provided always*, that nothing in this Act contained shall be construed to extend the fronts of the lots situated on the River Thames, in the townships of Chatham and Camden, further than is expressed in the Patents issued for such lots.

Boundaries between lots in front of townships Chatham and Camden, to be ascertained and established, and to correspond with boundaries in front of Howard and Harwich;

Fronts of lots on River Thames, in Chatham and Camden, not to extend further than as expressed in patents for same.

Improvements made on lots in front of Chatham and Camden, to be valued by disinterested persons, and to be paid for;

Award to be made a rule of Court of King's Bench;

Improvements not to be taken possession of until paid for, or money tendered.

II. *And be it further enacted by the authority aforesaid*, That whenever an owner or occupier of any of the said lots, in front of the townships of Chatham and Camden, may have improved on any of the adjoining lots varying from the said lots in Harwich and Howard, then such improvements shall be valued by three disinterested persons, chosen by the parties concerned, in the following manner, that is to say: one disinterested person shall be chosen by each of the parties, and these two persons, so chosen, shall choose a third disinterested person, who shall meet and decide upon the value of such improvements, and the decision of a majority of such three persons shall be final; and the value of such improvements, so found as aforesaid, shall be paid by the owner of the lot upon which they have been made, to the person having made the same, within such time and in such manner as the said arbitrators shall award and direct; which said reference and award may be made a rule of His Majesty's Court of King's Bench by either of the parties interested: *Provided always, nevertheless*, that no person or persons who may become entitled to claim any improved lands, after the lines shall have been established under this Act, shall be entitled to claim or enter into the possession of the same, until he, she or they, shall have paid or tendered to the person or persons entitled to receive the same, or his or their agent, the amount which may have been awarded as the value of such improvements.

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## 56th Geo. III. Chap. 16.

*AN ACT to afford relief to persons holding or possessing lands, tenements or hereditaments, in the District of Niagara.*

[Passed 22nd March, 1816.]

**WHEREAS** many deeds, conveyances, wills, mortgages, leases and other mesne conveyances, affecting certain lands, tenements and hereditaments, within the District of Niagara, and the memorials of other deeds, conveyances, wills, mortgages, leases and other mesne conveyances, affecting other lands, tenements and hereditaments, within the said District, and also the books wherein such memorials were enregistered, pursuant to the provisions of an Act passed in the thirty-fifth year of His Majesty's reign, intituled, "An Act for the public registering of deeds, conveyances, wills and other incumbrances, which shall be made or may affect any lands, tenements and hereditaments, within this Province," were, during the late war with the United States of America, taken, burnt, lost or destroyed, to the great damage of His Majesty's liege subjects in this Province: *And whereas* it is necessary to the peace and quiet of His Majesty's said subjects, to the maintaining them on their estates, rights and possessions, and their protection against fraudulent conveyances of such lands, tenements and hereditaments, that remedy be therefore provided; may it therefore please 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 it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, from time to time, and *at any time within two years* from and after the passing of this Act, to issue one or more commission or commissions, under the Great Seal of this Province, directed to any five fit and discreet persons, which said Commissioners, or any three of them, shall have full power and authority to inquire of such deed, conveyance, will, mortgage, lease or other mesne incumbrance, affecting any lands, tenements or hereditaments, within the said District, so taken, burnt, lost or destroyed, as aforesaid, and to take and receive proof and evidence thereof, and thereupon to proceed in manner herein-after directed.

Preamble.

(See 56 Geo 3, chap. 19, sec. 9; 56 Geo 3, chap. 38; 3 Wm. 4, chap. 14.)

The Governor &amp;c. within 2 years to issue commission or commissions to any five persons to enquire of any deeds, &amp;c. affecting any lands, &amp;c. within the District of Niagara, and to receive proof thereof; [See 3 Wm. 4, chap. 14.]

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Persons possessed of any lands, &c. within said District who have lost the deed under which he, &c. shall claim and shall make oath before said Commissioners, that in such case if a memorial, &c. shall be found in the Register's office of the counties of Lincoln and Haldimand, in said District; or in the Register of the Surrogate Court thereof, the party claiming under such deed, &c. shall produce an attested copy of such memorial, &c. from the Register of the said offices respectively, to said Commissioners, the same attested copy shall cause to be transcribed in a book to be provided in manner hereinafter mentioned, and shall on such copy cause to be endorsed a certificate of such entry which with the possession of the claimant under such deed, &c. shall be good evidence of his title, until better evidence shall appear;

Any person who shall have lost the deed, &c. under which he may claim such lands, &c. whereof no record can be found in such offices as aforesaid, and make oath before said Commissioners, that the deed, &c. hath been bona fide lost, and that he has been in the actual possession of the lands claimed, for 3 years, or shall by the witnesses to such deed, &c. prove the substance thereof, the said Commissioners shall cause to be made an entry in such books as aforesaid;

II. *And be it further enacted by the authority aforesaid,* That if any person or persons who is or are possessed or seized of and in any lands, tenements or hereditaments, within the said District, who shall so as aforesaid have lost the deed, conveyance, will, mortgage, lease or other mesne conveyance, under which he, she or they, shall claim, and shall thereof make oath or affirm before the said Commissioners, or any three of them, which oath or affirmation they are hereby empowered to take and administer, that then and in such case, if a memorial, record or probate, of such deed, conveyance, will, mortgage, lease or other mesne conveyance, shall be found in the Register office of the counties of Lincoln and Haldimand, in the said District, or in the office of the Register of the Surrogate Court thereof, the party claiming under such deed, conveyance, will, mortgage, lease or other mesne conveyance, shall produce an attested copy of such memorial, record or probate, from the Register of the said offices, respectively, to the said Commissioners, which said Commissioners, the same attested copy shall cause to be transcribed, entered and recorded, in a book or books to be provided in a manner hereinafter mentioned, and shall on such copy cause to be endorsed a certificate of such entry and record; and such copy so endorsed, or the entry or record thereof so made, together with the actual possession of the party claiming under such deed, conveyance, will, mortgage, lease or other mesne conveyance, shall be held, deemed, esteemed, and taken in law, to be good evidence of title in the party claiming, until better evidence shall appear: *Provided nevertheless,* that when any person or persons shall so as aforesaid, have lost the deed, conveyance, will, mortgage, lease or other mesne conveyance, under which he, she or they, may claim any such lands, tenements or hereditaments, whereof no memorial, record or probate, can be found in such offices as aforesaid, and the party claiming, make oath or affirm, before the said Commissioners, or any three of them, which oath or affirmation, they are hereby empowered to administer and take, that the deed, conveyance, will, mortgage, lease or other mesne conveyance, under which he, she or they claim, hath been bona fide lost or destroyed, and shall by other testimony or evidence prove that he, she, his, her or their ancestor, or other person under whom he, she or they shall claim, have been in the actual undisturbed and peaceable possession of the lands, tenements or hereditaments, claimed by and for the space of three years, then next before, or shall by the witness or witnesses to such deed, conveyance, will, mortgage, lease or other mesne conveyance, or other parole or written evidence, prove the substance, matter, import and effect thereof, that then and in such case the said Commissioners, or any three of them, the said matter, evidence and proof, shall cause to be made an entry of, set down in writing and recorded in such book or books as aforesaid, the description of the lands claimed, the name of the township and county wherein situated, and the name, addition and place of abode of the party claiming the same, which said entry and record, so made by the said Commissioners, or an attested copy thereof, shall be held, deemed,

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esteemed and taken in law, as good evidence of title in the party claiming until better evidence shall appear: *Provided also*, that such entry and record, or copy thereof, shall not be taken, held or construed to extend to bar him, her or them, or the heirs of him, her or them, who at the time of making thereof had better title, but every such other person or persons, and his, her or their heirs, then living and residing within this Province, may at any time within seven years after making such entry and record, have, pursue and prosecute his, her or their title at law, notwithstanding such entry and record, which shall not be given in evidence to bar him, her or them, or the heirs of him, her or them, that at the time of making thereof had better right, and who shall pursue the same within the time aforesaid; saving also to infants, persons of non-sane memory, femmes couverts, and persons beyond the seas, or residing without this Province, the right of so pursuing and prosecuting their title at law, at any time within three years next after they shall become of full age, of sane memory, non covert, or shall come into this Province.

Such entry and record not to extend to bar him, &c. who at the time of making thereof had better title, but every person, &c. residing within this Province, may within 7 years after such entry, pursue his title at law, notwithstanding such entry shall be given in evidence to bar him, that at the time of making thereof had better right.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or any three of them, shall provide fit and sufficient books of record wherein to set down, enter and record, all proceedings had before them in the execution of the said commission; and shall have full power and authority to nominate and appoint some fit and proper person to be Clerk or Secretary of the said commission; whose duty it shall be, fully, fairly and truly, to enter, set down, transcribe and record, in such book or books as aforesaid, all proceedings of the said Commissioners, or any three of them, and the nature and effect of such written or other evidence as shall come before them; and who, before entering on such duty, shall take and subscribe the following oath. "I, A. B. do make oath and swear, that I will truly and faithfully discharge and perform the duty of Secretary to the Commissioners appointed under the authority of an Act of the Parliament of Upper Canada, intituled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments in the District of Niagara," and will make true records of all proceedings had before the said Commissioners, without partiality to any person whatever, so help me God:" and which said Clerk or Secretary, so appointed, shall have power to administer to each and every of the said Commissioners the following oath, to be by them made and subscribed, before entering on the execution of the said Commission, which oath, in the following form, shall be written in such book as aforesaid: "We A. B., C. D., E. F., G. H. and J. K., do severally make oath and swear, that we will truly and faithfully discharge and perform the duty of Commissioners, under the provisions of an Act of the Parliament of this Province, intituled, 'An Act to afford relief to persons holding or possessing lands, tenements or hereditaments, in the District of Niagara;' and will cause true records to be made of all proceedings laid before us in the execution of the said commission, without partiality, favour or affection to any person."

Commissioners to provide books of record, wherein to set down all proceedings;

Also to nominate a clerk to said commission;

Duty of said clerk;

Oath of said clerk;

Clerk to administer oath to Commissioners;

Oath of Commissioners.



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Notice to be given of the time and place of holding said commissions.

IV. *Be it further enacted by the authority aforesaid,* That no sitting of the said Commissioners, shall be held or holden, unless notice in writing of the time and place of holding the same, subscribed by one of the said Commissioners, shall first be affixed up in the Register office of the said counties; and unless the time and place of holding thereof, shall first in open Court be proclaimed at some general Quarter Sessions of the Peace for the said District, by and for the space of two months next before the sitting of the said Commission.

Power of Commissioners to cause to come before them any persons to give evidence to be set in writing;

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or any three of them, shall have full power and authority to cause to come before them, at any sitting so to be holden as aforesaid, any person or persons to give evidence on oath, touching the loss or destruction of any deed, conveyance, will, mortgage lease or other mesne conveyance, affecting any land, tenements or hereditaments, within the said District, or touching or affecting the estate, right and interest of any person or persons claiming the same; and the testimony and evidence, which shall by any such person or persons be thereof given before the said commission, the said Commissioners shall cause to be set down in writing, entered and recorded, in such book or books to be provided as aforesaid; which person or persons appearing and attending to give such evidence, shall be entitled to demand and receive, under rule or order of the said Commissioners, from the party on whose behalf they shall attend, a like allowance as is paid to witnesses attending the trial of issues in His Majesty's Court of His Bench: *Provided nevertheless,* that no such evidence or testimony affecting any lands, tenements or hereditaments, within the said District, or the estate, rights and interests, of any person therein, shall be admitted, taken, entered or recorded, by the said Commissioners in such book or books as aforesaid, unless proof be adduced to the said Commissioners, that a sufficient description in writing, mentioning and setting forth the lands, tenements or hereditaments claimed, the town, township, county or other place, wherein situated, and the name, place and abode of the person or persons claiming, shall have been affixed up in the Register office of the said counties, &c. at least 1 month before the sitting of said commission;

Money to be paid to witnesses;

No evidence, &c. affecting any lands shall be admitted as aforesaid, unless proof be advanced that a sufficient description in writing, mentioning and setting forth the lands and the description of the persons claiming, shall have been affixed up in the Register's office of said counties, &c. at least 1 month before the sitting of said commission;

For preventing frauds in conveyances, &c.

Any person who on the 1st day of June, 1815, was and still is in the lawful possession of any such land, &c. by virtue of any deed, &c.;

VI. *Be it further enacted by the authority aforesaid,* That when any person who, on the first day of June in the year of our Lord one thousand eight hundred and fifteen was now, and still is, in the lawful seizin and possession of any such lands, tenements or hereditaments, under and by

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virtue of any deed, conveyance, will, mortgage, lease or other mesne conveyance, to him, her or them made, on which is endorsed, by the Register of the said counties, that a memorial thereof was enregistered in the Register office of the said counties; then and in such case each and every such person or persons shall, during the continuance of this Act, produce and bring before such Commissioners, at their sittings, such deed, conveyance, will, mortgage, lease or other mesne conveyance; and the said Commissioners, the said endorsements, the description of the lands, tenements or hereditaments, conveyed by such deed, conveyance, will, mortgage, lease or other mesne conveyance, with the names, additions, and places of abode of the parties and witnesses thereto, shall cause to be transcribed, set down, written, entered and recorded, in such book or books as aforesaid; and shall cause to be endorsed a certificate of such entry on the same, which certificate shall be taken to be sufficient proof of the original registering of such memorial, and of the record and entry thereof by the said Commissioners; and that every sale or conveyance which shall hereafter be made of any lands, tenements or hereditaments, within the said District, shall be held, deemed, esteemed and taken to be, fraudulent and void against purchasers, for valuable consideration, from any person or persons in the actual possession of the lands, tenements or hereditaments sold, unless such certificate, so as aforesaid endorsed, shall be set down, entered and recorded, in such book or books as aforesaid, before the enregistering of a memorial of such subsequent deed or conveyance in the Register office of the said counties; *Saving, nevertheless,* the rights of infants, femmes couverts, persons of non-sane memory, and beyond the seas.

To be endorsed by the Register of said counties;

Such persons to produce such deed, &c.;

Name and additions, &c. of the witnesses and parties to be recorded;

A certificate of such entry to be endorsed;

Sales hereafter to be made of such land to be void;

Unless certified as aforesaid, endorsed, &c.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be free and lawful to and for all His Majesty's subjects, from time to time, and at all times during the sitting of the said commission, and between the times and periods thereof, to search in and examine any of the books or records of the said commission, and the entries therein made as aforesaid; and to demand and receive from the Clerk or Secretary thereof copies, transcripts and certificates, of any such entries, upon payment of such fees as in like cases are allowed and paid to Registers in the several Districts of this Province.

To be lawful for His Majesty's subjects to search the records of said Commissioners.

VIII. *And be it further enacted by the authority aforesaid,* That at the ending and finishing of the said commission, the books and records thereof, and of all proceedings had before the said Commissioners, subscribed with their names, shall by them be deposited in the Register office of the said counties, to be kept among the records thereof; and that the entry in such books or record of a certificate, made and endorsed, that a memorial of any such deed, conveyance, will, mortgage, lease or other mesne conveyance, was enregistered in the Register office of the said counties, shall be taken, held, esteemed and deemed, as full evidence of the registry

The records of all proceedings to be deposited in the Register's office of said counties.

## TITLES &amp; TRUSTS.

DISTRICT OF NIAGARA.

thereof, as if the said memorial and record thereof had not been lost or destroyed as aforesaid.

Persons who shall wilfully forswear themselves, to be subject to the same penalties as would be incurred upon conviction of wilful and corrupt perjury.

IX. *And be it further enacted by the authority aforesaid,* That in case any person who shall appear before the said Commissioners to give evidence, respecting or affecting any such claim or claims as aforesaid, shall wilfully or corruptly forswear him, her or themselves, or shall therein wilfully or corruptly make any false affirmation or declaration, he, she or they, shall incur and be subjected to the like pains and penalties as would be incurred upon conviction of wilful and corrupt perjury in any evidence given in His Majesty's Court of King's Bench in this Province, on any cause there depending.

### 3rd Wm. IV. Chap. 14.

*AN ACT to make further provision for carrying into effect, an Act passed in the fifty-sixth year of the reign of King George the Third, intituled, "An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments, in the District of Niagara."*

[Passed 13th February, 1833.]

Preamble.

[See 56 Geo. 3, chap. 16.]

**WHEREAS** an Act was passed in the fifty-sixth year of the reign of His late Majesty King George the Third, intituled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments, in the District of Niagara," by which Act, it was directed that five Commissioners should be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the purposes in the said Act set forth: *And whereas*, three of the five Commissioners, who were appointed under the authority of the said Act, have departed this life, and inasmuch as the purposes contemplated by the said Act have not yet been fully answered, and the authority to appoint Commissioners for carrying the same into effect was limited to two years after the passing thereof, it is necessary to make provision for the appointment of additional Commissioners for the purposes in the said Act 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, 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

## TITLES &amp; TRUSTS.

## CARTWRIGHT'S SURRENDER.

the said Province," and by the authority of the same, That from time to time, and at any time after the passing of this Act, and so long as it may continue necessary to afford persons holding or possessing real estate in the District of Niagara, and so much of the District of Gore as was formerly comprised within the Niagara District, the relief provided by the said Act, passed in the fifty-sixth year of the reign of His said late Majesty King George the Third, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue one or more commission or commissions, under the Great Seal of this Province, directed to any five fit and discreet persons; which said Commissioners, or any three of them, shall have full power and authority to do and execute all such things as are by the said Act authorised and directed to be done by the Commissioners to be appointed under the power given in the first clause of the said Act.

Period extended during which the Governor may appoint Commissioners for carrying into effect the provisions of 56 Geo 3, chap. 16.

### 58th Geo. III. Chap. 3.

*AN ACT to enable Robert Cartwright, Son of the late Honourable Richard Cartwright, deceased, to surrender certain Lands in the Town of Kingston, to His Majesty, His Heirs and Successors.*

[Passed 1st April, 1818.]

**WHEREAS** the Honourable Richard Cartwright, late of the town of Kingston, in the Midland District, of the Province of Upper Canada, deceased, entered into an agreement previous to his death with the Commander of His Majesty's forces in British North America, for and on the behalf of His Majesty, to surrender to His Majesty, His Heirs and Successors, for ever, in consideration of the sum of seven hundred and fifty pounds, of lawful money of Upper Canada, a certain lot or parcel of land in the said town of Kingston, being commonly known as, and described on the map of the said town of Kingston, lot number two hundred and sixty-three, containing by admeasurement, two-fifths of an acre or thereabouts, and more particularly described as follows: that is to say, commencing on the north east side of Barrack-street, nearly opposite to King-street, and at the distance of one chain from the south west side of Barrack-street, and at the southerly angle of the said lot number two hundred and sixty-three; then north, thirty-five degrees forty minutes east, two chains; then north, fifty-four degrees twenty minutes west, two chains; then south, thirty-five degrees forty minutes west, two chains, to Barrack-street; then south, fifty-four degrees twenty minutes east, two chains, more or less, to the place of beginning: *And whereas*, the said Richard Cartwright, soon after the period of making the said agreement, and previous

Preamble.

Recital: that the late Hon. R. Cartwright in his life time contracted to surrender to His Majesty, lot No. 263, in the town of Kingston, for the consideration of £750;

Death of the said R. Cartwright, before the said contract was fulfilled;

## TITLES &amp; TRUSTS.

## CARTWRIGHT'S SURRENDER.

to the surrender of the said lot, and without having received the said sum of seven hundred and fifty pounds, or any part thereof, departed this life, having first made and published his last will and testament in writing, duly executed, and attested in such manner as by law is required, and bearing date the eighteenth day of May, in the year of our Lord one thousand eight hundred and fifteen, whereby the said Richard Cartwright did give, devise and bequeath, to his son Robert Cartwright, his heirs and assigns, for ever, the said lot number two hundred and sixty-three, in the aforesaid town of Kingston; with a proviso in the said will contained, that if any one or more of his children therein named, of whom the said Robert Cartwright is one, shall die before they attain the full age of twenty-one years, then the said testator did by his said will, devise and bequeath the respective shares, or parts of the real and personal estate therein devised, of such child or children respectively so dying, unto the rest and other of his children that shall survive such as so die respectively, and to his, her or their heirs for ever, as nearly as may be in shares of equal value: *And whereas*, the said Robert Cartwright, the devisee in the said will named, is desirous of surrendering the said lot of land to His Majesty, upon the terms originally intended, but being an infant under the age of twenty-one years, is incapable of carrying into effect the aforesaid agreement: *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 said Robert Cartwright, devisee as aforesaid, to surrender to His Majesty, His Heirs and Successors, the said lot or parcel of land, the said sum of seven hundred and fifty pounds, being previously paid by way of consideration for the same, to the executors and trustees named and appointed under the will of the said Richard Cartwright, deceased; and such surrender, so to be had and made as aforesaid, shall be as good and effectual in law, to all intents and purposes whatsoever, as if the said Robert Cartwright was at the time of making the same of the full age of twenty-one years, any law, custom or usage to the contrary thereof in any wise notwithstanding.

His will—whereby the said land is devised to Robert Cartwright, his son;

Proviso;

Devisee being an infant, is incapable of fulfilling the contract;

Enabled by this Act to surrender to His Majesty, according to the contract of R. Cartwright, deceased.

To whom the consideration is to be paid;

II. *And be it further enacted by the authority aforesaid* That the sum of seven hundred and fifty pounds, the consideration money of and for the said lot or parcel of land, shall be paid at the time of the execution of the said surrender to His said Majesty, into the hands of the Honourable and Reverend John Strachan, of the town of York, in the Home District,

## TITLES &amp; TRUSTS.

CATHOLIC CONGREGATION (YORK.)

Doctor in Divinity, and Alexander Thomas Dobbs, of the town of Kingston, in the Midland District, Esquire, as executors and trustees named and appointed in the said will of the said Richard Cartwright, deceased; and to be by them laid out at interest to and for the use and benefit of the said Robert Cartwright, devisee as aforesaid, and to be payable to the said Robert Cartwright when he shall attain the age of twenty-one years, and in case of his death, previous to his attaining that age, then the same shall go and be paid unto the rest and other of the children of the said Richard Cartwright, deceased, that shall survive him, the said Robert Cartwright, and to his, her or their heirs, for ever, as nearly as may be in shares of equal value, in the same manner as the real and personal estate, by the said will devised and bequeathed to the said Robert Cartwright, is limited, in the event of his so dying, by the proviso of the said will herein-before recited.

How to be disposed of.

## 2nd Geo. IV. Chap. 29. (1821.)

*AN ACT to empower certain Trustees therein mentioned, to sell and convey a certain Lot of Land in the Town of York, and to purchase another Lot or Tract of Land for the use and accommodation of a Roman Catholic Congregation.*

[Passed 14th April, 1821.]

**WHEREAS** by Letters Patent under the Great Seal of this Province, bearing date the twenty-fifth day of March, one thousand eight hundred and six, a certain lot of land in the town of York, in the Home District, described as lot No. six, on the corner of George and Duke streets, containing about one acre of land, was granted to the Hon. James Baby, the Rev. Alexander McDonell and John Small, Esq. in trust for the use and accommodation of a Roman Catholic congregation, in the said town of York, and its vicinity: *And whereas*, it hath been represented by the said trustees, that the said lot of land is insufficient and inconvenient for the use and purposes intended by the said grant: *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

Preamble.

## TITLES &amp; TRUSTS.

## TRUSTEES, WEEKES' WILL.

Trustees of a certain lot of land in York, to the use of a Roman Catholic congregation, allowed to sell the same.

and by the authority of the same, That the said trustees be empowered and authorised, and they, or any two or more of them, are hereby empowered and authorised, by deed of conveyance under their hands and seals, to grant, bargain, sell and convey, in fee simple, the aforesaid lot of land, described as lot No. six, on the corner of George and Duke streets, in the town of York aforesaid, with its appurtenances, unto such person or persons as may be disposed to purchase the same.

And to purchase other land in York, in trust for the same purpose.

II. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, or any two or more of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the lot of land aforesaid, in the purchase of such other lot or tract of land in or near the town of York aforesaid, as they the said trustees shall in their discretion deem to be proper and convenient, for the use and accommodation of a Roman Catholic congregation, in the said town of York, and its vicinity; and the said trustees, or any two or more of them, are hereby empowered and required to receive and take a conveyance of the land, so to be by them purchased as aforesaid, with the money as aforesaid in trust for the use and purposes aforesaid, and with succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the use and purposes aforesaid, according to the true intent and meaning of the Letters Patent herein-before mentioned.

## 2nd Geo. IV. Chap. 22. (1822.)

*AN ACT to appoint Trustees to the Will of William Weekes, late of York, Esquire, deceased, to carry into effect the provisions thereof.*

[Passed 17th January, 1822.]

Preamble.

**WHEREAS** William Weekes, late of the town of York, in the Home District, and Province of Upper Canada, Esquire, deceased, in and by his last will and testament, in writing, bearing date the tenth day of October, one thousand eight hundred and six, after a devise therein made of certain lands in the township of Norwich, and a bequest of fifty pounds to one George Alps, in the said will named; "did give and devise unto Charles "B. Wyatt, Esquire, and John McKay, Gentleman, and to their heirs for "ever, all other the estates, real and personal, of what nature and kind "soever, in Upper Canada, in trust, to dispose of the same, and out of the "moneys arising from the sale thereof, to pay all his just debts, of what "nature and kind soever, and the residue of the moneys arising from such "sale or sales, to lay out in erecting and building the foundation of an "Academy in York, in such situation as they the said trustees might deem

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## TRUSTEES, WEEKES' WILL.

“most eligible for an Academy for the education of youth;” and, by the said will, did appoint the said Charles B. Wyatt and John McKay, the executors thereof: *And whereas*, the said William Weekes departed this life soon after making the said will, and the said executors proved the same in the Court of Probate of this Province, and took upon themselves the burthen and execution thereof, and did pay and satisfy all the principal debts of the said testator: *And whereas*, the said John McKay departed this life on or about the fourth day of June, in the year of our Lord one thousand eight hundred and twelve, whereby the said Charles B. Wyatt became the sole executor and trustee of the said will: *And whereas*, the said Charles B. Wyatt, some time in the year one thousand eight hundred and seven, left this Province for England, where he has ever since resided, and hath neglected to proceed in the execution of the said will, and the trusts therein expressed, by reason whereof, the laudable intentions of the said testator have hitherto been greatly obstructed, to the manifest loss of the youth of this Province: *And whereas*, a very considerable residue of the real estate of the said William Weekes, in this Province, still remains vested in the said Charles B. Wyatt, subject to the payment of a small residue of the debts of the said William Weekes, and to the trust aforesaid, for the erection of an Academy in York, as aforesaid; and it is desirable that the residue of such estates, now remaining in the said Charles B. Wyatt, be vested in other trustees, to and for the uses of the said will of the said William Weekes: *Be it therefore enacted* by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America,’ and to make further provision for the Government of the said Province,” and by the authority of the same, That from and after the passing of this Act, all the residue of estates, real and personal, now vested by the said will in the said Charles B. Wyatt, shall henceforth vest in the Rev. John Strachan, Doctor of Divinity, John Beverly Robinson, Esquire, and Henry John Boulton, Esquire, and their heirs, in trust to dispose of the same, and out of the moneys arising from the sale thereof, to pay all remaining just debts unpaid; and the residue of moneys arising from such sale or sales, to lay out in erecting and building the foundation of an Academy in York, in such situation as they the trustees, appointed under and by virtue of this Act, shall deem most eligible for such Academy.

Trustees appointed to carry into effect the trusts of the will of the late William Weekes, Esq.



## TITLES &amp; TRUSTS.

KINGSTON CHURCH, AND PRESBYTERIAN CONGREGATION. (YORK.)

## 4th Geo. IV. Chap. 31.

*AN ACT to authorise the Minister and Church Wardens of Saint George's Church, Kingston, to Surrender certain Lands therein mentioned.*

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS by Letters Patent under the Great Seal of this Province, bearing date the eleventh day of March, in the year of our Lord one thousand eight hundred and five, lots Nos. one hundred and twenty-two, and one hundred and thirty-nine, in the town of Kingston, and Midland District, described as containing two-fifths of an acre of land, were granted to the Rev. John Stuart, Minister, and Jermyn Patrick, and Richard Robison, Church-wardens of Saint George's Church, Kingston, their heirs and assignees, for ever, in trust, for the purpose of building a Parsonage house for the accommodation of the officiating clergyman for the time being: *And whereas*, it appears from the representation of the present Minister and Church-wardens of the said Church, that the said grant does not answer the purposes for which it was intended: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Minister and Church-wardens, for the time being, of the said church, to surrender the said grant into the hands of His Majesty, His Heirs and Successors.

Minister and church wardens of St. George's Church Kingston, authorised to surrender a certain grant of land in Kingston.

## 4th Geo. IV. Chap. 34. (1824.)

*AN ACT to enable the Presbyterian Congregation of York to purchase one or more parcels of ground, sufficient for the erection of a Church and Burying-ground.*

[Passed 19th January, 1824.]

Preamble.

**W**HEREAS Jesse Ketchum, William Stevenson, Peter McPhail, Harvey Shepard and John Ross, on behalf of themselves and others, members of the Presbyterian Congregation resident in the town of York, have by petition requested a Legislative authority to enable the petitioners as trus-

## TITLES &amp; TRUSTS.

PRESBYTERIAN CONGREGATION. (MARKHAM AND VAUGHAN.)

tees in this behalf, and the trustees hereafter to be chosen annually by the said congregation for the same purpose, to purchase one or more convenient parcel or parcels of ground in the said town and township of York, and to hold the same in perpetuity, for the erection of a place of worship, with other necessary buildings and a burying-ground: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Jesse Ketchum, William Stevenson, Peter McPhail, Harvey Shepard and John Ross, or any two or more of them as such trustees, and their successors in office, annually to be chosen by the said congregation in all times hereafter according to their present mode of vote by the pew-holders, for the time being, to purchase, have, hold, receive and take, a conveyance of any such convenient parcel or parcels of ground in the said town and township of York, not exceeding three acres in the whole, as they may be enabled to contract for, for the purposes aforesaid; and that it shall and may be lawful for the said trustees, so purchasing such parcel or parcels of ground, and their successors as aforesaid, to have and to hold the same, to and for the uses and purposes aforesaid, in perpetuity for ever.

Certain persons therein named as trustees for the Presbyterian congregation, to purchase lands in trust.

II. And in order to prevent the failure of such estate in succession, *be it further enacted by the authority aforesaid*, That the trustees, for the time being, and their heirs, shall continue to be the trustees for the purposes of this Act, till the new election of others as herein-before mentioned, notwithstanding the expiration of the year for which such trustees, for the time being, may have been chosen.

Trustees how to be chosen and appointed.

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### 4th Geo. IV. Chap. 37.

*AN ACT to authorise James Miles to convey to Trustees a Lot of Land, for the purposes therein mentioned.*

[Passed 19th January, 1824.]

**W**HEREAS James Miles, of Vaughan, in the Home District, Esq. hath, by petition, requested Legislative authority to dispose of lot number forty-six, in the first concession of the said township of Vaughan, containing

Preamble.

## TITLES &amp; TRUSTS.

## BURIAL GROUND. (YORK.)

two hundred and ten acres, for religious and charitable purposes, to Mercy Miles and Robert Marsh, and the elders, for the time being, of the Presbyterian congregation of the townships of Vaughan and Markham, having a church or place of worship erected on the said lot of land, as trustees in this behalf, and to the elders of the said congregation, to be hereafter annually appointed for the same purpose, and to hold the same in perpetuity for the erection of a place of worship, and other necessary buildings, and for such other purposes as in and by the said conveyance shall be declared of and concerning the said lot: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Mercy Miles and Robert Marsh, as such trustees, and the elders of the said Presbyterian congregation, for the time being, and their successors in office, to be annually appointed according to their present mode, to purchase, and for the said James Miles to convey the said lot of land hereinbefore mentioned, and to have, hold, receive and take, a conveyance of the same, for the purposes aforesaid, and to, for and upon, such other purposes, uses and trusts, as shall by any conveyance or conveyances, to be executed and passed between the said parties, be declared of and concerning the same, to have and to hold the same, to and for such uses and purposes, to the said Mercy Miles and Robert Marsh, and the elders, for the time being, of the said Presbyterian congregation of the townships of Vaughan and Markham, and to their successors in the said office of elders of the said congregation, so to be annually appointed, in perpetuity for ever.

J. Miles, Esquire, authorised to convey certain lands to the persons in trust, for the Presbyterian congregation of Vaughan, and to hold in perpetuity.

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## 7th Geo. IV. Chap. 21.

*AN ACT to authorise certain persons therein named, and their Successors, to hold certain Lands for the purpose therein mentioned.*

[Passed 30th January, 1826.]

Preamble.

**WHEREAS** Thomas Carfrae, the younger, Peter McPhail, and other inhabitants of the town of York, have, by their petition set forth, that owing to the influx of the inhabitants of the town of York, and the small

## TITLES &amp; TRUSTS.

## BURIAL GROUND. (YORK.)

portions of ground hitherto allotted for the purpose of cemeteries, it has become desirable that a plot be obtained for the purpose of a general burying ground, as well for strangers as for the inhabitants of the town, of whatever sect or denomination they may be, that several meetings of the inhabitants of the said town have been held, in order to fix upon some plan to obtain the required land for that purpose, and that arrangements have been made for purchasing and enclosing, by means of a private subscription, a tract of six acres of land in the vicinity of the town of York: *And whereas*, it is prayed by the said petition, that Peter Patterson, John Ewart, Thomas Carfrae, the younger, Thomas David Morrison and Thomas Helliwell, who have been nominated by the subscribers as trustees, may be enabled to hold to them and their successors, in a corporate capacity, the six acres of land which shall be purchased for the purpose aforesaid; and that power be given to make such rules and regulations as may be necessary respecting the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Peter Patterson, John Ewart, Thomas Carfrae, the younger, Thomas David Morrison and Thomas Helliwell, to purchase, have, hold, receive and take, a conveyance of any such convenient parcel or tract of land in the said township of York, not exceeding six acres in the whole, as they may be enabled to contract for, for the purpose aforesaid; and that it shall and may be lawful for the said trustees, so purchasing such parcel or tract of land, and their successors, to be appointed as hereinafter mentioned, to have and to hold the same, to and for the use and purpose aforesaid, in perpetuity for ever.

Certain persons empowered to take as trustees to them and their successors, a conveyance of land for the purpose of a burying ground.

II. And in order to prevent the failure of such estate in succession, *be it therefore further enacted*, That whenever it shall happen that more than two of the trustees herein named shall die, or shall become resident abroad, or become incapable of acting in the said trust, it shall be in the power of the inhabitant householders of the town of York, upon notice thereof being given in the Government Gazette, at least thirty days before such meeting, by the remaining trustee or trustees, to elect, at a meeting to be held on the first Monday in the month of January, by the vote of the majority of such householders, the requisite number of trustees from among the inhabitant householders of the said town of York, to complete the number of five trustees; and that immediately upon such election the six acres of land, so to be purchased as aforesaid, shall become legally vested in such trustees.

How succeeding trustees to be chosen.

## TITLES &amp; TRUSTS.

SCHOOL HOUSE. (KINGSTON.)

Trustees may make rules,  
not repugnant, &c.

III. *And be it further enacted by the authority aforesaid*, That the trustees, for the time being, for the purposes of this Act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this Province, as may be necessary for the due management of the said land, for the purpose aforesaid.

## 8th Geo. IV. Chap. 21.

*AN ACT to authorise James Atkinson to convey to Trustees a Lot of Land, for purposes therein mentioned.*

[Passed 17th February, 1827.]

Preamble.

**WHEREAS** James Atkinson, of the town of Kingston, in the township of Kingston, in the Midland District, Esquire, hath, by petition, requested Legislative authority to convey a certain piece or parcel of land adjoining the village of Waterloo, in the said Midland District, being part of lot number sixteen, in the third concession of the said township of Kingston, containing one-fifth of an acre, upon which a brick school house has been erected, to trustees, for the purpose of having a school taught in the said building: *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 Government of the Province of 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 James Atkinson, to convey the said parcel of land, by metes and bounds, for the purpose of having a school taught in such building, to such person or persons as he may think proper; which person or persons, and their successors, to be appointed in such manner as may be provided in any such deed, shall have power and capacity to hold the said estate for the purposes aforesaid, any law or statute to the contrary notwithstanding: *Provided nevertheless*, that such person or persons, and their successors as aforesaid, as well as the master and teachers employed in such school as aforesaid, shall be British subjects.

James Atkinson, Esquire,  
empowered to convey  
certain real estate in the  
township of Kingston, to  
trustees, in perpetual  
succession, for the pur-  
pose of a school;Trustees to be British  
subjects.

CHAP.

TITLES &amp; TRUSTS.

SCHOOL HOUSE, (LONGUEIL); AND FREE CHURCH, (DUNDAS.)

## 8th Geo. IV. Chap. 22.

*AN ACT to authorise the Rev. John McLaurin to convey to the Ottawa District School Trustees a Lot of Land, for the purposes therein mentioned.*

[Passed 17th February, 1827.]

**WHEREAS** the Reverend John M'Laurin, of the township of Longueil, in the Ottawa District, hath, by his petition, prayed to be authorised by law, to convey a certain piece of land in the said township of Longueil, whereon a stone school house is erected, to the trustees of the District school of the said Ottawa District, and their successors, for the use of the said District school for ever: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said John M'Laurin, by deed, under his hand and seal, to convey the said piece or parcel of land, to be described by metes and bounds, and to contain not more than one acre, to the trustees of the District school of the Ottawa District, and their successors, to be held by the said trustees, and their successors, to and for the use of the said District school for ever.

Preamble.

Rev. John M'Laurin, empowered to convey certain real estate to the trustees for the time being of the District school, for the District of Ottawa.

## 10th Geo. IV. Chap. 17.

*AN ACT to incorporate certain persons for the purpose of holding Lands for a Free Church in Dundas, in the District of Gore.*

[Passed 20th March, 1829.]

**WHEREAS** David Oliphant, John Lesslie, John Ross, William Binkley, John Gamble, and others, on behalf of themselves and others, inhabitants of the village of Dundas, have by petition set forth, that they the subscribers to such petition have erected a place of public worship, free for all denominations of christians, on part of lot number seventeen, in the first concession of the township of Flamborough West, in the county of

Preamble.

## TITLES &amp; TRUSTS.

FREE CHURCH, (DUNDAS.)

Halton, and District of Gore : *And whereas*, the said petitioners are desirous of obtaining an Act of incorporation, to the effect that the said piece or parcel of land on which said Free Church is erected, purchased by them from Edward Lesslie, one of the petitioners, and containing one acre of land, or thereabouts, may be conveyed to Manuel Overfield, Esq. John Paterson, David Oliphant and Thomas Hilton, and their successors in office, in trust, for the purposes of the said Free Church, and a public burial ground : *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Manuel Overfield, Esquire, John Paterson, David Oliphant, and Thomas Hilton, to have, hold, receive and take, a conveyance of the said piece or parcel of ground already purchased, or which may be hereafter contracted for, not exceeding in the whole five acres, for the purposes aforesaid; and that it shall and may be lawful for the said trustees, and their successors, to be appointed as hereinafter mentioned, to have and to hold the same for the purposes aforesaid, in perpetuity forever.

Certain persons empowered to hold land (not exceeding five acres) for the purposes of a place of worship, common to all denominations of christians.

Provision for succession of trustees.

II. And in order to prevent the failure of such estate in succession: *Be it therefore further enacted by the authority aforesaid*, That whenever it shall happen that more than two of the trustees herein named shall die, or shall become resident abroad, or become incapable of acting in the said trust, it shall be in the power of the inhabitant house-holders of the said village of Dundas, upon public notice being put up on the door of the church before-mentioned, at least thirty days before such meeting, by the remaining trustee or trustees, to elect, at a meeting to be held on the first Monday in the month of January, by the vote of the majority of such house-holders, the requisite number of trustees, from among the inhabitant house-holders of the village or town of Dundas, to complete the number of five trustees; and that immediately upon such election, the five acres of land so purchased, or to be purchased as aforesaid, shall become legally vested in such trustees.

Trustees may make regulations respecting the land.

III. *And be it further enacted by the authority aforesaid*, That the trustees, for the time being, for the purposes of this Act, shall have power at all times hereafter, to make such rules and regulations, not repugnant to the laws of this Province, as may be necessary for the due management of the said land for the purposes aforesaid.

TITLES &amp; TRUSTS.

METHODIST EPISCOPAL CHURCH, (YORK.)

## 10th Geo. IV. Chap. 18.

*AN ACT to enable the Trustees of the Methodist Episcopal Church, in York, to exchange certain Real Estate, now holden by them, for other Real Estate in or near the said Town of York.*

[Passed 20th March, 1829.]

**W**HEREAS Thomas Stoyell, William Poyntz Patrick, John Doel, Matthew Walton and James Rogers Armstrong, trustees to the Methodist Episcopal Church in York, and others, official members signing in behalf of said church, have by their petition set forth, that the ground on which the chapel belonging to the Methodist Society in York, aforesaid, stands, is too small for the purposes and conveniences of the said church, and pray that the afore-mentioned trustees may be allowed to dispose of the said chapel and ground, should an opportunity be afforded them, and apply the proceeds thereof towards the purchasing of such other land and premises as may be suitable for the conveniences of the said church, and for the purposes for which the present land and premises are now by them holden: *And whereas*, it is desirable and proper that such relief, by law, should be granted as to enable the said trustees, or a majority of them, or their successors in office, nominated and appointed according to the rules and regulations of the said church, to sell and dispose of said land and premises, and purchase such other as may be suitable, not exceeding the quantity limited by law for such 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That at any time after the passing of this Act, the said trustees, or their successors in office, or a majority of them, shall have full power and authority, and are hereby empowered and authorised by deed of conveyance, under their hands and seals, to grant, bargain, sell and convey, in fee simple, the ground on which the Methodist chapel now stands, in York aforesaid, and the appurtenances appertaining thereto, which ground and premises is described in the deed of trust, now held by the petitioning trustees, as follows, that is to say: being about the one-sixth of an acre, and composed of part of lot number three, on the south side of King's street, in that part of the said town of York, called the "new town," which is bounded, or may be known as follows, that is to say: commencing at a post four chains and seven links from the north-east angle of lot number two, on the south side of King's street,

Preamble.

Certain trustees of the Methodist Episcopal Church in York, empowered to convey away certain land in York.



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then south sixteen degrees east, one hundred and thirty-two feet; then south seventy-four degrees west, fifty-two feet and a half; then north sixteen degrees west, one hundred and thirty-two feet; then north seventy-four degrees east, fifty-two feet and a half, to the place of beginning, to such person or persons as may be disposed to purchase the same.

And to invest the moneys arising from the sale thereof, in the purchase of other lands for the use of the said church;

May accept deed of such lands to be purchased, upon the trusts to be therein declared;

No one congregation to be allowed to hold more than five acres under this Act.

II. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the above mentioned land and premises, in the purchase of such other lot or tract of land, in or near the town of York aforesaid, and for the erection of a chapel or meeting house thereon, as well as such other buildings as may be required for the residence of a Minister, and his necessary purposes in such capacity, and for the necessary conveniences of the congregation which may attend such chapel or meeting house, as they, the said trustees, shall in their discretion deem to be proper and convenient for the use and accommodation of the methodist congregation in York aforesaid, and its vicinity; and the said trustees, or their successors in office, or a majority of them, are hereby empowered to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money as aforesaid, and such further sum as may be required for that purpose, in trust, for the use and purposes aforesaid, and with such succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the uses and purposes aforesaid: *Provided always,* that nothing in this Act contained shall extend, or be construed to extend, to allow the said trustees, or their successors in office, or a majority of them, to hold for the use and accommodation of any one congregation, a greater quantity of land than five acres.

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## 1st Wm. IV. Chap. 26.

*AN ACT for vesting the estates which were of the late Laurent Quetton Saint George, deceased, in this Province, in William Warren Baldwin, and for declaring the trusts upon which certain other estates are held by the said William Warren Baldwin, for the purpose of enabling the said William Warren Baldwin the better to carry into effect the Will of the said Laurent Quetton Saint George, and for other purposes relating to the real and personal estates which were of the said Laurent Quetton Saint George, in this Province.*

[Passed 16th March, 1831.]

Preamble.

**WHEREAS** Laurent Quetton Saint George, formerly a Lieutenant Colonel in the service of His Majesty, the then French King, and Chevalier

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of the Royal and Military Order of Saint Louis, did, some time in the years one thousand seven hundred and ninety-seven or eight, come into this Province as a French loyalist emigrant: *And whereas* the said Laurent Quetton Saint George, during his residence in this Province, did become seized and possessed of divers estates, real and personal, as well by virtue of certain grants from His late Majesty King George the Third, made to the said Laurent Quetton Saint George, as such French loyalist, as by purchase: *And whereas* the said Laurent Quetton Saint George afterwards returned to France, having first made and executed certain letters of attorney, bearing date the sixteenth day of May, in the year of our Lord one thousand eight hundred and fifteen, whereby he, the said Laurent Quetton Saint George, made, constituted and appointed, William Warren Baldwin, of York, in the County of York, in this Province, Esq. his trustee and lawful attorney, for him, and in his name, among other things, to enter into and upon and take possession of all and singular the messuages, farms, lands, tenements and hereditaments, freehold and leasehold whatsoever, to the said Laurent Quetton Saint George belonging or in any wise appertaining, or wherein or whereof the said Laurent Quetton Saint George had any estate or inheritance, and to make sale of and convey, either in fee simple or other less estate, for the best price that could be obtained for the same, certain lands and premises, part of the estate of the said Laurent Quetton Saint George, in the said letters of attorney particularly mentioned, and the moneys arising from such sale or sales to lay out, invest, remit and pay over, to and for the use of the said Laurent Quetton Saint George, in such manner and form, and to such persons, as the said Laurent Quetton Saint George should or might, by letter or otherwise, direct or appoint, and to sign and execute, and as the act and deed, and acts and deeds of the said Laurent Quetton Saint George, to deliver any deed or deeds, conveyances and assurances whatsoever, for conveying, either by way of absolute sale or in leasehold estates, the therein aforesaid lots of land, with their appurtenances; and view, search and examine, the condition and defects of reparation of all the said estates of the said Laurent Quetton Saint George, and to give directions for repairing the same; and generally to oversee, set, let and manage the said estates, of the said Laurent Quetton Saint George, to the best advantage; *and also* to contract with any person and persons for leasing any of the said premises, and to accept of surrenders of leases, and for that purpose to make, seal, deliver and execute, any lease or leases, demises, grants or other lawful deed or instrument whatsoever, which should be necessary and proper in that behalf; *and also* to sue for, receive and recover, all manner of debts, dues, duties, rents, sum and sums of money whatsoever, due or to grow due to the said Laurent Quetton Saint George, in respect of the premises aforesaid, and on non-payment thereof to enter into and distrain, and the distress and distresses found to detain and keep, or otherwise dispose of according to law; *and also*, for and in the name of the said Laurent Quetton Saint George, to commence and

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prosecute any action or actions, suit or suits, as well real as personal *and* mixed, for the recovery of any debt by bond, bill or promissory note, book account, or of any matter or thing whatsoever due or payable, or to become due or payable, or coming unto, or in any wise belonging or appertaining to the said Laurent Quetton Saint George; and the same action or actions, suit or suits, to prosecute and follow, or else to discontinue or to become non-suit therein if the said William Warren Baldwin should see cause; *and also*, for him the said Laurent Quetton Saint George, and in his name generally, to use and take all such lawful ways and means for the recovering, receiving, obtaining getting in and securing, any rent, sum and sums of money, and other things whatsoever, which were or should, or might be due, owing, belonging or payable, to the said Laurent Quetton Saint George, by or from any person or persons whomsoever, as fully and effectually as the said Laurent Quetton Saint George might do if he were personally present; *and also*, for the said Laurent Quetton Saint George, and in his name, to accept and receive any deed or deeds of mortgage, either in fee or for term of years, as security for any of the aforesaid debts that the attorney might think advisable should be secured; and for the said Laurent Quetton Saint George, his executors, administrators and assigns, in such deeds of mortgage to covenant and agree, upon payment of the sum and sums secured thereon, to re-convey the lands and premises mentioned in such mortgage to the mortgager, his heirs, executors, administrators and assigns, according to the true intent and meaning of the securities: *And whereas* the said Laurent Quetton Saint George afterwards, by his certain other letter of attorney, bearing date the fourth day of December, in the year of our Lord one thousand eight hundred and eighteen, after reciting that the said Laurent Quetton Saint George had given the before-mentioned power of attorney to the said William Warren Baldwin, to act as his attorney in every thing concerning his affairs, and during the absence of him, the said Laurent Quetton Saint George, as if it was himself, and that he, the said Laurent Quetton Saint George, had full confidence in the said William Warren Baldwin, and that by the said power he, the said Laurent Quetton Saint George, had restrained him, the said William Warren Baldwin, to the sale only of certain lots of land, did authorise and give full power to the said William Warren Baldwin to sell or lease any lot or lots of land of him, the said Laurent Quetton Saint George, in whatsoever part of the Province they might be, and to execute any deed or deeds to that effect as if it was himself, the said Laurent Quetton Saint George, and to turn the money or moneys arising therefrom according to the orders of the said Laurent Quetton Saint George by letter or letters: *And whereas* the said Laurent Quetton Saint George, after his said return to France, that is to say, on the eighth day of June, in the year of our Lord one thousand eight hundred and twenty-one, did depart this life, at the city of Orleans, in France, leaving Adele de Barbeyrac de Saint Maurice, his widow, and Henry Joseph Charles Quetton de Saint George, his only child, legitimate

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heir surviving, and being at the time of his death seized and possessed of divers estates in this Province, real and personal, acquired as aforesaid, and having made his last will and testament in writing, in the French language, which said will and testament has been, since the death of the said Laurent Quetton Saint George, proved and authenticated in France, according to the laws of that Kingdom, and in this Province in the Court of Probate, according to the laws and customs thereof, and administration thereof granted and committed to the said William Warren Baldwin by the said Court of Probate, a translation of which said last will and testament into the English language follows in these words, that is to say:—

“I, the undersigned Laurent Quetton de Saint George, formerly Lieutenant Colonel Chevalier of the Royal and Military Order of Saint Louis, dwelling and inhabiting at Montpellier, desiring to use the power granted me by the law, have made my testament, and the disposition of my last will as follows:—By my marriage contract with Madame Adele de Barbeyrac de Saint Maurice, I have made to my said wife such endowments as will assure to her after my decease a respectable support; nevertheless wishing to give her a new testimony of my esteem, and of my affection, I further give and bequeath to her the possession of all the lands, vineyards, &c. &c. which I have bought since our marriage, or which I may buy, and which are or shall be united to the domain of L. Engarau; I give and bequeath to Marie Antoinette Q. Aures, who passes for my neice, a boarder at St. Germain en Laye, at the house of the ladies de St. Thomas, the sum of fifty thousand francs, to be paid to her, twenty-five thousand on the day of her marriage, and the other twenty-five thousand one year afterwards; in case that she should not marry the fifty thousand francs shall not be paid to her, but I assure her an annuity for life of two thousand francs per annum, which my heirs shall pay to her every six months by half and in advance; I have but an only son, Henry Charles Joseph Quetton de Saint George, he shall be my sole heir, but in case that on the day of my decease there be any other, or several other children, issue of my marriage with the same lady Adele de Barbeyrac, I give and bequeath by preciput, and exclusively to my son above named, the fourth of all the property which I shall leave, first deducting the gifts and legacies; if my son, and the other children which may be born of our marriage, have the misfortune to be deprived of their father before they attain the age of their majority, their mother shall be their tutrix, and will preserve for them, I do not doubt, a fortune which I have so laboriously acquired; I desire that the council of the family name to them as under tutor, Monsieur Noel Quetton, merchant, my brother, whose friendship and good advice cannot but be useful; I revoke and annul all other testaments prior to the present, especially that which I made at York, on the thirteenth of May, one thousand eight hundred and fifteen, signed by me, and by D’Arcy Boulton, junior, D. McArthur and Ambrose D’Farcy, witnesses: I have made such disposition as appeared most proper to realize and recover the property which I possess in Canada, Monsieur William War-

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ren Baldwin, Member of the Parliament of the Province, my intimate friend, living at York, has always well assisted me, and has promised me to continue his good offices and his care, even after my decease, for the success of this design: I wish and intend expressly that my children and their mother content themselves with receiving what shall be remitted or sent to them by him, and that they be entirely satisfied with his declaration as to the state and condition of the said property, excusing him from all other accounts and all responsibility, my confidence in Monsieur William Warren Baldwin is, and always will be, without bounds; it is fully justified as well by the knowledge which I have acquired by his frank and honest character, of his exact and rigorous probity, and of the delicacy of his sentiments, as by the tender friendship he has shewn to me, and of which he has given me so many proofs in all circumstances, that I cannot find expressions sufficient to testify to him the lively gratitude with which my heart is penetrated to him. This is my testament olographe, made in two originals, entirely written, dated and signed with my hand, of which the one to be placed in trust with my wife, and the other with Monsieur Anduze, notary, at Montpellier, my friend; made at Montpellier, the fifteenth of February, one thousand eight hundred and twenty-one."

(Signed)

"QUETTON ST. GEORGE."

*And whereas*, after the death of the said Laurent Quetton Saint George, that is to say, on the eleventh day of June, in the year of our Lord one thousand eight hundred and twenty-one, at Montpellier in France, aforesaid, the said Adele Barbeyrac de Saint Maurice, widow of the said Laurent Quetton Saint George, and tutrix of the said Henry Charles Joseph Quetton de Saint George, then and still being an infant under the age of twenty-one years, by her certain letter of attorney, bearing date the same day, made and appointed the said William Warren Baldwin her attorney, general and special, in all matters concerning the estates, real and personal, whereof the said Laurent Quetton Saint George died, seized, possessed or entitled to, and in and by the said letter of attorney declared that she had in said William Warren Baldwin, a confidence as unlimited as that which her said late husband had always testified for him: *And whereas*, the said Laurent Quetton Saint George was an alien, born out of the dominions of His Majesty, that is to say, in France aforesaid: *And whereas*, the said Henry Charles Joseph Quetton de Saint George was also born out of the said dominions, that is to say, in France, aforesaid; and notwithstanding the provisions of the Provincial and Imperial Naturalization Acts, doubts may be raised by some whether the said land, and estate real, whereof the said Laurent Quetton Saint George died, seized and possessed, are not liable to forfeiture and escheat: *And whereas*, His Excellency the Lieutenant Governor has been pleased by message to signify His Majesty's royal pleasure, graciously to forego any and every such rights of forfeiture or escheat: *And whereas*, it is desirable that the said lands and real estates, whereof the said Laurent Quetton Saint George died, seized and possessed as aforesaid, should be vested in a

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trustee, so that the same may be sold and disposed of, and the proceeds thereof, applied to the uses, intents and purposes, expressed in the said will of the said Laurent Quetton Saint George: *And whereas*, it is desirable that the same should be vested in the said William Warren Baldwin, according to the desire of the said Laurent Quetton Saint George, and the trust and confidence expressed in his said last will, and that the said William Warren Baldwin should be enabled effectually to proceed in the settlement of the affairs, estates, rights and credits, which were of the said Laurent Quetton Saint George, according to the said will: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all and singular the lands, tenements and hereditaments, mentioned and enumerated in the schedule to this Act annexed, marked A., and which were held, or deemed to have been held, by the said Laurent Quetton Saint George, at the time of his death, shall be, and the same are hereby vested in the said William Warren Baldwin, his heirs, executors, administrators and assigns, to have and to hold the same, with the appurtenances, to the use of the said William Warren Baldwin, his heirs, executors, administrators and assigns, in the like estate as the same were or would have been had and held by the said Laurent Quetton Saint George, had he been a natural born subject of His Majesty, upon trust, nevertheless, to hold, sell, exchange, dispose of absolutely and convey the same from time to time, and together, or in parcels, as the said William Warren Baldwin, his heirs, executors or administrators, the trustee or trustees for the time being, may think fit, and to receive and take the proceeds of such sale, and to pay and expend the same to and for the uses, intents and purposes, expressed in the said will of the said Laurent Quetton Saint George: *Provided always*, that nothing in this Act contained shall be held to acquit or discharge the said William Warren Baldwin, his heirs, executors or administrators, or any trustee or trustees under the authority of this Act, from any malversation, malfeasance or misfeasance, in the management of the said estates, rights and credits, which were of the said Laurent Quetton Saint George, whereby the said Henry Charles Joseph Quetton Saint George, or any other person or persons rightfully claiming under the will of the said Laurent Quetton Saint George, have been or shall or may be damnified or injured; but that the said William Warren Baldwin, his heirs, executors and administrators, and all trustees under this Act shall, notwithstanding this Act, be held answerable and accountable in His Majesty's Courts of Law and

The lands mentioned in the Schedule marked A. vested in W. W. Baldwin, Esquire;

Upon trust to sell the same.

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Equity in this Province, in like manner as other trustees, agents and executors, are or shall be held answerable and accountable.

W. W. Baldwin to collect debts.

II. *And be it further enacted by the authority aforesaid,* That the said William Warren Baldwin, shall and may proceed in the recovery of all debts which now remain due to him, the said William Warren Baldwin, as executor of the said Laurent Quetton Saint George, in the like manner and by the same remedies as debts between subject and subject in this Province may be prosecuted and recovered in law or equity; and upon settlement and compromise of such debts, he, the said William Warren Baldwin, his heirs, executors or administrators, trustee or trustees for the time being, may accept and take land or other real estate or security, as to him or them may seem advisable, and such land or other real estate to hold and sell again, exchange, dispose of absolutely, or convey from time to time, and together or in parcels, and for such price or prices as the said William Warren Baldwin, his heirs, executors or administrators, may think fit, and to receive and take the proceeds of such sale and sales, to and for the uses and intents and purposes expressed in the will of the said Laurent Quetton Saint George: *Provided always,* that all conveyances of such land made to the said William Warren Baldwin, or his heirs, shall express that the same are made under the authority of this Act; and that the said lands or other real estate or security are to be held in trust, to hold and sell again, exchange, dispose of absolutely, and convey the same from time to time, and together or in parcels, as the said William Warren Baldwin, or his heirs, may think fit, and the proceeds arising from such sale to receive and take to and for the uses, intents and purposes expressed in the said will of the said Laurent Quetton Saint George.

III. *And whereas,* the said William Warren Baldwin, as such agent and attorney for the said Laurent Quetton Saint George, and by his particular instructions in the compromise of debts due to the said Laurent Quetton Saint George, or to him the said William Warren Baldwin, as his executor, hath accepted and taken in compromise and satisfaction for debts due to the said Laurent Quetton Saint George, but in his own name, divers lands, tenements and hereditaments: *And whereas,* it is desirable to declare the trusts upon which the same are held: *Be it therefore enacted by the authority aforesaid,* That all and singular the lands, tenements, hereditaments and premises, mentioned and enumerated in the schedule to this Act annexed, and marked B. which said lands, tenements and hereditaments, have been heretofore purchased, accepted or taken, by the said William Warren Baldwin, or others, the agents of the said Laurent Quetton Saint George, in consideration, satisfaction or compromise, of such debts and not again sold or disposed of, shall be and the same are hereby declared to be held by the said William Warren Baldwin, in trust, to hold, sell, exchange, dispose of absolutely, and convey the same from time to time,

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and together or in parcels, and for such price and prices as the said William Warren Baldwin, his heirs, executors or administrators, may think fit, and to receive and take the proceeds of such sale or sales, to and for the uses, intents and purposes, expressed in the will of the said Laurent Quetton Saint George.

IV. *And be it further enacted by the authority aforesaid,* That the said William Warren Baldwin, his heirs, executors and administrators, and not the purchaser or purchasers from or under him or them, under and by virtue of this Act, shall remain answerable to the said Adele de Barbeyrac, the said tutrix, and to the said Henry Charles Joseph Quetton de Saint George, for the moneys and proceeds of the estates to be sold under and by virtue of this Act, according to the true intent and meaning of the said will of the said Laurent Quetton Saint George, he, the said William Warren Baldwin, and his heirs, executors and administrators, being in no-wise answerable or accountable for the application, misapplication or nonapplication of such moneys or proceeds, or of any part thereof, by the said tutrix, or any other tutrix, or tutor, or guardian whatsoever: *Provided nevertheless,* that it shall and may be lawful for the said William Warren Baldwin, his heirs, executors and administrators, to keep and retain to his and their own use and uses, out of such moneys and proceeds, all reasonable compensation and disbursements for the services, costs and charges done, or to be done, performed, expended and paid by him, them, or any of them, in the business and execution of the several trusts in this Act expressed or referred to, and by the said trusts in anywise required or necessary or advisable to be done: *And Provided also,* that the said William Warren Baldwin, his heirs, executors and administrators, trustee or trustees under this Act, shall be answerable and accountable to the said Adele de Barbeyrac de Saint Maurice, the tutrix aforesaid, and to any tutrix or tutor, regularly appointed in her place and stead, under and according to the laws of France, and to the said Henry Charles Joseph Quetton de Saint George, his heirs, executors or administrators, in an action of account, as her, his or their bailiff, for all moneys received by him, them, or any of them, under the authority of this Act: *And provided also,* that His Majesty's Court of King's Bench in this Province, shall and may from time to time, have and hold equitable jurisdiction in and over the trusts hereby created, and shall have full power to make all such orders and decrees touching the same, or any thing therewith connected, as any Court of Equity might or could do in the like case.

W. W. Baldwin to be responsible for moneys received by him under the authority of this Act;

His Majesty's Court of King's Bench invested with equitable jurisdiction over the trusts hereby created.

V. *And whereas,* the said Laurent Quetton Saint George in his life time did convey by deed, unto the said William Warren Baldwin, his heirs and assigns for ever, those certain lots and parcels of land namely, lots numbers thirty-two, thirty-four and thirty-five, in the fourth concession of the township of Whitby, in the Home District of this Province,



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to have and to hold the same to the use of the said William Warren Baldwin, his heirs and assigns for ever: *And whereas*, the said William Warren Baldwin, as trustee, under and by virtue of this Act, cannot further assure the same unto himself, and it is desirable that he, the said William Warren Baldwin, should be further assured therein: *Be it further enacted by the authority aforesaid*, That the said certain lots and parcels of land namely, lots number thirty-two, thirty-four and thirty-five, in the said fourth concession of Whitby, aforesaid, be held and taken to be vested, and are hereby vested in the said William Warren Baldwin, his heirs and assigns for ever, in as full and ample a manner as the same would or might have been vested in the said Laurent Quetton Saint George, had he been a natural born subject of His Majesty in this Province.

400 acres of land in Whitby, vested in W. W. Baldwin, to his own use.

W. W. Baldwin rendered liable to the creditors of the estate of St. George, under certain circumstances;

VI. *And be it further enacted by the authority aforesaid*, That if the assets in the hands of the said William Warren Baldwin, as executor of the said last will and testament of the said Laurent Quetton Saint George, shall be found insufficient to satisfy any writ or writs of execution issued, or any judgment or judgments obtained, or which shall or may be obtained against the said William Warren Baldwin, as such executor, in any of His Majesty's Courts in this Province, out of which a writ of execution against lands and tenements may lawfully issue, then and in such case the said William Warren Baldwin shall be personally liable to the amount of the lands and tenements in his hands, as such trustee as aforesaid, at the time of the commencement of the suit or suits, and which shall be sold, conveyed or disposed of, by the said William Warren Baldwin, pending such suit or suits on which such judgment or judgments are or shall be obtained as aforesaid, and such part of the said lands and tenements in his hands, as such trustee as aforesaid, at the time of such judgment or judgments, shall be liable to the said judgment or judgments, and may be seized and taken in execution, and sold to satisfy such judgment or judgments by the like process and in the same manner as if the same judgment or judgments were against the said William Warren Baldwin, in his own right, and the said lands and tenements his own private property; saving always and reserving to all and every other person or persons whatsoever, bodies politic or corporate, their heirs and successors, (other than the King's most Excellent Majesty, His Heirs and Successors,) the said Henry Charles Joseph Quetton de Saint George, the said Adele de Barbeyrac de Saint Maurice, and the said William Warren Baldwin, their and every of their heirs, executors and administrators, all his, her or their right, title and interest, claim and demand whatsoever, of in or to the said premises, or any of them, every or any part or parcel thereof, any thing herein contained to the contrary thereof, in anywise notwithstanding.

Rights of the Crown and individuals saved.

Schedule

TITLES & TRUSTS.

ESTATE, ST. GEORGE.

SCHEDULE A.

<i>Number of Lots and Parcels,</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
No. 59, and $\frac{1}{4}$ of 58, as described in the King's Patent to Quetton Saint George, ..... in	1	Vaughan.....	262	0	0
North half of 59, East side of Yonge Street, ..... in	1	Markham.....	95	0	0
No. 6 ..... in	4	Mersea, .....	200	0	0
2 ..... in	4	Mersea, .....	200	0	0
6 and 7 ..... in	4	Barton, .....	200	0	0
8 9 12 and 13 ..... in	8	Saltfleet .....	400	0	0
31 and 32 } in	12	Pittsburgh,....	940	0	0
Broken lots 34 35 36 37 & 38 } in	4	Reach, .....	400	0	0
6 and 7 ..... in	6	Reach, .....	200	0	0
1 ..... in	1	Gainsborough, .	400	0	0
23 and 25 ..... in	3	Whitby, .....	200	0	0
35 ..... in	6	Uxbridge, ....	400	0	0
9 and 10 ..... in	4	Uxbridge, ....	100	0	0
East half 10 ..... in	5	Walsingham, ..	300	0	0
1 and South half 6 ..... in	2	Uxbridge, .....	600	0	0
16 17 and 18 ..... in	7	E. Gwillimbury,	400	0	0
12 and 13..... in	1	Markham, ....	190	0	0
49 on Yonge Street ..... in	7	E. Gwillimbury,	200	0	0
14 ..... in	8	E. Gwillimbury,	200	0	0
19 ..... in	3	York, .....	400	0	0
West halves of 6 7 8 & 9 from the Bay } in	1	Flamboro' W. .	6	0	26
Town plot in village of Dundas as described in the deed of sale thereof, dated 31st July 1810, made by Wm. Hare & wife, to Quetton St. George, being p't. of No. 16, } in	4	Whitchurch, ..	200	0	0
8..... in	6	Whitchurch, ..	200	0	0
29..... in	5	Scott, .....	200	0	0
22..... in	1	Uxbridge, ....	400	0	0
25 and 26 ..... in	1	Whitby, .....	200	0	0
19..... in	6	Whitchurch, ..	400	0	0
25 and 31 ..... in	7	Saltfleet,.....	300	0	0
11, 12, 13, ..... in	8	Saltfleet,.....	400	0	0
6, 19, 20 and 21 ..... in	5	Beverly,.....	200	0	0
29..... in	1	Markham, ....	190	0	0
60 on Yonge Street, ..... in	1	Whitchurch, ..	95	0	0
61 on Yonge street, the south half thereof, } in					

Schedule A.

TITLES & TRUSTS.

ESTATE, ST. GEORGE.

<i>Number of Lots and Parcels,</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
West half of 14 . . . . . in	3	Markham, . . . . .	100	0	0
No. 18 & 19 west of Yonge street in	2	York, . . . . .	400	0	0
1 north side of Duchess street in		Town of York, . . . . .	1	0	0
1 south side of Lot street, . . . in		Town of York, . . . . .	1	0	0
Town plot in village of Dundas as described by the deed thereof, bearing date the first day of August, 1812, and made by W. Hare and wife, to Quetton Saint George, being part of 16, }	in	1 Flamboro' West,	1	0	8
Part of lot No. 32, as the same is described in a certain mortgage, dated 14th day of July, 1812, made by Henry Widdifield to Quetton Saint George, }	in	3 Whitchurch, . . . . .	178	0	0
Part of lot No. 7, and the whole of lot No. 8, on the Humber, as described in a certain mortgage, dated 10th day of July, 1815, made by John Scarlett to Quetton Saint George, }	in	3 York, . . . . .	310	0	0
Part of lot No. 1, as described in a certain mortgage, dated 3rd day of January, 1818, made by William Bird to Quetton St. George, }	in	6 Woodhouse, . . . . .	6	0	0
Part of lot No. 13, in Woodhouse Gore, being lot No. 7, west side of Nichol street, in the village of Theresaville, as described in a certain mortgage, dated 30th day of Jan. 1821, made by William Bird to Quetton Saint George, containing sixty-four square rods, }	in	Gore of Woodhouse.			
Broken lot 46, on the River Thames, and the northerly part of No. 46, in the 1st concession of Westminster, as described in a certain mortgage, dated 30th Jan'y, 1821, made by William Bird to Quetton Saint George, }	in	1 Westminster . . . . .	200	0	0

TITLES & TRUSTS.

ESTATE, ST. GEORGE.

SCHEDULE B.

<i>Number of Lots and Parcels,</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>	
West half of 30.....	in 5	Beverly,.....	100	0	0	Schedule B.
Rear or south east half of 15, south on Talbot road east,	} in	Southwold,....	100	0	0	
Town plot in village of Dundas, being part of No. 15, in the first concession, and described as town lots Nos. 9, 10, 11, in the deed thereof, dated the 13th day of August, 1819, and made by Wm. Hare to John Baldwin,	} in 1	W. Flamborough,	3	0	0	
Nos. 5, 6, 7, 8 & 10 northern division, 22 Broken Front Concession B.	in 2	Dorchester, ...	1000	0	0	
2, 4, 6, .....	in 6	Haldimand, } Newcastle, }	100	0	0	
24, .....	in 9	Aldborough,...	600	0	0	
16, .....	in 6	North Crosby, .	200	0	0	
41 & east half of 42, Bay side	in 1	North Crosby, .	200	0	0	
25 and 26,.....	in 6	Marysburgh,...	150	0	0	
26,.....	in 6	Markham,.....	400	0	0	
21.....	in 3	Scott, .....	200	0	0	
13.....	in 6	Scott, .....	200	0	0	
16 Town lot East side of Pinnacle Street, in the Town of Belleville,	} in 7	Pittsburgh,....	200	0	0	
336 Town lot, new survey,...	in	Midland District,	0	2	0	
Water lot No. 3, inner Bay,..	in	Kingston,.....	$\frac{1}{5}$	0	0	
18 .....	in 3	Kingston,.....	$\frac{1}{5}$	0	0	
North half of lot No. 22,.....	in 3	Pittsburgh,....	200	0	0	
North west corner of East half of lot No. 19, as described in the deed thereof, from Hugh C. Thomson, and Geo. H. Detlor, to John S. Baldwin, dated 7th January, 1822,	in 1	Percy, .....	100	0	0	
The Front or northerly $\frac{3}{4}$ of Nos. 11 and 12, as the same are de- scribed in the deed thereof, made by Tho's. Smith to Wm. Warren Baldwin, dated 12th March, 1823,	in 3	Adolphustown	1	0	0	
No. 18 .....	in 6	Aldborough ...	300	0	0	
No. 18 .....	in 10	Caradoc .....	200	0	0	

## TITLES &amp; TRUSTS.

ESTATE, ST. GEORGE.

<i>Number of Lots and Parcels,</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
The north west half of lot No. 3,.. in	3	Aldborough,..	100	0	0
East halves of 29 and 30,..... in	1	Mono,.....	200	0	0
That part of No. 25, west of Hurontario street, mentioned in certain Letters Patent, to be granted to Allan Robinet, } in	2	Mono,.....	160	0	0
That part of No. 7, east of Hurontario street, mentioned in certain Letters Patent, to be granted to Allan Robinet, } in	2	Mulmur,.....	172	0	0
No. 18..... in	1	Amaranth, ....	200	0	0
27..... in	3	Amaranth, ....	200	0	0
West half of 23..... in	3	Amaranth, ....	100	0	0
11 and 13 ..... in	6	Pittsburgh,....	400	0	0
10..... in	13	Pittsburgh,....	200	0	0
15..... in	9	Pittsburgh,....	200	0	0
18 and the westerly half of 17, in	11	Rawdon,.....	300	0	0
21..... in	8	Richmond ....	200	0	0
19..... in	10	Manvers, ....	200	0	0
24 and 33 ..... in	1	Albion, .....	400	0	0
14 and 18 ..... in	3	Albion, .....	400	0	0
32..... in	5	Albion .....	200	0	0
25..... in	6	Albion .....	200	0	0
26..... in	9	Albion .....	200	0	0
29..... in	1	Caledon,.....	200	0	0
21..... in	6	Caledon,.....	200	0	0
15..... in	3	Medonte, .....	200	0	0
12, and the west half of 2,... in	4	Medonte, .....	300	0	0
15 and 17 ..... in	5	Medonte, .....	400	0	0
7 and 16 ..... in	6	Medonte, .....	400	0	0
20..... in	7	Medonte, .....	200	0	0
18..... in	8	Medonte, .....	200	0	0
7, 8, 9 and 11 ..... in	10	Medonte, .....	800	0	0
18..... in	1	Orillia South,..	200	0	0
5..... in	2	Orillia South,..	200	0	0
10..... in	4	Orillia South,..	200	0	0
3..... in	5	Orillia South,..	200	0	0
1 and 3 ..... in	1	Orillia North,..	400	0	0
5..... in	4	Orillia North,..	200	0	0
2 and 5 ..... in	6	Orillia North,..	400	0	0
1 and 13 ..... in	8	Orillia North,..	400	0	0
14..... in	10	Orillia North,..	200	0	0
8, 10 and west half of 13.... in	12	Orillia North,..	500	0	0
11..... in	16	Orillia North,..	200	0	0

TITLES & TRUSTS.

HEIRS, DESJARDINS.

<i>Number of Lots and Parcels,</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
17.....	in 7	Kingston, .....	200	0	0
North half of the east half of } No. 3, }	in 2	Fredericksburgh } (Additional.) }	50	0	0
23 and 24.....	in 12	Rawdon, .....	400	0	0
North half of 61, east side of } Yonge Street, }	in 1	Whitchurch, ..	95	0	0
No. 22 .....	in 1	Plantagenet, ..	200	0	0
West half of 24, E. of Yonge } Street, }	in 1	York,.....	97	0	0
The easterly half of No. 2, on the } north side of Duke Street ex- } tending from the south east } angle of said lot, 64 feet in } front on said street, and being } the whole depth of said lot, }	in	Town of York,.	1	9 $\frac{1}{8}$	
The westerly part of lot No. 1, } on the north side of Duke } street, extending one hundred } and thirty-six feet in front on } the said street, reckoned from } the south west angle of the } said lot, and the depth of the } said lot in a northerly direction }	in	Town of York,.	1	9 $\frac{1}{8}$	

5th Wm. IV. Chap. 47.

*AN ACT for the relief of the Heirs of the late Peter Desjardins.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the twenty-eighth day of November, one thousand eight hundred and thirty-five.]

MOST GRACIOUS SOVEREIGN:

**W**HEREAS Peter Desjardins, formerly of Nesle, in the Department of Somme, in the Province of Picardie, in the Kingdom of France, and late of Dundas, in the District of Gore, in the Province of Upper Canada, Gentleman, died in this Province, intestate, and without issue, some time in the year of our Lord one thousand eight hundred and twenty-seven, leaving some property, both real and personal, acquired by him partly by

Preamble.

## TITLES &amp; TRUSTS.

SCHOOL, GEORGINA.

grant from the Crown, and partly by purchase during his residence here: *And whereas*, the only relations of the said Peter Desjardins, are his two brothers, Jean Louis Thomas Desjardins, and Toussaint Desjardins, and his only sister, Marianne Rosalie Begne, formerly Desjardins, all of whom are aliens, and therefore incapable of inheriting the real property of their deceased brother: *And whereas*, it is just and expedient to secure the property of the said Peter Desjardins to his said relatives; we therefore 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 the person or persons who, if he or they were natural-born British subjects of His Majesty, would inherit, or would have inherited the real or personal estate within this Province of the said Peter Desjardins, shall be deemed and taken to be, and to have been a natural-born subject, or natural-born subjects of His Majesty to all intents, constructions and purposes whatsoever, as far as respects the capacity of such person or persons to take, inherit, hold, possess, enjoy, claim, recover, convey, devise, demise or impart, any and all such real or personal estate of the said Peter Desjardins.

Persons who if they had been natural born subjects would have inherited the real or personal estate of Peter Desjardins, now qualified to inherit and dispose of the same.

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### 7th Wm. IV. Chap. 36.

*AN ACT to authorise William Johnson to convey to Trustees a Lot of Land, for purposes therein mentioned.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** William Johnson, of the township of Georgina, in the Home District, Esquire, hath by petition requested Legislative authority to convey a certain piece or parcel of land on the front of lot number six, in the seventh concession of said township of Georgina, containing two acres, upon which a school-house has been erected, to trustees, for the purpose of having a school taught in the said building: *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

## TITLES &amp; TRUSTS.

ESTATE, JOHN WHITE.

authority of an Act passed in the Parliament of Great Britain, intituled; "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said William Johnson to convey the said parcel of land by metes and bounds, for the purpose of having a school taught in such building, to such person or persons as he may think proper; which person or persons, and their successors, to be appointed in such manner as may be provided in any such deed, shall have power and capacity to hold the said estate, for the purpose aforesaid, any law or statute to the contrary notwithstanding: *Provided nevertheless*, that such person or persons, and their successors aforesaid, as well as the Master and Teachers employed in such school as aforesaid, shall be British subjects.

William Johnson may convey a certain lot of land to trustees, for a school, in Georgia:

Trustees, master and teachers, to be British subjects.

## 7th Wm. IV. Chap. 37.

*AN ACT to appoint Trustees to carry into effect the provision of the Will of John White, Esquire deceased.*

[Passed 4th March, 1837.]

**WHEREAS** John White, in his life time of the town of York, in the Home District, and Province of Upper Canada, Esquire, deceased, in and by a codicil to his last will and testament, duly executed according to law, for the passing of real estate, and bearing date the second day of January, in the year of our Lord one thousand eight hundred, did, among other things, give and devise unto the Honourable Peter Russell, his executor in the said will named and appointed, certain real estate, situated in the Home District aforesaid, in trust, for the disposal and sale thereof, and the moneys arising therefrom to dispose of for the payment of his just debts: *And whereas*, the said John White departed this life soon after making the said will and codicil, without revoking or altering the same: *And whereas* the said Peter Russell also afterwards died, without disposing of the said real estate, or paying the debts, for the satisfaction whereof the said devise was made; *And whereas* there is no heir of the said Peter Russell residing or known in this Province, by whom the trust aforesaid can be carried into effect, and it is just and reasonable that the said real estate should be vested in another trustee, or in other trustees, for the purpose of carrying into effect the provisions of the said codicil: *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 Pro-

Preamble.



## TITLES &amp; TRUSTS.

MACNAB, ROAD.

Trustees appointed to carry into effect the will of the late John White.

vince 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 Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, all the real estate, devised by the said John White to the said Peter Russell, upon the trusts aforesaid, and not heretofore alienated by the said trustee or his heirs, shall henceforth vest in William Henry Draper, of the city of Toronto, Esquire, and Clarke Gamble, of the same place, Esquire, and their heirs, or the heirs of the survivor of them; saving the right of His Majesty, His Heirs and Successors, and of all and every other person and persons, other than the said John White and the said Peter Russell, and their respective heirs, in trust, to dispose of the same, and out of the moneys arising from the sale thereof to pay the just debts of the said John White, still remaining due and unpaid, and the residue of the moneys arising from such sale or sales to pay over to such person or persons as shall be by law entitled thereto, deducting all necessary expenses.

Trustees may bring actions for waste or damage committed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person or persons in whom the title to any lands shall become vested, as trustee or trustees under this Act, to sue for and recover damages for any waste or injury committed heretofore, or that may be hereafter committed upon such lands, in the same manner as the said Peter Russell could or might do if he were living.

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## 1st Vic. Chap. 41.

*AN ACT to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for Road in the Township of Barton, in the District of Gore.*

[Passed 6th March, 1838.]

Preamble.

**WHEREAS** by a petition presented at a general Court of Quarter Sessions of the Peace, in and for the District of Gore, held upon the nineteenth day of October, in the year of our Lord one thousand eight hundred and thirty-six, signed by William Applegarth, John Applegarth, William J. Kerr, Philo D. Bates, Andrew Gage, A. M. Chisholm, John Chisholm, George Middleton, Henry Beasley, Samuel Mills, James Mills,

## TITLES &amp; TRUSTS.

MACNAB, ROAD.

George H. Ainsley, Thomas Pinnett, John Morris and C. Reynolds, freeholders in the county of Wentworth, in the said District, and addressed to John T. Law, Esquire, Surveyor of highways for the said county of Wentworth, in the said District, it did appear that the road leading from the town of Hamilton, in the said District of Gore, to the Battery, opposite to the residence of Allan Napier MacNab, commencing at the line of lots numbers seventeen and eighteen, in the second concession of the township of Barton, in the county and District aforesaid, was not of sufficient width, being only thirty feet wide, and requesting that the said Surveyor of highways would report thereupon to the Court of Quarter Sessions aforesaid: *And whereas*, the said Surveyor did, in compliance with the said petition, report to the said Court of Quarter Sessions that the said road was insufficient, whereupon the said Court ordered that the said road should be widened to increase the facility of travelling thereupon: *And whereas*, in compliance with the said order of the said Court, so much of the lands of the said Allan Napier MacNab as were sufficient to complete the full and necessary width thereof, was taken: *And whereas*, the original allowances for road being the first, otherwise named second concession road of Barton aforesaid, and the road allowance between lots number eighteen and nineteen, in the said concession, and part of the road allowance between lots number eighteen and nineteen, in the second, otherwise named third concession of Barton aforesaid, have become disused by reason of the improvement of the first-mentioned road as aforesaid: *And whereas*, it is fit and proper that the said disused roads should be conveyed to the said Allan Napier MacNab, he not having received any reimbursement for the lands so taken as aforesaid: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Surveyor of highways in and for the county of Wentworth, in the District of Gore, and he is hereby authorised and required forthwith, to grant and convey unto the said Allan Napier MacNab, his heirs, and assigns for ever, all and so much of the road allowance, being the first, otherwise called the second concession road of Barton aforesaid, commencing as follows, that is to say: At the south-west angle of lot number seventeen of the broken front on Burlington Bay, thence north seventy-two degrees west, eighty chains more or less, to the Gore of Ancaster, in the said District of Gore; also all and so much of the road allowance between lots numbers eighteen and nineteen, in the said first, otherwise named second concession, and part of the road allowance between lots number eighteen and nineteen, in the

Surveyor of highways  
authorised to convey  
certain portion of road.

## TITLES &amp; TRUSTS.

## CATHOLIC CHURCH, PETERBOROUGH.

second, otherwise named third concession of the said township of Barton, commencing as follows, that is to say: where the north side of the present survey of the road over Burlington Heights, in the said District, intersects the said road allowance between lots numbers eighteen and nineteen, in the said second, otherwise third concession of Barton aforesaid; thence north eighteen degrees east, twelve chains, more or less, to the waters of Burlington Bay; which said conveyance shall vest in the said Allan Napier MacNab, his heirs and assigns, all the right and title in the land of which the said allowances for road are composed, as fully and to all intents and purposes, as if the same had been originally granted to the said Allan Napier MacNab, his heirs and assigns, by Patent from the Crown.

Portion of ground described to be henceforth deemed and taken as public highway.

II. *And be it further enacted by the authority aforesaid* That so soon as the said conveyance shall be made, the land herein-before mentioned, and ordered to be taken by the Court of general Quarter Sessions, as well as the road leading from the Dundas Road to Burlington Bay, between lots numbers seventeen and eighteen, and the new road laid out on the lands of the said Allan Napier MacNab, from the Battery to the Reservation on Burlington Heights, shall be deemed and taken to be public highways, as fully and effectually as if the same had been laid out as roads in the original survey of the township of Barton.

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## 2nd Vic. Chap. 35.

*AN ACT authorising the Trustees of certain Lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same.*

[Passed 11th May, 1839.]

Preamble.

Trust for Roman Catholic Church in Peterborough, recited;

**W**HEREAS lots number one and two, south of Brock street, and west of George street, and one and two north of Hunter street, and west of George street, in the town of Peterborough, in the District of Newcastle, were, among other lands, granted to the Honourable and Right Reverend Alexander McDonell, of the city of Toronto, in the Home District, Bishop of Regiopolis; the Right Reverend Remegius Gaulin, of the same place; the Reverend Angus McDonell, of Sandwich, in the Western District; Alexander McDonell, of the said town of Peterborough, Esquire; and Francis Connin, of the same place, Surgeon, in trust, for the purpose of a Roman Catholic Church, and for the use of a Roman Catholic Clergyman, in the said town of Peterborough: *And whereas*, the said trustees are desirous of disposing of the said lands, for the purpose of defraying the expenses of building a Church in the town of Peterborough: *And whereas*, it is doubtful, whether under the strict terms of the grant, they

## TITLES &amp; TRUSTS.

## CATHOLIC CHURCH, PETERBOROUGH.

can do so: *And whereas*, it is desirable they should have the authority to dispose of the said land for the above purpose, the same not being required by them for any other object: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said trustees shall and may sell and convey the said land to any person or persons whatsoever, for the best price that can be reasonably gotten for the same, and appropriate the proceeds thereof to the completing and furnishing the Catholic Church now building in the said town.

Trustees empowered to sell the trust property for the purposes of the Church.

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