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C. M. Apperson

1834-1135



STATUTES,

OF HIS MAJESTY'S PROVINCE

OF

UPPER CANADA,

PASSED IN

THE SECOND SESSION OF THE ELEVENTH PROVINCIAL PARLIAMENT OF

UPPER CANADA.

By Authority,

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

YORK, U. C.

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

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1831-35

STATUTES,

OF

Upper Canada,

PASSED IN THE SECOND SESSION OF THE ELEVENTH PROVINCIAL
PARLIAMENT.

MET AT YORK ON THE SEVENTEENTH DAY OF NOVEMBER 1831, AND PROROGUED ON THE
TWENTY-EIGHTH DAY OF JANUARY 1832, IN THE SECOND YEAR OF THE REIGN
OF WILLIAM IV.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

ANNO DOMINI, 1831—2.

CHAP. I.

An Act to prevent the operation within this Province of an Act of Parliament made in England, in the Twenty-first year of the Reign of King James the First, entitled "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions for the prevention and punishment of Infanticide.

[Passed 23rd December, 1831.]

WHEREAS doubts have been entertained respecting the true meaning of a certain Act of Parliament made in England, in the Twenty-first year of the Reign of His late Majesty King James the First, entitled "An Act to prevent the destroying and murdering of Bastard Children," and the same has been found difficult and inconvenient to be put in practice, for remedy thereof—*Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Preamble.

21st James 1st not to be in force in this Province.

Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled “An Act for making more effectual provision for the Government of the Province of Quebec, in North America,” and to make further provision for the Government of the said Province,” and by the authority of the same, That from and after the passing of this Act, no clause, matter or thing, in the said Act passed in the Twenty-first year of the Reign of King James the First, shall extend to, and be in force in this Province.

Trials for the murder of Bastard Children to proceed like other Trials for murder.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the trial of any woman charged with murder of any issue of her body, male or female, which being born alive, would by Law be Bastard, shall proceed and be governed by such and the like rules of evidence and presumption, as are by Law used and allowed to take place in respect to other trials for murder, and as if the said Act passed in the Reign of King James the First had never been made.

Concealing birth of a Bastard Child a misdemeanor.

Punishable by fine and imprisonment.

III. *And be it further enacted by the authority aforesaid,* That if any woman shall be delivered of a child, and shall, by secret burying, or otherwise disposing of the dead body of the said Child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common Gaol or House of Correction, for any term not exceeding two years, and it shall not be necessary to prove whether the Child died before, at, or after its birth:—*Provided always,* that if any woman tried for the murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted, to find, in case it shall so appear in evidence that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead body of such Child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an Indictment for the concealment of the birth.

Upon an acquittal for murder, Jury may find concealment.

CHAP. II.

AN ACT to remove doubts respecting the Jurisdiction over Offences committed upon the Lakes and Rivers in this Province.

[Passed 23rd December, 1831.]

Preamble.

WHEREAS in the several Statutes passed for the division of this Province into Counties and Districts, express provision has not been

made respecting the Navigation and other Waters lying within the limits of this Province, but not included within the boundaries of any Surveyed Township, and doubts may therefore arise respecting the Jurisdiction over offences committed upon such Waters, and it is expedient to remove such doubts:—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Lakes, Rivers, and other Waters of this Province which are not comprehended within the defined limits of any Town, Township or County, shall and may be taken to be, and are hereby declared to be parts of that District respectively, within the exterior side lines of which any such Lake, River, or other Water would lie and be, if such exterior side lines were produced in that direction to the utmost limits of this Province.

Navigable Waters to be taken to be parcel of the several Districts to which they are opposite.

II. *And be it further enacted by the authority aforesaid*, That all crimes and offences committed in or upon any of the said Waters, may be enquired of and tried within any District lying adjacent to such Waters, and shall and may be laid and charged to have been committed within the Jurisdiction of the Court which shall try the same, and such Court shall and may proceed thereon to Trial, Judgment and Execution, or other punishment for such crime or offence, in the same manner as if such crime or offence had been really committed within the District where such trial may be had, any Law, usage or custom to the contrary notwithstanding.

Crimes committed upon Navigable Waters may be tried in any District adjacent thereto.

CHAP. III.

AN ACT to remove doubts respecting the Jurisdiction of Commissioners of Customs in this Province.

[Passed 23th January, 1832.]

WHEREAS by an Act passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to repeal an Act passed in the Forty-first year of His late Majesty's Reign, entitled 'An

Preamble.

Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize Imported from Great Britain and other places ;” and also an Act passed in the Forty-third year of His late Majesty’s Reign, entitled “ An Act to explain and amend an Act passed in the Forty-first year of His Majesty’s Reign, entitled ‘ An Act granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize Imported from Great Britain and other places,’ and to provide more effectually for the collection and payment of Duties on Goods and Merchandize coming from the United States of America into this Province, and also to establish a fund for the Erection and repairing of Light Houses, and to make more effectual provision for the due collection of Duties on Goods imported into this Province,” it is enacted, that the Commissioners of Customs to be appointed in each of the Districts of this Province under the authority of that Act, shall have power to hear and determine, in a summary way, all informations exhibited before them for the condemnation of any Goods, Wares, or Merchandize seized as forfeited under the provisions of the said Act, when the value thereof, together with the Vessel, Boat, Raft, or Carriage in or upon which the same shall be found or shall have been imported, shall not exceed Forty Pounds ; and also to hear and determine in like manner all informations which may be exhibited before them for penalties to be recovered under and by virtue of the said Act ; *And whereas* doubts may be entertained whether the said Commissioners, under the provisions above recited, can legally exercise Jurisdiction in cases of seizures made and penalties incurred under the Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Sixth year of His said late Majesty’s Reign, entitled “ An Act to regulate the Trade of the British Possessions Abroad,” notwithstanding the said Act declares that all such penalties and forfeitures shall and may be prosecuted, sued for and recovered, in any Court of Record having Jurisdiction in the Colony or Plantation where the cause of prosecution arises ; and it is expedient that such doubts should be removed.

Be it therefore enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign entitled, ‘ An Act for making more effectual provision for the Government of the Province of Quebec in North America,

and to make further provision for the Government of the said Province,' " Commissioners of Customs declared to be a Court of Record, for the hearing of certain Informations upon Seizures, and for Penalties.
 and by the authority of the same, That the Commissioners of Customs acting in and for the several Districts of this Province respectively, shall be deemed to be, and to have been since the passing of the said Act of the Parliament of this Province hereinbefore recited, a Court of Record, having Jurisdiction in cases of forfeiture and penalties not exceeding in value or amount the sum of Forty Pounds of lawful Money of Upper Canada ; and that such Jurisdiction shall be deemed to have extended, and shall hereafter extend, to cases of forfeitures and penalties, not exceeding the amount aforesaid, under the said Act passed in the Sixth year of His said late Majesty's Reign, or under any other Act passed or to be passed in the Parliament of the United Kingdom of Great Britain and Ireland, or in the Parliament of this Province, and relating to the Imposition or Collection of Duties on Merchandize, unless in any such Act to be hereafter passed it shall be expressly otherwise provided.

CHAP. IV.

AN ACT to facilitate Summary Proceedings before Justices of the Peace, and to afford to such Justices reasonable protection in the discharge of their duty.

[Passed 28th January, 1832.]

WHEREAS great inconvenience often arises in Summary Proceedings before Justices of the Peace, from the want of a General Form of Conviction :—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That in all cases wherein a Conviction shall take place, and no particular form for the Record thereof hath been directed, the Justice or Justices duly authorised to proceed Summarily therein, and before whom the offender or offenders shall have been convicted, shall and may cause the Record of such Conviction to be drawn up in the manner and form following, or in any words to the same effect, *mutatis mutandis*, that is to say :—

Preamble.

Justices, in certain cases, to draw up Records of Conviction, in the following form.

—District, } Be it remembered, that on the——day of——in the Form.
 to wit : } year of our Lord——at——in the District of——A. B.

of—in the District of—Labourer, (or as the case may be) personally came before me, (or before us) C. D. one (or more, as the case may be,) of His Majesty's Justices of the Peace for the said District of—, and informed me, (or us, as the case may be) that E. F. of—in the District of—, Labourer, (or as the case may be) on the—day of—in the year of our Lord—at—in the said District of—did, (here set forth the fact for which the information is laid) contrary to the form of the Statute in such case made and provided, whereupon the said E. F. after being duly Summoned to answer the said charge, appeared before me, (or us, as the case may be) on the—day of—in the year of our Lord—at—in the said District of—, and having heard the charge contained in the said information, declared that he was not guilty of the said offence, (or as the case may happen to be) did not appear before me, (or us) pursuant to the said Summons, or did neglect and refuse to make any defence against the said charge, whereupon I, or we, (as the case may be) or nevertheless I or we, (as the case may be) the said Justice or Justices, did proceed to examine into the truth of the charge contained in the said information, and on the—day of—aforsaid, at—in the District of—aforsaid, one credible Witness, to wit, A. W. of—in the District of—Labourer, (or as the case may be) upon his oath deposeth and saith, (if E. F. be present, say in the presence of the said E. F.) that on the—day of—in the year of our Lord—the said E. F. at—in the said District of—(here state the Evidence, and as nearly as possible in the words used by the Witness; and if more than one Witness be examined, state the Evidence given by each; or if the Defendant confess, then instead of stating the Evidence say, and the said E. F. acknowledged and voluntarily confessed the same to be true,) therefore it manifestly appearing to me, (or us, as the case may be) that he the said E. F. is guilty of the offence charged upon him in the said information, I, or we, (as the case may be) do hereby convict him of the offence aforsaid, and do declare and adjudge, that he the said E. F. hath forfeited the sum of—of lawful money of this Province for the offence aforsaid, to be distributed, or paid, (as the case may be) according to the form of the Statute in that case made and provided. Given under my Hand, or our Hands, (as the case may be) and Seal, (or Seals) the—day of—in the year of our Lord—.

One Justice may take Informations and complaints, to be determined before two or more Justices.

II. *And be it further enacted by the authority aforsaid,* That in all cases in which two or more Justices of the Peace are authorised and required to hear and determine any complaint, one Justice shall be competent to receive the original information or complaint, and to issue the Summons or Warrant requiring the party to appear before two or more Justices of the Peace, as the case may require, and after examination

upon oath into the merits of the said complaint, and the adjudication thereon, by any two or more such Justices being made, as the case may require, all and every the subsequent proceedings to enforce obedience thereto, or otherwise, whether respecting the penalty, fine, imprisonment, costs, or other matter or thing now enacted, or to be hereafter enacted, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same District, having before him or them a Record of such conviction, certified by the Justice or Justices who adjudged the case, in such and the like manner as if done by the same two or more Justices who so heard and adjudged upon the said complaint; and where the original complaint or information shall have been made to any other Justice than him, or them, before whom the same shall be afterwards heard and determined, the form of conviction shall be made conformable to the fact in that respect.

Conviction may be enforced by any Justice of the District, having a Record of such conviction before him.

III. *And be it further enacted by the authority aforesaid,* That in all cases in which it shall appear by the conviction, that the Defendant has appeared and pleaded, and the merits have been tried, and that the Defendant has not appealed against the said conviction where an appeal is allowed, or that the conviction, if appealed against, has been affirmed, such conviction shall not afterwards be set aside, or vacated in consequence of any defect of form whatever.

Convictions appealed from and affirmed, or not appealed from within a proper time, shall not be vacated for want of form.

IV. *And whereas,* in cases of Summary convictions, or the proceedings thereon, it may sometimes happen that Justices of the Peace, may by some irregularity or defect in the form of their proceedings render themselves liable to actions of trespass, when there was no disposition on their part to oppress the party, and where the guilt of the Defendant may have been manifest, and it is reasonable to protect Justices, wherever it shall appear that their proceedings have been grounded upon good causes, and where they have acted without malice; *Be it therefore enacted by the authority aforesaid,* That in all actions whatever, which shall at any time after the passing of this Act, be brought against any Justice or Justices of the Peace in this Province, for, or on account of any conviction by him or them, had, or made under or by virtue of any Statute in force in this Province, or for, or by reason of any Act, matter or thing whatsoever, done or commanded to be done by such Justice or Justices for the levying of any penalty, apprehending of any party, or otherwise carrying such conviction into effect, in case such conviction shall have been quashed, the Plaintiff or Plaintiffs, in such action or actions, besides the value and amount of such penalty or penalties which may have been levied upon the said Plaintiff or Plaintiffs, in case any levy thereof shall

In cases where Convictions shall be quashed, no more damages than one shilling, and the amount levied by virtue thereof, shall be recoverable against any Justice, unless the act complained of shall be charged in the Declaration to have been done maliciously, and which shall be recoverable only in an Action on the case.

have been made, shall not be entitled to recover any more or greater damages than One Shilling, nor any costs of Suit, unless it shall be expressly alleged in the declaration in the action wherein the recovery shall be had, and which shall be in an Action on the case only, that such Acts were done maliciously and without any reasonable or probable cause.

No damages or costs to be recovered, when the Justice shall make it appear upon the trial, that the party was guilty of the offence whereof he had been convicted.

V. *And be it further enacted by the authority aforesaid,* That such Plaintiff shall not be entitled to recover against such Justice, any penalty which shall have been levied, nor any damages or costs whatever, in case such Justice shall prove at the trial that such Plaintiff was guilty of the offence whereof he had been convicted, or on account of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater punishment than was assigned by law to such offence.

CHAP. V.

AN ACT to afford means for attaching the Property of Absconding Debtors.

[Passed 23th January, 1832.]

Preamble.

WHEREAS it is necessary, for the protection of persons engaged in trade, to afford the means of attaching the Property of Absconding Debtors, that the same may be taken in Execution and sold for the benefit of their Creditors.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That if any person or persons, being indebted to an Inhabitant of this Province, shall, before the passing of this Act, have secretly departed from this Province, or if any person or persons so indebted shall, after the passing of this Act, secretly depart from this Province, or keep concealed within the same, it shall and may be lawful for any person or persons, their Servants or Agents, to whom such Absconding or Concealed person or persons is or are indebted in the sum of Five Pounds or upwards, to make application to the Court of King's Bench in this Province, in Term time, or to any Judge thereof, in vacation, or to any Judge of the District Court in the different Districts of this Province,

King's Bench, or District Court, may issue Warrants for the Attachment of the Property of Absconding Debtors.

either within or without the limits of the District for which such Judge is appointed, where the sum claimed is within the Jurisdiction of such District Court, and there make an Affidavit that the said Absconding or Concealed person or persons is or are indebted to him, her, or them, in the sum of Five Pounds or upwards, expressing the cause of Action, and that he, she, or they, do verily believe that the said Absconding or Concealed person or persons hath departed this Province, or is concealed within the same, (which Affidavit may also be taken before a Commissioner for taking Affidavits in the King's Bench,) with intent and design to defraud him, her, or them, and other Creditors, (if any there be) of their just dues, or to avoid being arrested or served with process, which departure or concealment shall also be proved to the satisfaction of such Court, or Judges of such Court, by the Oath or Affidavit of at least two credible Witnesses; and upon such proof, the said Court of King's Bench, and District Court respectively, in Term time, or the Judges thereof in vacation, or any one of them, shall forthwith direct a Warrant or Warrants to be issued under the Seal of the said Courts respectively, and signed by the Clerk of the Crown or the Clerk of such District Court, (as the case may be,) directed to the Sheriff of the District in which such Absconding or Concealed person or persons has been resident, or to the Sheriff or Sheriffs of any or every other District within the Province, commanding such Sheriff or Sheriffs respectively, to attach, seize, take, and safely keep, all the Estate, as well real as personal, found within his District, of the said Absconding or Concealed person or persons, of what kind or nature soever, together with all evidences of debt, books of account, vouchers and papers relating thereto, upon receipt of which Warrant the Sheriff to whom the same may be directed, shall forthwith execute the same, and with the assistance of two substantial Freeholders, make a just and true inventory of all such Estate and Effects as he shall seize and take by virtue thereof, and shall return the same, signed by himself and the said Freeholders, to such Court from whence the Warrant issued.

Sheriff, with the assistance of two Freeholders, to make and return an Inventory of Property and Effects seized.

II. *And be it further enacted by the authority aforesaid,* That immediately upon making the seizure of the Estate and Effects of the Absconding or Concealed person or persons, it shall be the duty of the Sheriff making such seizure, to cause a notice to be inserted in the Upper Canada Gazette, and also in some one or more of the Newspapers printed in his District, and continued therein weekly for at least three calendar months; which notice shall set forth, that by virtue of the said Writ he has seized all the Estate, real and personal; of such Absconding or Concealed person or persons; and unless such Absconding or Concealed person or persons (naming the same,) return within the Jurisdiction of

Sheriff to cause a notice of such seizure to be inserted in the U. C. Gazette, and some other Paper in his District, for at least three months.

If absconding Debtor does not return, or put in Bail within three months, Property to be held liable for the payment of the Creditor seizing the same.

the Court from whence such Warrant issued, and put in bail to the Action, or cause the claim or claims of such Plaintiff or Plaintiffs (naming the same,) to be discharged within three calendar months after such public notice, (to be computed from the first day of publishing the same in the Upper Canada Gazette) all his, her, or their Estate, real or personal, or so much thereof as may be necessary, will be held liable for the payment, benefit, and satisfaction of the claim or claims of such Plaintiff or Plaintiffs.

Sheriff to take charge of Property attached, and to be paid his disbursements.

III. *And be it further enacted by the authority aforesaid,* That the Sheriff to whom any Warrant of attachment shall issue, shall take into his charge and keeping all the Property, Estate, and Effects of such Absconding or Concealed person or persons, and shall be allowed all necessary disbursements for keeping the same.

Upon absconding Debtor causing a Bond to be given for his not leaving the Province, or for his surrender to the Sheriff if Judgment shall pass against him, Court may award a Supersedeas to the Attachment.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons, against whose Estate or Effects such Warrant or Warrants of attachment may have been issued, or any person or persons on his, her, or their behalf, shall at any time before the expiration of three calendar months from the first publication of the notice before mentioned, execute and tender to the Creditor or Creditors who sued out such Warrant or Warrants as aforesaid, a Bond, with good and sufficient Sureties, binding the Obligors, jointly and severally, with a condition in double the amount of the sum claimed, that the person or persons aforesaid shall not depart the Province without satisfying the said claims in the event of the same being proved and Judgment recovered as in ordinary cases where proceedings have been commenced against the person, or that he, she or they, will render such Absconding or Concealed person or persons to the custody of the Sheriff of the District to whom such Writ shall have been directed, or that they will pay the amount of the claim of the party suing out such attachment, or the value of the Property or Estate so taken and seized to the said Claimants, it shall and may be lawful for such Court or Judge to order a Supersedeas to such Warrant or Warrants, and all and singular the Property which may have been attached shall be restored; and if it shall appear at any trial to be subsequently had, and shall be so certified by the Judge presiding at such trial, that the person or persons against whose Estate or Effects such Warrant or attachment was issued hath not been Absconding or Concealed at the time of issuing such Warrant, then such person or persons shall recover his, her, or their costs of the person or persons suing out the said Warrant, which costs may be taxed by the Court from whence the said attachment may have issued.

If it shall be proved at the trial of any cause wherein such Attachment shall have issued, that Defendant had not absconded or concealed himself, Plaintiff shall pay all the costs of the Attachment.

V. *And be it further enacted by the authority aforesaid,* That if after the period of three calendar months from the first publication of the notice above mentioned, the Absconding or Concealed party, or some one on his behalf, do not appear and give bonds, with sureties as before mentioned, for the payment of the claims of the party suing out the attachment as aforesaid, in the event of Judgment being given against such Absconding or Concealed party, then the proceedings in the suit against the Estate, Property and effects, of such Absconding or Concealed party shall be the same as if the suit had been commenced in the usual manner against the person, and Judgment and Execution against the Goods and Lands of the said party shall follow, as hath been the custom of the Courts of this Province previous to the passing of this Act.

If absconding Debtor do not appear and give such Bond as aforesaid, within three months after the issuing of the Attachment, suit shall go on against him as in ordinary cases.

VI. *And be it further enacted by the authority aforesaid,* That in order to proceed in the recovery of any Debt due by the person or persons against whose Property a Writ of Attachment shall have been ordered under this Act, process may be served by leaving a copy thereof at the last place of abode of such person within this Province with any grown up person there dwelling, and also by affixing a copy of such process in the Crown Office, or in the Office of the Deputy Clerk of the Crown in the District where the Absconding or Concealed person was last resident, or in the Office of the Clerk of the District Court of such District, when the proceedings shall be in the District Court, eight days before the return thereof; and all subsequent proceedings necessary to be served on the Defendant in ordinary cases shall be deemed to be served upon such Absconding or Concealed person by filing a copy in the Crown Office, or in the Office of the Deputy Clerk of the Crown in which the declaration shall have been filed as aforesaid, or in the Office of the Clerk of the District Court, as the case may be.

Process may be served at the last place of abode of any absconding Debtor, and by leaving a copy at the Crown Office in the District where he was last resident, or in the Office of Clerk of the District Court.

All subsequent proceedings may be left in the Crown Office or Office of Clerk of District Court in which Declaration shall have been filed.

VII. *And be it further enacted by the authority aforesaid,* That notwithstanding Judgment by default may be signed in any action in which the process and other proceedings may have been served in the manner aforesaid, such Judgment shall in no case be final: and it shall be incumbent on the Plaintiff nevertheless to prove his cause of Action in the same manner as if the general issue had been pleaded, or the deed denied in case the Action shall have been brought on any specialty, and in case the Jury at any such assessment of damages shall not find the Plaintiffs' demand, or any part thereof, proved, the verdict shall be rendered for nominal damages only, and the Plaintiff shall recover no Costs of suit.

Notwithstanding Judgment by default may be signed Plaintiff shall prove his Case in like manner as if General issue had been pleaded.

If Plaintiff shall not prove his Case, only nominal Damages shall be given, and no Costs.

VIII. *And be it further enacted by the authority aforesaid,* That in case any Sheriff or Sheriffs shall, by virtue of any Warrant or Warrants to be

Perishable goods may be appraised and sold.

Upon the sale of perishable Goods Plaintiff to give Bond in double the amount of appraised value, to refund the value of Goods seized, in case Judgment shall not be given for such Plaintiff.

issued in pursuance of this Act, seize and take any perishable Goods or Chattels, it shall and may be lawful for such Sheriff to have the same appraised and valued by two substantial Freeholders or competent judges, and upon the request of the person or persons suing out such Warrant or Warrants, to expose and sell the same at public Auction to the highest bidder, giving at least eight days notice of the time and place of such sale, if the articles so seized will admit of such delay, but if otherwise, then the Sheriff shall proceed to sell the same at such time as in his discretion may seem meet: *Provided also*, that it shall not be compulsory upon such Sheriff to seize or sell such perishable articles until the person or persons suing out such Warrant or Warrants of Attachment shall have given a Bond to the Defendant or Defendants, with good and sufficient Sureties in double the amount of the appraised value of such articles (ascertained as aforesaid) conditioned that the person or persons directing such seizure and sale will repay the value of such articles so seized and sold to the owner thereof, together with all costs and damages that may have been incurred in consequence of such seizure and sale, in case Judgment be not obtained for such person or persons so suing out such Warrant or Warrants of Attachment.

All payment of Debts or surrender of Property to an absconding Debtor, shall be deemed fraudulent after notice.

And such Debtor so paying shall answer over to the Creditor of such absconding Debtor, and if sued for any such Debt or Property in his possession, may plead general issue, and give this Act in evidence.

IX. *And be it further enacted by the authority aforesaid*, That if any person or persons being indebted to, or having the custody or possession of any property or effects of any such Absconding or Concealed person or persons shall, after such public notice given as aforesaid, and a copy thereof duly served upon him, her or them, by the said Sheriff, pay any debt or demand, or deliver any such property or effects to any such Absconding or Concealed person or persons, or his, her, or their Attorney, Agents, Factors or Assigns, the person or persons so paying any such debt, or delivering such property or effects, shall be deemed to have paid or done the same fraudulently, and is, and are, hereby made liable to answer the same, or the amount or value thereof, to the person or persons suing out such Warrant of Attachment, in the event of such person or persons recovering Judgment and Execution against such Absconding or Concealed person or persons, and if any such person or persons, being so indebted, or having such custody as aforesaid, shall, after such public notice, and being served with a copy thereof as aforesaid, be sued by such Absconding or Concealed person or persons for any such debt, or property or effects, he, she or they, so sued, may plead the general issue, and give this Act and the special matter in evidence.

Sheriff's expenses of executing Attachment payable in the first instance by Plaintiff,

X. *And be it further enacted by the authority aforesaid*, That the costs of such Sheriffs, either for seizing, securing, or taking charge of property and effects so attached, under and by virtue of any Warrant or Warrants

issued in pursuance of the provisions of this Act, shall be paid in the first instance by the party or parties suing out such Warrant or Warrants as aforesaid, his, her, or their Attorney or Agent, to the Sheriff to whom such Writ may be directed, and may be recovered by such Sheriff by action in any of His Majesty's Courts of Record in this Province, and in case such person or persons recover Judgment against the person or persons so Absconding or Concealed, the same shall be allowed with costs of suit, to be taxed by the proper Officer as the ordinary disbursements of the suit.

but to be afterwards allowed in taxed costs where Judgement passes for Plaintiff.

XI. *And be it further enacted by the authority aforesaid,* That the Freeholders and Appraisers authorised by this Act, shall be entitled to receive for each day they may be employed in carrying its enactments into effect the sum of Five Shillings.

Appraisers to receive five shillings per diem.

XII. *And be it further enacted by the authority aforesaid,* That if after Judgment and Execution by any Plaintiff or Plaintiffs against any Absconding or Concealed person or persons, obtained under and by virtue of the provisions of this Act, the Goods and Chattels, Lands and Tenements, of such Absconding or Concealed person or persons taken and seized by any Sheriff or Sheriffs by virtue of such Execution or Executions, shall not be sufficient to discharge the same, it shall and may be lawful for the Plaintiff or Plaintiffs to sue for and recover of and from any person or persons indebted to the Absconding or Concealed person or persons as aforesaid, the amount of the debt so owing by them to the Absconding or Concealed person or persons, or so much thereof as may be necessary to satisfy the claim of such Plaintiff or Plaintiffs, and payment made by such person or persons to such Plaintiff or Plaintiffs shall be considered legal and valid to all intents and purposes, and shall operate as a discharge for the debt, or so much thereof (as the case may be) owing to the Absconding or Concealed person or persons: *Provided always,* that the declaration in such action shall contain an introductory averment to this or the like effect, that is to say:—

If Goods, &c. of any absconding Debtor shall not be found sufficient to pay the demand against him, his Debts may be collected by Action in the name of his Creditor.

A. B. who sues under the provisions of an Act of the Parliament of this Province for Attaching the Property of Absconding Debtors, in order to recover from C. D. Debtor to one E. F. an Absconding or Concealed person, such sum as C. D. may owe to the said E. F. or so much thereof as will discharge the sum of ———, being the amount due by the said E. F. to him the said A. B. complains, &c.

Form of the commencement of declaration against the Debtor of an absconding Debtor, by his Creditor.

XIII. *And be it further enacted by the authority aforesaid,* That before Execution shall issue upon any Judgment obtained under this Act against an Absconding or Concealed Debtor, a Bond to the Defendant

Before Execution shall issue against any absconding Debtor's Effects,

Plaintiff shall give Bond to Defendant, and file same in Court to answer in case Judgment shall be set aside or reversed.

in double the sum to be levied, to be executed by the Plaintiff and two sufficient surties, to be approved of by some one of the Judges of the Court in which the Action shall have been instituted, shall be filed among the papers of the cause, the condition of which Bond shall be to the effect, that if the Defendant, his Executors or Administrators, shall within the period allowed by Law contest the justice of the Plaintiffs demand, and succeed in reversing the recovery, the Plaintiff, his Executors, or Administrators, shall restore to the Defendant, his Heirs, Executors or Administrators, the amount that shall have been levied upon execution in such cause with interest, and shall make good to the Defendant, his Heirs, Executors or Administrators, any further damage occasioned by the seizure and sale of real and personal estate in order to satisfy the Judgment obtained against such Absconding or Concealed Debtor.

Upon personal appearance of absconding Debtor, he may have a rehearing within a year, upon giving security for costs.

XIV. *And be it further enacted by the authority aforesaid,* That at any time within one year after the rendering of Judgment against an Absconding or Concealed Debtor, such Debtor may, upon his personal appearance in Court in term time apply through his Counsel, or in case of his death his Executors or Administrators may, within the same period, apply for a re-hearing of the cause, which re-hearing shall be granted upon giving security for costs, and the cause may be again tried upon a Record to be prepared for that purpose, on which the entry of a new Venire may be made after the entry of issue joined, or of Judgment by default without any continuance or alteration of the Record in consequence of the death of parties, but the title of any purchaser, other than the Plaintiff himself, at the Sheriffs' Sale upon the execution which shall have previously issued in such cause shall not be affected by the Defendant obtaining a verdict or Judgment upon such subsequent proceeding.

Reversal of Judgment not to affect Sheriff's sale of Effects.

New Trials may be granted.

XV. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent one or more new trials being granted, either after the first verdict or after the verdict rendered upon the re-hearing, when the same shall appear necessary to the ends of Justice.

After time for re-hearing or for new Trial has elapsed, Verdict shall be conclusive upon Obligors whose Bond has been filed previous to suing out Execution. Defendant not bound to enter Judgment.

XVI. *And be it further enacted by the authority aforesaid,* That in case any re-hearing under this Act after the period shall have elapsed within which a new trial can be moved for, or in case a new trial shall be refused, the verdict shall be taken to be conclusive so far as respects the liability of the obligors in the Bond required to be filed previous to the suing out Execution, and it shall not be necessary for the Defendant succeeding on such re-hearing to enter final Judgment for that purpose.

XVII. *And be it further enacted by the authority aforesaid,* That if after the period of one month from the return day of any Execution against the goods and chattels, lands and tenements of any Absconding or Concealed person or persons, (the same having been satisfied) no other Warrant or Warrants of Attachment shall come into the hands of any such Sheriff against the property or effects of such Absconding or Concealed person or persons, all the property and effects then remaining in the hands of such Sheriff, together with all Books of accounts, evidences of debt, vouchers and papers relating thereto, shall be delivered to the person or persons in whose custody the same were found, being the Factor, Agent or Servant, of such Absconding or Concealed person, and the responsibility of such Sheriff as respects such property shall from thenceforth cease.

Residue of Property remaining after Execution satisfied, to be delivered back to the custody from whence the same was taken, unless within one month any other Attachment shall be lodged with the Sheriff.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force for the period of two years, and form thence to the end of the then next ensuing Session of Parliament and no longer: *Provided always,* That it shall nevertheless be lawful to proceed in any matter that may be depending under this Act until the same shall be brought to a final termination according to the provisions thereof.

Act to continue in force two years.

CHAP. VI.

AN ACT to provide for making Stock held in Companies having a Joint Transferable Stock, liable to the satisfaction of Debts.

[Passed 28th January, 1832.]

WHEREAS it is just and expedient, that the Stock held by individuals, either in Banking Institutions or in other Companies lawfully created within this Province, and having a joint transferable Stock, should be subject to be taken and sold in satisfaction of debts, in the same manner as other personal property.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision

Preamble.

Stock in Corporate Companies rendered liable to Execution for Debt.

for the Government of the said Province,” and by the authority of the same, That the Stock held by any person in any Bank, or in any Corporation or Company in this Province having a joint transferable Stock, shall be liable to be taken and sold in Execution, in the same manner as other personal property of the Debtor.

Stock to be transferred in the Books of the Corporation upon Sheriff's Certificate of sale.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Cashier of any such Bank, or for the proper Officer of any other such Corporation or Company, upon the production of a Certificate under the Hand and Seal of Office of the Sheriff acting upon any Execution, declaring to whom any Stock taken upon such Execution shall have been sold by him, to transfer such Stock from the name of the original Stockholder to the name of the person or persons who may be named in such Certificate as the purchaser or purchasers under such Execution; and that such purchaser or purchasers shall from thenceforth be entitled to receive all dividends and profits arising from such Stock, and shall in all other respects be considered in the place and stead of the former Stockholder.

CHAP. VII.

AN ACT to confirm British Subjects in their Titles to Real Estates in this Province, derived through Aliens.

[Passed 28th January, 1832.]

Preamble.

WHEREAS it is expedient, except under certain circumstances hereinafter mentioned, to confirm British Subjects in such Titles to Real Estates in this Province as are liable to be impeached, on the ground of the person from or through whom such Titles have been derived having been Aliens.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’ ” and by the authority of the same, That from and after the passing of this Act, no person shall be disturbed in the possession or purchase, from the recovery of any Lands, Tenements, or Hereditaments in this Province, on the ground that any person from or through whom

Titles to Estates not to be disturbed by reason of their being derived through Aliens.

he or she may claim by Title acquired or derived before the passing of this Act, was an Alien.

II. *Provided always, nevertheless, and be it further enacted by the authority aforesaid,* That in all cases where any person claiming to hold as next entitled, on the ground that the person nearer in that line of descent was an Alien, shall, in virtue of such claim, have taken actual possession of any Real Estate before the passing of this Act, and have made improvements thereon; and also in all cases where any person claiming to hold as next entitled, on the ground that the person nearer in the line of descent was an Alien, shall have actually sold or departed with, or shall have actually contracted to sell or depart with his Real Estate before the passing of this Act, (no person being at the time in adverse possession thereof) the provisions of this Act shall not extend to render invalid any right or Title to such Estate so claimed on the ground aforesaid, but such right or Title shall be taken and adjudged to be, as if this Act had not been passed.

Provided that no actual possession or sale shall be affected hereby.

CHAP. VIII.

AN ACT respecting the Time and Place of Sitting of the Court of King's Bench.

[Passed 23rd December, 1831.]

WHEREAS by an Act of the Parliament of this Province, passed in the Thirty-fourth year of the Reign of His late Majesty King George the Third, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," it is provided, "that His Majesty's Court of King's Bench in this Province shall be holden in a place certain, that is, in the City, Town or Place, where the Governor, or Lieutenant Governor shall usually reside, and until such place be fixed the said Court shall be holden at the last place of meeting of the Legislative Council and Assembly;" *And whereas* no Public Building has yet been erected for the accommodation of the Court of King's Bench, and it may be found convenient to allow the said Court to be holden at some eligible place in the immediate vicinity of the Seat of Government, although not within the actual limits of the City, Town or Place, in which the Governor or Lieutenant Governor shall usually reside. *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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.

Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That such part of the said Act, hereinbefore recited, as appoints the place at which the Court of King's Bench shall be holden, shall be and the same is hereby repealed.

So much of 34 Geo. 3, Chap. 2, Sec. 1, as fixes the place of holding the Court of King's Bench, repealed.

Court of King's Bench may be held within one mile of the seat of Government of this Province.

II. *And be it further enacted by the authority aforesaid*, That His Majesty's Court of King's Bench in this Province shall be holden at a place certain, that is, in the City, Town or Place which shall be for the time the Seat of the Civil Government of this Province, or within one mile of such City, Town or Place, and that the place in which the said Court shall be holden under the authority of this Act, shall be deemed and taken, with reference to the Sitting of such Court, to form part and parcel of the City, Town or Place, which shall be for the time the Seat of the Civil Government of this Province, notwithstanding it may be without the Geographical limits thereof.

Hilary Term to commence on the first Monday in February.

III. *And whereas*, it is expedient to alter the period of holding the Term of Hilary;—*Be it therefore enacted by the authority aforesaid*, That the Term of Hilary shall henceforth commence on the First Monday in February, and end on the Saturday of the week following, any law or usage to the contrary notwithstanding.

Not to affect any Process or Proceeding now in progress.

IV. *Provided always nevertheless, and be it further enacted by the authority aforesaid*, That any Writs, Process, Entry or Proceeding, which hath been, or shall be issued, had or made, in which the Term of Hilary during this present year, or any return day thereof is described and set forth, otherwise than according to the provision in this Act contained, shall nevertheless be valid and effectual, and the commencement and end of such Term of Hilary and other return day therein mentioned in any such Writ, Process, Entry or Proceeding, shall, with respect to such Writ, Process, Entry or Proceeding, and all subsequent proceeding thereon, be deemed and taken to be as it should and ought to have been according to the periods in this Act appointed for the commencement and duration of the said Term of Hilary.

Act to continue in force two years.

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

CHAP. IX.

AN ACT to make Valid certain Proceedings in the Home District Court.

[Passed 28th January, 1832.]

WHEREAS the Terms of Sitting of the District Court of the Home District are by Law concurrent with the Terms of the Court of King's Bench respectively; *And whereas*, by the operation of an Act passed in this present Session of Parliament entitled, "An Act respecting the time and place of Sitting of the Court of King's Bench," the Term of the said District Court which would have commenced on the Monday next after the twenty-fifth day of December, in the year of our Lord one thousand eight hundred and thirty-one, is postponed and delayed until the First Monday in the February following; *And whereas* doubts may arise, and inconvenience to the Suitors in the said District Court may ensue, if some provision be not made for confirming and making valid the proceedings had therein before the passing of the said recited Act, and it is expedient to prevent such doubts and inconvenience: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all the provisions in the said recited Act passed in the present Session of the Parliament of this Province contained, respecting the proceedings had in the Court of King's Bench before the passing thereof, shall extend, and be construed to extend, to the District Court of the Home District as far as relates to the like proceedings had in the said District Court, any Law, usage or custom, to the contrary notwithstanding.

Preamble.

Provisions of the Act altering the time and place of sitting of the Court of King's Bench to be applicable to the Home District Court, *Mutatis Mutandis*.

CHAP. X.

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 23th January, 1832.]

Preamble.

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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Twenty-third Clause of an Act passed in the Second year of His late Majesty's Reign entitled, "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, entitled "An Act to amend and repeal part of an Act entitled, '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.

2nd Geo. 4th Chap.
— Sec. 23, and
4th Geo. 4th. Chap
11. Sec. 2. repealed.

Number of Shares
extended to 16,000.

Capital Stock not to
exceed £200,000.

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.

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

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.

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, Coburgh, 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 monies 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 60 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.

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 monies 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 Sixth Clause of the Act passed in the Second year of the Reign of the late King George

New Stockholders to vote according to amount paid.

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

the Fourth, entitled "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.

2nd. Geo. 4th Chap. —, 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 entitled, "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 persons 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 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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CHAP. XI.

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 23th January, 1832.]

Preamble.

WHEREAS 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 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 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas 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 Dis-

The President,
Directors and Com-
pany of the Commer-
cial Bank of the
Midland District
Incorporated.

trict, shall be in Law capable of purchasing, holding, and conveying any Estate, real or personal, for the use of the said Corporation.

II. *And be it further enacted by the authority aforesaid,* That a Share in the Stock of the said Bank shall be Twenty-five Pounds, or the equivalent thereof in Specie, and the number of Shares shall not exceed Four Thousand; and that Books of Subscription shall be opened at the same time in the Towns of Kingston, Brockville, York, Niagara, Hamilton in the District of Gore, London, Cobourg, Prescott, Hallowell, Perth, Cornwall, Belleville, Sandwich, and Amherstburgh, 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.

Stock to consist of 4,000 Shares of £25 each.

Books of Subscription when and where to be opened.

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 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 Monies of the Bank.

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

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 afore-

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

said 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.

Capital Stock limited to £100,000.

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.

When £40,000 shall have been subscribed, Directors may be Elected.

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 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.

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.

Ten Directors to be Elected, one of whom shall be President.

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

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.

Manner of Electing
Directors.

Vacancies how filled
up.

Directors to be
Stockholders to the
amount of 10 Shares.

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

Corporation not
dissolved by Non-
Election of Directors
at the usual period.

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 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

Number of votes
proportioned to the
number of Shares.

No Stockholder shall be entitled to more than fifteen votes.

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, Copartnership, or Body Politic, shall be entitled to more than Fifteen Votes at any such Election.

Half-yearly Dividends to be declared.

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.

Directors may make By-Laws, and appoint Officers and Clerks.

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.

Debts never to exceed three times the Capital Stock paid in.

Directors made personally responsible for excess.

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 Monies 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 the General Meeting, which they shall have power to call for that purpose.

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.

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

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 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 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.

Corporation may hold Lands necessary for carrying on the Business, and taken in Security of, or in satisfaction for Debts.

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.

Shares transferable.

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

Bills, Obligatory or of Credit, under Seal of Corporation, to be assignable by endorsement.

Corporation may issue Notes or Bills not under Seal.

the same, in the 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.

Cashier and Clerks
to give Security.

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.

Bank not to demand
more than six per
cent. Interest.

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.

Directors not to be
entitled to any
emolument, and five
to form a quorum.

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.

Bank to carry on its
business in Kingston.

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.

Branches may be
established in other
places.

Upon stopping pay-
ment, Bank to dis-
continue its business
until a resumption
of cash payments.

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.

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.

Return to be made under Oath to the Legislature, if required.

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.

Money not to be advanced on the Credit of the Stock of the said Bank.

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.

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

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.

This a Public Act.

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

XXVI. *And be it further enacted by the authority aforesaid,* That the 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 Thirty-four.

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 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.

CHAP. XII.

AN ACT to repeal part of and amend the Charter of the Niagara Canal Company.

[Passed 28th January, 1832.]

Preamble.

WHEREAS the provisions of an Act passed in 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Eleventh, Twelfth, Thirteenth and Fourteenth Clauses of the said Act be, and the same are hereby repealed.

10 Geo. 4, Chap. 9, Sec. 11, 12, 13 & 14, repealed.

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 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.

Niagara Canal Company and Welland Canal Company may appoint Arbitrators to determine the sum to be paid for the necessary supply of water.

If both Companies agree respecting the water, Arbitration shall not be necessary.

Waters 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 repayment 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.

Government, to appoint one Director so long as Stock held on behalf of the Public.

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.

CHAP. XIII.

AN ACT to Incorporate a Joint Stock Company, to Improve the Navigation of the Grand River.

[Passed 28th January, 1832.]

Preamble.

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 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to

make further provision for the Government of the said Province," and by the authority of the same, That the said William 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.

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 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 Railways, 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 im-

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.

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.

Company may set out Lands which shall be necessary for making River Navigable.

May make Dams and Locks, and other Works.

General Powers for carrying on their Works.

provement 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.

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 conveniencies 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 herein-after mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

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 hereinbefore 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.

Company may cut off Points, and straighten the Navigation, and make such erections as may be necessary for that purpose.

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 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.

May appropriate the water of the Grand River.

Indians to have the free and uninterrupted Navigation of the Grand River, with their Canoes.

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 hereinbefore mentioned, it shall and may be lawful for all bodies Politic, Communities, Corporations, aggregate or sole guardians, and all other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and in behalf of those whom they represent, whether Infants, Lunatics, Idiots, Femmes Couverts, 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 anywise 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 whose decision shall be final; and in case of vacancy in the Board of Commissioners, by death, resignation, or refusal

Directors may
compound with the
owners of Lands,
either for the value
thereof or the
damages done
thereon.

Arbitrators appointed
to determine all
disputes.

In case of any
vacancy, Lieutenant
Governor to fill the
same.

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.

In case of the disqualification of the Arbitrators named, the parties may appoint others.

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 that 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 judgement : *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.

Compensation to be made to Indians as to other individuals.

Mode of settling disputes between Indians and the Company.

Arbitrator: to be sworn.

Lands not to be taken possession of by the Company until paid for.

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

Award may be set aside by motion in King's Bench.

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.

Persons committing malicious injuries how punished.

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.

Inhabitants residing upon the Grand River may use Boats thereon for pleasure, or purposes of Husbandry.

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 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 Grand River, or the Towing-Paths thereof.

Paying Tolls on Goods or Merchandize.

Directors may establish rates of Tolls.

Amount of Tolls to be annually laid before either branch of the Legislature, if required.

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.

Tolls may be reduced by the Legislature, if found excessive.

Not to be reduced below 20 per cent. on the Capital expended.

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.

Directors may fix Tolls after any part of Canal finished, and may alter the same.

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 guaged 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.

All Boats or Vessels to be guaged or measured.

Penalty for refusal forty shillings.

In case of dispute, how measurement to be ascertained.

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 commo-

All roads to the Works to be erected or made on the Grand River to be open to the public, except Tow-Paths.

Towing-Paths to be open on payment of dues.

dities ; 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.

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.

Directors to make regulations respecting the payment of dues.

Vessels, &c. seizable for non-payment of dues.

Capital Stock not to exceed £50,000; Shares £5 5s. each.

Books of Subscription when and where to be opened.

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 Asize 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.

Any person take Stock not exceeding 200 Shares, in the first instance.

Instalments when and how payable.

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 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 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

Stock forfeited on non-payment of Instalments. Forfeited Shares to be sold at Auction.

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.

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 instalment 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.

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.

When £5,000 has been subscribed, Directors may be elected.

Election, when, where, and how to be made.

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

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.

How vacancies in the Direction to be filled up.

Ratio of votes of each Stockholder.

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 hereinbefore 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 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.

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.

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 agreeably to the ratios hereinbefore established at a General Meeting to be called for that purpose, an exact and particular statement shall be rendered of the 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, dividends and expenditures.

Half yearly dividends of the profits to be declared.

Stockholders may require a statement of the affairs of the Company once every 3 years.

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.

Directors may make bye Laws.

Appoint and dismiss Servants.

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

Treasurer to give security.

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 bye-law of the said Company, to be made in pursuance thereof for the levying and recovering whereof no particular method is hereinbefore 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.

All actions for any thing done under this Act to be commenced within six months.

General issue may be pleaded.

XXVIII. *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 act done or to be done in pursuance of this Act, or in execution of the Powers and Authorities, or the orders and directions hereinbefore given or granted, every such Writ 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 hereinbe-

fore limited for bringing the same, then a verdict shall be given for the Defendant.

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.

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. Water may be taken from the Grand River or its tributaries for feeding other Canals.

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. *And be it further enacted by the authority aforesaid,* That the said Company shall forfeit and lose all the benefit of this Charter, and the privileges and powers hereby conferred unless the said improvement contemplated up to the Village of Brantford 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 five feet water.

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 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 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 monies 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, 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.

CHAP. XIV.

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.]

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, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Erie: *And whereas*, Colin McNeillidge, 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Colin McNeillidge, 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

Preamble.

Company Incorporated by the style of the President, Directors and Company of the Port Dover Harbour.

General powers of
the Company.

Seal.

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.

Authority to con-
struct a Harbour at
Port Dover.

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 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 hereinbefore provided.

Arbitrators to be appointed for settling disputes.

Arbitrators required to attend.

Awards may be set aside on motion in the 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, recover and take as toll, to and for their 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:—

When tolls may be exacted.

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. 3
 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.

Rate of Tolls.

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 ;

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.

Property 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 hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their Successors forever.

Vessels and Goods may be seized for non-payment of tolls.

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 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.

seven Directors to be chosen.

Time and manner of Election.

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 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, hereinbefore 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.

How vacancies to be 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 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.

Ratio of voting.

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.

Corporation not dissolved by non-election of Directors.

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 By-laws, and appoint their Servants.

First meeting of
Stockholders on the
2nd Monday in May
next.

Provided £2000 shall
have been previously
subscribed.

Capital not to
exceed £5,000.

Instalments when
to be called in.

No Instalment to
exceed 10 per cent.

Harbour not to be
commenced until
first Instalment
paid in.

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 hereinbefore provided shall proceed to elect seven persons to be Directors, who shall continue in such Office until the first Monday in May next after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been Elected at the annual Election: *Provided always,* that if Shares to the amount of 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.

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.

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.

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 monies of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the Share or Shares so purchased by him, her, or them as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such Shares so purchased as aforesaid: *Provided always nevertheless*, that thirty days notice of 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.

Upon neglect to pay Instalments Shares to be forfeited.

Forfeited Shares to be advertised in the Gazette.

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.

Directors to make annual Dividends.

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.

This a Public Act.

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 monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall,

Government may assume Stock at the end of fifty years.

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 One Hundred Pounds they shall be possessed of in the said Concern.

Upon the assumption of the Stock by the Government, how Tolls &c. to be accounted for.

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 hereinbefore authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within 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.

Harbour to be commenced and completed in seven years.

CHAP. XV.

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.

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

McNeillidge, 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Charles Ingersoll, Colin McNeillidge, 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 Com-
pany 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

Company may con-
struct a Harbour at
Port Burwell.

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 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 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 hereinbefore provided.

Directors may agree with the owners of Lands for the purchase thereof, or damages done thereto, in constructing Harbour.

Disputes to be settled by Arbitration.

Arbitrators how appointed.

Time and manner of proceeding by the Arbitrators.

Award subject to the control of the 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, 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:—

Tolls when to be levied.

Extent of the Harbour.

- 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.
 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.

Rate of Tolls.

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 heretofore mentioned, shall be and the same are hereby vested in the said Company and their Successors forever.

Harbour and appurtenances 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 Com-

Vessels liable to seizure for non-payment of tolls.

Vessels or Goods may be sold for non-payment of tolls.

pany, 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.

Seven Directors to be elected.

Time and manner of Election.

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 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, hereinbefore 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.

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.

Corporation not dissolved by reason of the non-election of 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.

Directors may make By-laws.

and appoint the Officers and Clerks of the Company.

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 hereinbefore provided shall proceed to elect seven persons to be Directors, who shall continue in such Office until the first Monday in June next after their election, and who during such continuance shall discharge the duties of Directors in the same 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 £3,000 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

Capital Stock not to exceed £7,500.

Shares £6 5s. each.

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.

Instalments when and how 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 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.

No Instalment to exceed 10 per cent. nor to be called for in less than 30 days.

Harbour not to be commenced until first Instalment paid in.

Shares of Stock to be forfeited if Instalments not paid in when called for.

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 monies of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the Instalment required over and above the purchase money of the Share or Shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: *Provided always nevertheless,* that thirty days notice of the sale of such forfeited shares shall be given in the Upper Canada Gazette, or in any newspaper or newspapers 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.

Forfeited Shares 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 the majority of them shall seem adviseable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses: such statement to appear on the Books, and to be open to the perusal of any Stockholder at his or her reasonable request.

Annual dividends to be made of the profits.

Annual statement of the affairs of the Company to be prepared for the inspection of the Stockholders.

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.

This a Public Act.

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 monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to 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.

The Crown may assume the property of the Harbour after 50 years, upon paying the Stockholders the sum expended and 25 per cent. premium thereon.

Harbour thereafter to be vested in His Majesty.

Crown not to assume possession unless Stockholders have received annually 2½ 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 hereinbefore authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver

Upon the Crown assuming the property of Canal, Tolls to be paid to His Majesty's Receiver General.

Tolls how then accounted for.

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.

CHAP. XVI.

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 entitled, "An Act to erect the County of Prince Edward into a Separate District."

[Passed 28th January, 1832.]

Preamble.

WHEREAS it is expedient, to extend the provisions of an Act passed the last Session of the Parliament of this Province entitled, "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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Justices of the Peace within the said County be authorised, and they are hereby authorised, at a public meeting to be by them holden for that purpose, at some convenient place in the Township of Hallowell, so soon after the passing of this Act as may be convenient, (a notice signed by two or more of the said Justices fixing upon the time and place of such meeting having been three weeks published in some Newspaper within the said County previous to such meeting,) to procure by such means as to the said Justices, or the greater part of them present at the said meeting shall seem fitting and proper, different plans and elevations of a Gaol and Court House to be laid before them, for the pur-

Justices of the Peace to procure plans for the new Court House.

pose of selecting and determining upon one of the said plans and elevations which shall be approved of by a majority of the said Justices then and there assembled as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That at the said meeting as aforesaid, the said Justices may nominate and appoint a Chairman, Treasurer and Clerk, and also three other persons, who together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorised, and they are hereby authorised and empowered, to contract for and superintend the erection and completion of the said Gaol and Court House, under the control of the said Justices, and in the name and on the behalf of the Inhabitants of the said intended District, with any person or persons who shall desire to erect and finish the same according to the plan approved of as aforesaid, upon the site or situation fixed upon by the said Act authorising the erection of the said County into a separate District; and for that purpose the plan, elevation and specifications, of the said Gaol and Court House shall continue and remain in the office of the said Clerk for general inspection, and public notice shall be given to all persons desirous to contract for the Building the said Gaol and Court House, to deliver in within a certain limited time proposals in writing under seal, of the sum of money which he or they will engage to build and complete the same, conformable to certain articles and conditions to be agreed upon by the said Committee or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said proposals so given in as aforesaid, and if they shall approve thereof the said Committee shall be empowered, and they are hereby required to contract with such person or persons as shall offer to undertake and build the said Gaol and Court House for the lowest price: *Provided*, the said person or persons making the said proposals shall give and enter into good and sufficient security, to be approved of by the said Justices at some one of their meetings as is hereinafter provided for, for the due performance of his or their contract.

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. *And be it further enacted by the authority aforesaid,* That the said Justices, so assembled as aforesaid, shall have the like power and authority within the said County of Prince Edward as the Justices of the Peace in other Districts of this Province in General Quarter Sessions assembled have by Law, so far as relates to building Gaols and Court Houses in their respective Districts, and no further, unless expressly provided for in this Act; and that they be authorised to adjourn the said Meeting from time to time, and assemble again as often as the business relating to the building of the said Gaol and Court House shall seem to

Power of Justices within the County.

require; that the said Building Committee be under their control and direction, and that the Clerk record all the resolutions, rules and orders of the said Meetings, in a book to be kept by him for that purpose; and if any vacancies shall occur of Chairman, Treasurer, Clerk, or other appointments of said Committee before the said County is declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorised to supply the vacancy so often as it may occur, by other appointments.

Vacancies in the Building Committee how filled up.

IV. *And whereas* by due course of Law all the ordinary Rates and Assessments raised and collected within the said County of Prince Edward will continue to be paid into the Treasury of the Midland District until the said County shall be declared a separate District: *And whereas* it is provided in the said Act that as soon as the said County shall have paid the sum of Six Hundred Pounds after the passing of the said Act, out of the Rates and Taxes of the said County, it shall be deemed and taken their full portion and share of the Midland District debt, and that the residue of the said Rates and Taxes shall be applicable to the general benefit of the said intended District, and may be applied by His Majesty's Justices of the Peace residing within the said County towards the erecting and building a Gaol and Court House therein; *Be it therefore further enacted by the authority aforesaid*, That the Treasurer of the Midland District be authorised, and he is hereby authorised and required, to pay into the hands of the Treasurer hereafter to be appointed under the provisions of this Act all the Rates and Taxes raised and collected, or hereafter to be raised and collected, within the said County of Prince Edward, and which shall come into his hands from time to time, and shall take receipts for the same as the money shall be paid over, which receipts shall be allowed by the Justices of the Midland District in their settlement with him.

Assessments collected in Prince Edward to be paid over by Treasurer of Midland District to the Treasurer of the said County.

V. *And be it further enacted by the authority aforesaid*, That the said Building Committee shall and may apply the said monies so received by the Treasurer to be appointed as aforesaid from the Treasurer of the Midland District, from time to time towards the payment of any contract that they make with any person or persons whatsoever for the building of the said Gaol and Court House in conformity to the intentions of the said Act.

Monies received from the Treasurer of the Midland District to be expended in the erection of Gaol and Court House.

VI. *And be it further enacted by the authority aforesaid*, That the said Committee shall keep faithful and correct account of all monies expended by them in the erection of the said Gaol and Court House, and shall take vouchers for the same from the Contrator or Contractors, and

Building Committee to keep accounts of monies expended.

also shall keep an account of all monies which may from time to time come into their hands applicable or available for the building 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.

VII. *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 Twelve Hundred Pounds, to be applied in defraying the expense of building the said Court House and Gaol.

Magistrates may authorize Treasurer to raise by Loan £1200 for building Gaol and Court House.

VIII. *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 one 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.

Debt not to bear a higher Interest than 6 per cent, and funds appropriated for its gradual liquidation.

IX. *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 Percentage 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 receive any poundage on monies borrowed.

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

Site of Gaol and Court House to be vested in the Clerk of the Peace, and be under the controul of the Magistrates.

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.

1st Wm 4, Ch. 7,
Sec. 2, repealed.

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.

CHAP. XVII.

AN ACT to establish a Police in the Town of Brockville, in the District of Johnstown.

[Passed 28th January, 1832.]

WHEREAS from the great increase of the Population of the Town of Brockville, in the District of Johnstown, it is necessary to make further provision than by Law exists for the internal regulation thereof.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make farther 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.

Preamble.

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 Andrews' 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.

Each Ward to elect two members of the Corporation.

Qualification of Electors.

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 years 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 householders 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 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.

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 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.

Mode of Electing a fifth member of the Board.

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

How vacancies in the Board to be supplied.

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 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 hereinbefore provided.

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.

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 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.

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 Rateable 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.

Persons refusing to pay Assessments to the Collector to be appointed by the Corporation, subject to distress for levying the same.

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.

Overplus of distress to be rendered to the owner.

Corporation may appoint and remove Officers.

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 reappoint 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.

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.

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.

Either party declining to abide by award must notify the other of his refusal to abide thereby.

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, 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.

In cases of refusal to abide by award, damages to be assessed by a Jury.

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 Attornies 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

Mode of striking Jury to assess damages.

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.

Seven Jurors for assessing damages to be selected.

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.

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.

By-Laws to be published.

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

Tendency 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: *Penalties how levied.*
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. *Limitation of Prosecutions for Penalties.*

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 monies coming into the said Treasury may be applied for the public uses of the said Town. *Penalties how to be applied.*

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. *Authority of Corporation with respect to the Streets.*

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. *Public Act.*

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. *Presiding Officer at Elections to have a casting vote.*

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 site for a Market in the said Town. *Corporation not to purchase Lands for a Market.*

FORM OF OATH.

Oath of Members of
the Corporation.

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.

CHAP. XVIII.

AN ACT to repeal part of an Act passed in the Fourth year of His late Majesty's Reign, entitled "An Act to divide the County of Carleton, in the Bathurst District."

[Passed 23th January, 1832.]

Preamble.

WHEREAS by an Act passed in the Fourth year of His late Majesty's Reign, entitled "An Act to divide the County of Carleton, in the Bathurst District," it was among other things provided, that nothing in the said Act contained should extend or be construed to extend to give to the Counties of Lanark and Carleton a greater increase of Representation in the House of Assembly of this Province than by Law these Counties would have been entitled to if the said District had not been divided into two Counties: *And whereas* the Population of these Counties renders it necessary that they should be represented in the House of Assembly by more than one Member each: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said recited Act as limits the Representation of the Counties of Lanark and Carleton be, and the same is hereby repealed.

So much of 1 Geo. 4,
Chap. 5, as limits the
Representation of
Carleton and Lanark
repealed.

Writs to be issued
for the return of an
additional Member
for Lanark and
Carleton.

H. And be it further enacted by the authority aforesaid, That 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 issue Writs for the Return of One Member for each of the said Counties, in addition to the Members now serving, in the same manner as the Governor, Lieutenant Governor or Person Administering the

Government issues Writs for the Return of Members in cases of a General Election of Representatives to the Provincial Parliament.

CHAP. XIX.

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 execution 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

J. Macaulay,
S. Ridout, and
J. Willson, Esquires,
appointed Commis-
sioners for the
purposes of this
Act.

and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America,’ and to make further provision for the Government of the said Province,” and by the authority of the same, That John 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.

Power of the
Commissioners 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 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.

Commissioners
may compel the
attendance of wit-
nesses and produc-
tion of papers.

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 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 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 therefore; 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 hereinbefore mentioned and referred to their judgment, it shall be the duty of the said Commissioners to cause a stone Monument to be placed at such 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 determine 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.

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.

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.

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 Monu-

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.

ment 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 inclosed, 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 the 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.

Public Act.

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 controul of His Majesty's Court of King's Bench therein.

In case any Commissioner shall die, become incapable, or refuse to act, Governor may appoint another, or others, in his or their stead.

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.

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.

CHAP. XX.

AN ACT to impose an additional Duty on Licenses to Vend Wines, Brandy and Spirituous Liquors.

[Passed 28th January, 1832.]

WHEREAS an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King George the Third, entitled "An Act to grant to His Majesty an additional Duty on Shop and Tavern Licenses," hath expired, and it is expedient for the purpose of raising a Revenue for the Improvement of the Roads and Bridges in this Province to continue an additional Duty on Licenses to Shop Keepers for Retailing Wine, Brandy, and other Spirituous Liquors: *And whereas* it is also expedient to require persons Selling Wines or Spirituous Liquors on board of Steam Boats to pay an additional Duty for a License to vend the same.— *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'"

Preamble.

Additional duty on Licences to sell Spirituous Liquors to be levied.

and by the authority of the same, That in addition to the sum of One Pound and Sixteen Shillings Sterling, and the additional sum of Twenty Shillings Currency, directed and required to be paid by Law before the passing of this Act, upon every License hereafter to be granted by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to Shop-keepers, for retailing Wine, Brandy, and other Spirituous Liquors within this Province, which shall still be and continue to be levied, collected and paid by the several Acts now in force for that purpose, there shall, from and after the passing of this Act, be raised, collected and paid, under the same restrictions and penalties as are in the said Acts contained, the further sum of Two Pounds, Currency.

Persons selling Spirituous Liquors on board Steam-boats or other Vessels to take out Licences.

II. *And be it further enacted by the authority aforesaid,* That each and every person who shall sell or vend Wine, Brandy, or other Spirituous Liquors, on board of any Steam Boat or Vessel in this Province, shall be entitled to receive a Licence for that purpose, without entering into Bonds or Recognizance to keep an Inn, according to the Laws of this Province, upon payment of the sum of Two Pounds, in addition to the sum of One Pound Sixteen Shillings Sterling, and the additional sum of Twenty Shillings Currency, now directed and required to be paid by Law.

Penalty for selling Spirituous Liquors on board Steamers and other Vessels.

III. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this Act vend or sell any Wines or Spirituous Liquors on board of any Steam Boat without having previously obtained such Licence, such person or persons shall be subject to all the penalties now imposed by the Laws of this Province upon persons selling Wines or Spirituous Liquors without Licence.

Accounting clause.

IV. *And be it further enacted by the authority aforesaid,* That the money paid under the authority of this Act shall be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

Duties arising under this Act to be applicable to the improvement of the roads.

V. *And be it further enacted by the authority aforesaid,* That the Revenue arising, or which may be received under this Act shall be subject to the disposition of Parliament for the purpose of improving the Public Highways and Bridges in this Province, and shall not be applicable to any other purpose whatsoever.

Continuation of the Act.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for the term of four years, and from

thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP. XXI.

AN ACT to continue in force for a limited time an Act passed in the Fourth Year of His late Majesty's Reign entitled, "An Act to restrain the Selling of Beer, Ale, Cider and other Liquors not Spirituous, in certain Towns and Villages in this Province, and to regulate the manner of Licensing the same."

[Passed 28th January, 1832.]

WHEREAS an Act passed in the Fourth Year of the Reign of our late Sovereign Lord King George the Fourth, entitled "An Act to restrain the Selling of Beer, Ale, Cider, and other Liquors not Spirituous, in certain Towns and Villages in this Province, and to regulate the manner of Licensing Ale-houses within the same," is about to expire: *And whereas* it is expedient to continue the same: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act shall be and continue in force for four Years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Preamble.

4 Geo. 4, chap. 15, renewed and continued for four years.

CHAP. XXII.

AN ACT to authorise a Loan to the President, Directors and Company, of the Cobourg Harbour.

[Passed 28th January, 1832.]

WHEREAS by an Act passed in the Tenth year of His late Majesty's Reign, entitled "An Act to Improve the Navigation of Lake Ontario, by authorising the construction of a Harbour at Cobourg by a Joint Stock

Preamble.

Company, under the name and style of the President, Directors and Company, of the Cobourg Harbour?" *And whereas* the said President, Directors and Company, have so far proceeded in the erection of the said Harbour as by the protection and convenience already afforded to Vessels and Boats clearly to demonstrate its utility: *And whereas* a Schedule of the Tolls which would have been collected at the said Harbour, had the same been finished during the past year, hath by the said Company been exhibited to the Legislature, which sufficiently warrants the expectation of a certain return of the interest of the monies already expended and necessary to be expended for the completion of the said Harbour, and in ten years the principal also: *And whereas* the said Company have expended from their funds the sum of two thousand four hundred and ninety-five Pounds, two Shillings and six Pence, and the Work when completed being considered one which will prove of great utility to that part of the Country in which it is situated, and of safety and convenience to the Shipping interests of the Lake trade generally, it is expedient to Loan to the said Company the sum of three 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province 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, Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of Money not exceeding Three Thousand Pounds, at a rate of Interest not exceeding Six Pounds per Centum, which said sum of three thousand Pounds shall be advanced by way of Loan to the said President, Directors and Company, at the same rate of Six per Centum Interest, to be by them applied in the completion of the said Harbour at Cobourg.

£3,000 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.

Debentures to be issued for a sum not exceeding £3,000, redeemable at not less than 10 years, at not more than 6 per cent. interest.

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, 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 ten 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, entitled "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 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.

The provisions of 7 Geo. 4, chap. 20, respecting Debentures issued under that Act to be applicable to those issued under this.

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 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 by the said Company before any money advanced.

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CHAP. XXIII.

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.

WHEREAS by an Act passed in the tenth year of His late Majesty's Reign, entitled, "An Act to Incorporate certain persons therein named under the style and title of the Port Hope Harbour and Wharf Company," authorises the construction of a Harbour and Wharf at the Village of Port Hope: *And whereas* the said President Directors and Company have so far proceeded in the erection of the said Harbour and Wharf as by the protection and convenience already afforded to Vessels and Boats clearly to demonstrate their utility: *And whereas* a Schedule of the Tolls which would have been collected at the said Harbour, had the same been finished during the past year, hath by the said Company been exhibited to the Legislature, which sufficiently warrants the expectation of a certain return of the Interest of the Monies already expended and necessary to be expended for the completion of the said Harbour, and in ten years the Principal also: *And whereas* the said Company have expended from their funds the sum of one thousand four hundred and fifteen Pounds, and the Work when completed being considered one which will prove of great utility to that part of the country in which it is situated, and of safety and convenience to the Shipping interest of the Lake trade generally, it is expedient to Loan to the said Company the sum of Two 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, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province 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, Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of Money

£2000 to be loaned to the Port-Hope Harbour and Wharf Company.

not exceeding Two Thousand Pounds, at a rate of Interest not exceeding Six Pounds per Centum, which said sum of two thousand Pounds shall be advanced by way of Loan to the said President, Directors and Company, at the same rate of Six per Centum Interest, to be by them applied in the completion of the said Harbour and Wharf at the Village of Port Hope.

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 not exceeding in the whole the said sum of two 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 two thousand Pounds, or such part thereof as may be actually received; and redeemable at a period not exceeding ten years, and shall be signed by the said Receiver General.

Receiver General may issue Debentures therefor.

Debentures when redeemable.

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 entitled, "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 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.

The provisions of 7 Geo. 4, respecting Debentures, to be applicable to the Debentures to be issued under this Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of two 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 repayment of the Principal of the sum so loaned within the

Security to be given to the satisfaction of the Governor in Council, before the said Loan shall be made.

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.

Warrant to be issued to Receiver General upon security being completed.

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 the said Province, to issue his Warrant to the Receiver General for the said sum of two thousand Pounds in favor of the Treasurer of the said Company for the time being, so soon as security is given as aforesaid.

CHAP. XXIV.

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

[Passed 28th January, 1832.]

Preamble.

WHEREAS the President and Directors of the Desjardin's Canal Company, as well as a number of the Inhabitant of the District of Gore, have by their petition represented that they are desirous that a sum of money should be advanced by way of loan to the said Company by the Government of this Province, to enable them to complete the said Canal, *and whereas*, it is expedient to afford public aid in furtherance of the said undertaking, upon security of the said Company, as hereinafter mentioned:—*Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That whenever the said Desjardin's Canal Company shall have executed a Bond in due form of Law, conditioned for the punctual payment of the interest and principal of such Debentures, as shall by the authority of this Act be issued for their benefit, and shall also have executed a mortgage upon the Canal and the Tolls thereon, as collateral

Upon security being given, Debentures to the amount of £5000 to be issued to the Desjardins Canal Company.

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.

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

Debentures to be chargeable upon the general Revenue 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 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.

Provision for the payment of the Interest to be made out of the Tolls.

IV. *And be it further enacted by the authority aforesaid,* That all such Debentures with the Interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon the fund provided by the securities given for the repayment thereof by the said Desjardin's Canal Company; and if at any time satisfactory provision shall not have been made in the manner named in the preceding Clause for the payment of the Interest and 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

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.

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.

CHAP. XXV.

AN ACT for granting to His Majesty a sum of Money to defray the expense of erecting a Light-House between Nicholson's Island and the Ducks, and for appointing Commissioners to superintend the erection thereof.

[Passed 28th January, 1832.]

Preamble.

WHEREAS it would tend greatly to the safety and convenience of the Navigation of Lake Ontario, if a Light-House were erected between Nicholson's Island and the Ducks, in the County of Prince Edward, on the said Lake.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful immediately after the passing of this Act for the Commissioners hereinafter named to erect a good and sufficient Light House, upon the most eligible situation between Nicholson's Island and the Ducks, in the County of Prince Edward, in the Midland District, as they shall judge the most proper; and also to provide the necessary apparatus for Lighting the same.

A Light House to be erected between Nicholson's Island and the Ducks.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid,* That John Macaulay, Esquire; Simeon Washburn, Esquire; James McKenzie, Esquire; John Marks, Esquire; and Louther Pinnington McPherson, Esquire, in the Midland District, be Commissioners for the purposes of this Act.

£1000 granted to His Majesty to erect the Light House.

III. *And be it further enacted by the authority aforesaid,* That from and out of the Rates and Dues now raised, levied and collected, or which may be hereafter raised, levied and collected, and remaining in the

hands of the Receiver General unappropriated, there be granted to His Majesty the sum of One Thousand Pounds, to enable His Majesty to defray the expense of erecting the said Light-House and furnishing the same, and that such sum shall be paid by Warrant of the Governor, Lieutenant Governor, or person Administering the Government of this Province for the time being, to be issued in favor of the aforesaid Commissioners, or any of them, and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

To be paid by Warrant, and accounted for through the Lords of the Treasury.

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

Commissioners to render an account of the expenditure of the monies received by them, and to report upon the subject of Tolls to be levied on Vessels.

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

General duties of Commissioners.

CHAP. XXVI.

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.]

MOST GRACIOUS SOVEREIGN.

WHEREAS it appears from the Report of the Commissioners, and Estimate of the Superintendant of the Burlington Bay Canal, that the additional sum of Two Thousand Four Hundred and Seventy-eight Pounds, Four Shillings, is required for the completion and protection of that 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the use of this Province, there be granted to His Majesty the said sum of Two Thousand Four Hundred and Seventy-eight Pounds, Four Shillings, to be paid out of the sums now remaining, or that may come into the hands of the Receiver General, unappropriated, to be applied to the purposes of completing and protecting that Work.

Preamble.

£2,478 granted to His Majesty for the completion of the Burlington Bay Canal.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid*, That William Chisholm, John Aikman, and William Applegrath, be Commissioners for the purpose of superintending the completion of that Work, and that the said sum of Two Thousand Four Hundred and Seventy-eight Pounds, Four Shillings, shall be paid to the said Commissioners, 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.

Money to be accounted for through the Lords of the Treasury.

III. *And be it further enacted by the authority aforesaid*, That the said sum 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 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.

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, entitled "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 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.

11 Geo. 4, Chap. 12, Sec. 4, and part of Sec. 11, repealed.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners of the Burlington Bay Canal are hereby authorised to pay, out of the said sum of Five Thousand Pounds heretofore granted in aid of the said Work, to William Johnson Kerr, Esquire, Superintendent, the sum of Three Hundred and Thirty-seven Pounds, Fourteen Shillings and Two Pence, being an amount due him for securing the Canal, and Machinery, during the years One Thousand Eight Hundred and Twenty-eight, and One Thousand Eight Hundred and Twenty-nine.

£337 14s. 2d. to be paid to W. J. Kerr, Esq.

CHAP. XXVII.

AN ACT granting to His Majesty a Sum of Money for the purposes therein mentioned.

[Passed, 28th January, 1832.]

MOST GRACIOUS SOVEREIGN.

WHEREAS Your Majesty's faithful Commons did, in the first and

Preamble.

second Sessions of the Ninth Parliament, and in the first Session of the Tenth Parliament, vote the following sums of Money to the undermentioned persons viz :—

To the late Clerk of the Honorable the Legislative Council, the sum of Two Hundred Pounds.

To the Gentleman Usher of the Black Rod, the sum of One Hundred Pounds.

To the Door Keeper of the Honorable the Legislative Council, the sum of Forty Pounds.

To the Clerk of the House of Assembly the sum of Two Hundred Pounds.

To Valentine Gill the sum of Forty Pounds : and—

To the Sergeant-at-Arms the sum of One Hundred Pounds.

And whereas Your Majesty's faithful Commons are desirous by Law to provide for the payment of the aforesaid sums to the before mentioned persons, or their representatives, We beseech Your Majesty that it may be enacted : *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, ' An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Six Hundred and Eighty Pounds ; which said sum of Six Hundred and Eighty Pounds shall be paid by the Receiver General of this Province to the persons aforesaid, or to their representatives, in the aforesaid sums respectively, in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province in their favor ; and be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct : *Provided always*, that the sum of Two Hundred Pounds granted to the late Clerk of the Honorable the Legislative Council shall be paid to the Widow of that Officer, any thing herein contained to the contrary notwithstanding.

£680 granted to His Majesty for making good certain sums voted in the 9th Parliament.

How to be accounted for.

CHAP. XXVIII.

AN ACT granting to His Majesty a sum of Money in aid of the erection of an Hospital in or near the Town of Kingston.

[Passed 23th January, 1832.]

MOST GRACIOUS SOVEREIGN.

WHEREAS it is necessary to provide for the erection and establishment of an Asylum for the destitute Sick within this Province: *And* ^{Preamble.} *whereas* the Inhabitants of the Town of Kingston have subscribed a large sum of money towards the erection of an Hospital in or near that place, and have prayed that an additional sum may be granted from the Public Revenues in aid of that object, may it please Your Majesty that it may be enacted: *And be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and out of the Rates and Duties raised, levied and collected; or hereafter to be raised, levied and collected, there be granted to His Majesty, His Heirs and Successors, the sum of Three Thousand Pounds, of lawful money, which said sum of Three Thousand Pounds shall be applied in aid of the erection and completion of an Hospital in or near the Town of Kingston, for the reception of the destitute Sick: *Provided always*, that the said sum of Three Thousand Pounds shall be advanced and paid by equal annual Instalments of One Thousand Pounds,—the first instalment to be advanced and paid on the first day of May next after the passing of this Act, and the two remaining Instalments on the first day of May in each of the two succeeding years. ^{£3000 granted to His Majesty in aid of the Erection of an Hospital at Kingston.} ^{Money to be paid by instalments of £1000 per annum.}

II. *And be it further enacted by the authority aforesaid,* That John Macaulay, James Sampson, and Edmund Westrop Armstrong, all of Kingston aforesaid, be Commissioners for superintending and managing the erection and completion of the said Hospital, and for purchasing, or otherwise obtaining, choosing and determining, the site thereof. ^{Commissioners appointed for superintending the erection of the Building.}

Money to be paid by Warrant, and accounted for through the Lords of the Treasury.

III. *And be it further enacted by the authority aforesaid*, That the said sum of Three Thousand Pounds shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as shall for that purpose from time to time 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.

CHAP. XXIX.

AN ACT to grant a Sum of Money to His Majesty in aid of the York Hospital.

[Passed 28th January, 1832.]

MOST GRACIOUS SOVEREIGN.

WHEREAS the great utility of the Public Hospital of the Town of York has been further exemplified during the year past by the attention paid, and Medical and Surgical assistance afforded to destitute distressed Emigrants and others, and it is desirable to afford further aid to the said Institution; We therefore beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and out of the rates and duties already raised, levied and collected, or hereafter to be raised levied and collected, and unappropriated, there be granted to His Majesty the sum of One Hundred and Fifty Pounds of lawful Money of this Province, to be held by His Excellency the Lieutenant Governor, or Person Administering the Government of this Province for the time being, in trust to be applied to the use and benefit of the said Hospital.

Preamble.

£150 granted in aid of the funds of the York Hospital.

II. *And be it further enacted by the authority aforesaid*, That the Money hereby granted shall be paid by the Receiver General in discharge

of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor or Person Administering the Government of this Province, in favor of any person or persons, to be applied to the purposes of this Act; 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.

To be paid by Warrant, and accounted for through the Lords of the Treasury.

CHAP. XXX.

AN ACT granting to His Majesty a Sum of Money to obtain Plans and Estimates of a Penitentiary to be Erected in this Province, and to appoint Commissioners for the same.

[Passed 28th January, 1832.]

MOST GRACIOUS SOVEREIGN.

WHEREAS for the more effectual punishment of Crime it is expedient to Erect a Penitentiary within 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, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be granted to Your Majesty, Your Heirs and Successors, from and out of the rates and duties now 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 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, to the Commissioners named in this Act, to enable them to procure such information as may be desirable respecting the management of Penitentiaries; and also Plans and Estimates of a Building suitable for the purposes contemplated by this Act.

Preamble.

£100 granted to His Majesty to enable Commissioners to obtain information respecting the management of Penitentiaries.

Commissioners appointed.

Commissioners to make a report of their proceedings to be laid before the Legislature.

II. *And be it further enacted by the authority aforesaid, That John Macanlay, and Hugh Christopher Thomson, Esquires, be appointed Commissioners for the purposes of this Act, and it shall be their duty to make a report to His Excellency the Lieutenant Governor, on or before the first day of November next, of their proceedings, to be laid before the Legislature at its next Session.*

Accounting clause.

III. *And be it further enacted by the authority aforesaid, That the Money hereby granted shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.*

CHAP. XXXI.

AN ACT to extend the provisions of an Act passed in the First year of His Majesty's Reign, entitled "An Act granting to His Majesty a sum of Money, to be raised by Debenture, for the improvement of Roads and Bridges in the several Districts of this Province."

[Passed 23th January, 1832.]

Preamble.

WHEREAS certain Monies granted by an Act of the Legislature of this Province, passed in the first year of His Majesty's Reign, entitled "An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of Roads and Bridges in the several Districts of this Province," remain unexpended, and it is expedient that the authority of certain Commissioners named in the said Act should be extended: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the Commissioners appointed in or by virtue of the said Act shall have full power and authority, and they are hereby required, to lay out and expend the several sums of money now remaining unexpended, (except as is herein otherwise provided,) according to the provisions of*

Road monies unexpended in the hands of Commissioners to be expended,

the said Act, and that the same shall be accounted for by the said Commissioners, and returns thereof transmitted to the Governor, Lieutenant Governor, or person Administering the Government of this Province, on or before the first day of August next after the passing of this Act, to be laid before the Commons House of Assembly.

and accounted for by
Commissioners on
or before 1st August.

II. *And whereas* by the said Act the sum of Fifty Pounds was directed to be expended on the allowance for road from John Eastman's, on the North side of the River Rideau, to Richmond, which sum remains in the hands of the Treasurer of the Johnstown District, unexpended: *Be it therefore further enacted by the authority aforesaid*, That the said sum of Fifty Pounds be laid out and expended as heretofore directed, and that John Eastman, senior, John Scott, and Gamaliel Duke, be Commissioners for expending the same; and that the sum of Twenty-five Pounds, remaining unexpended in the hands of the Treasurer of the Johnstown District, be applied on the road leading Northward from Russel Field's to Robert Clark's, in Elizabethtown, in the District of Johnstown, and that Robert Clark, Ebenezer Smith, and John Henderson, be Commissioners for expending the same.

Commissioners
appointed to expend
£50 on a road lead-
ing from John
Eastman's to
Richmond.

£25 to be applied
on a road in
Elizabethtown

Commissioners ap-
pointed.

CHAP. XXXII.

AN ACT for appropriating certain Monies towards the Payment of the War Losses.

[Passed 28th January, 1832.]

WHEREAS it is expedient that all Monies which now are in the hands of His Majesty's Receiver General accruing from duties levied and collected upon Salt and Whiskey; and also all Monies in the hands or under the control of the Commissioners of Forfeited Estates should be immediately applied towards the rateable payment of the War Losses:—

Preamble.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all Monies which now are in the hands of His Majesty's Receiver General accruing

Certain monies to be
rateably applied to
the payment of the
War Losses.

from duties levied and collected upon Salt and Whiskey as aforesaid; and also all Monies in the hands or under the control of the Commissioners of Forfeited Estates, shall be immediately applied towards the rateable payment of the said War Losses.

Monies to be accounted for through the Lords of the Treasury.

II. *And be it further enacted by the authority aforesaid, That the Monies appropriated under the authority of this Act shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.*

CHAP. XXXIII.

AN ACT granting to His Majesty a Sum of Money to defray the Contingent Expenses of the last Session of the Provincial Parliament.

[Passed 28th January, 1832.]

MOST GRACIOUS SOVEREIGN.

Preamble

WHEREAS in pursuance of an Address of Your Commons House of Assembly at its last Session, to His Excellency Sir John Colborne, Lieutenant Governor of Your Majesty's Province of Upper Canada, the sum of Four Thousand Three Hundred and Forty-seven Pounds, Eight Shillings and One Penny, has been issued and advanced by Your Majesty, through Your said Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent Expenses of the last Session of the Provincial Legislature, may it therefore please Your Majesty that it may be enacted: *And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That out of the Fund or Funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, and unappropriated, there shall be issued and applied, the sum of Four*

£4,347 8s 1d, granted to His Majesty for certain purposes.

Thousand Three Hundred and Forty-seven Pounds, Eight Shillings and One Penny, to make good the like sum which has been issued and advanced as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sum of money, pursuant to the direction of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, may be graciously pleased to direct.

Monies to be accounted for through the Lords of the Treasury.

CHAP. XXXIV.

AN ACT granting a Sum Money for the relief of Sick and Destitute Emigrants at Prescott.

[Passed 28th January, 1832.]

MOST GRACIOUS SOVEREIGN.

WHEREAS among the great and Annually increasing influx of Emigration from the Mother Country to this Province, many persons are found on their arrival at the Port of Prescott, in consequence of fatigue and expense incident to so long a voyage, in a Sickly and Destitute state; *and whereas* humanity directs that some relief should be afforded to persons of this description, over and above what may arise from the Christian feelings and benevolence of the people residing at that place of general disembarkation; We beseech Your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That out of the Rates and Duties now raised, levied and collected, or which may be hereafter raised, levied and collected, and unappropriated, there be granted to Your Majesty the sum of Two Hundred and Fifty Pounds, which said sum of Two Hundred and Fifty Pounds shall

Preamble.

£250 granted to His Majesty for the relief of Emigrants arriving at Prescott.

be appropriated and applied to the Relief of such Emigrants from the Mother Country as may be found on their arrival at the Port of Prescott in this Province, during the ensuing season, to be Sick and destitute of the means of subsistence.

Money how to be
paid and accounted
for.

II. *And be it further enacted by the authority aforesaid,* That the sum hereby granted as aforesaid shall be paid in discharge of any Warrant or Warrants issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, in favor of the Trustees appointed by this Act to relieve the distresses of such Sick and Destitute Emigrants as aforesaid; and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, in such manner as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Trustees appointed
for expending
the money.

III. *And be it further enacted by the authority aforesaid,* That Hiram Norton, Esquire, Reverend Robert Blakey, and Reverend Robert Boyd, shall be Trustees for the purposes of this Act; and shall render an account in detail of the expenditure of all monies coming into their hands by virtue thereof to the Governor, Lieutenant Governor, or Person Administering the Government as aforesaid, on or before the first day of December next, to be laid before the Legislature at its next Session.



ANNO PRIMO

GULIELMI IV. REGIS.

CHAP. XXIV.

AN ACT to amend an Act of the sixth Year of His late Majesty, to regulate the Trade of the British Possessions Abroad.

[22nd April, 1831.]

WHEREAS by An Act passed in the Sixth Year of His late Majesty's Reign, entitled, "*An Act to Regulate the Trade of the British Possessions Abroad,*" and by subsequent Acts made and passed to alter and amend the said Act, certain Duties of Customs are imposed on Articles of Foreign Production when imported or brought into the *British Possessions in America*: And whereas it is expedient to repeal some of the said Duties, and to alter or vary others of them: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That 6 Geo. 4, c. 114 from and after the Fifteenth day of *April*, One thousand eight hundred and thirty one, so much of the said Acts as imposes any duty in any of the *British Possessions in America*, upon the Importation or bringing in of Corn or Grain unground, or of Meal or Flour not made of Wheat, or of Bread or Biscuit, or of Rice, or of Live Stock, shall be and the same is hereby repealed. Repeal of Duties upon the Importation of Corn, &c. into British Possessions in America.

II. *And be it further enacted,* That so much of any of the said Acts as imposes any Duty in the Provinces of *Upper or Lower Canada* upon the Importation or bringing in of Wheat Flour, or of Beef, Pork, Hams, or Bacon, or of Wood or Lumber, shall be and the same is hereby repealed. Of Wheat, Flour &c. into Canada.

Of Wood or Lumber
into Nova Scotia, &c.

III. *And be it further enacted*, That so much of any of the said Acts as imposes any Duty, in *New Brunswick, Nova Scotia, or Prince Edward's Island*, upon Wood or Lumber, shall be and the same is hereby repealed.

And of Wheat, Flour,
&c. from the British
Possessions in North
America into the
West Indies, &c.

IV. *And be it further enacted*, That so much of any of the said Acts as imposes any Duty, in the *British Possessions* on the Continent of *South America*, or in the *West Indies*, or in the *Bahama* or *Bermuda* Islands, upon Wheat Flour, or upon Beef, Pork, Hams, or Bacon, or upon Wood or Lumber, when imported from any of the *British Possessions* in *North America*, shall be and the same is hereby repealed.

Duties of Importation
from any Foreign
Country into the
West Indies, &c.

V. *And be it further enacted*, That upon the Importation from any Foreign Country into the *British Possessions* on the Continent of *South America*, or in the *West Indies*, or into the *Bahama* or *Bermuda* Islands, of the Articles mentioned in the following Table, there shall be raised, levied, collected and paid unto His Majesty the several temporary additional Duties as the same are set forth in the said Table, (that is to say:)

TABLE OF ADDITIONAL DUTIES.

Staves and Headings, until the first day of January, One Thousand Eight Hundred and Thirty-four, the Thousand—Eleven Shillings and Three Pence.

On and from the first of January, One Thousand Eight Hundred and Thirty-four, to the first day of January One Thousand Eight Hundred and Thirty-six, the Thousand—Seven Shillings and Three Pence.

White or Yellow Pine Lumber, until the first day of January, One Thousand Eight Hundred and Thirty-four, the Thousand feet of one Inch thick—Seven Shillings.

On and from the first day of January, One Thousand Eight Hundred and Thirty-four, to the first day of January One Thousand Eight Hundred and Thirty-six, the Thousand Feet of one Inch thick—Five Shillings.

Duties to be levied
and collected as if
imposed by recited
Act.

VI. *And be it further enacted*, That the Duties imposed by this Act shall be raised, levied, collected, and paid unto His Majesty in like manner as if such Duties had been imposed by the said first mentioned Act, and had been set forth in the Table of Duties therein contained.

ANNO PRIMO ET SECUNDO.

GULIELMI IV. REGIS.

CHAP. XXIII.

AN ACT to amend an Act of the Fourteenth Year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec in America.

[22nd September, 1831.]

WHEREAS by an Act passed in the fourteenth Year of the Reign of His late Majesty King George the Third, entitled, "An Act to establish a Fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec in America," it was amongst other things enacted, that from and after the fifth day of April one thousand seven hundred and seventy-five, there should be raised, levied, collected, and paid unto His said late Majesty, His Heirs and Successors, for and upon the respective Goods thereafter mentioned which should be imported and brought into any part of the said Province, over and above all other duties then payable in the said Province by any Act or Acts of Parliament, the several rates and duties therein mentioned, (that is to say) :—

For every Gallon of Brandy or other Spirits, of the Manufacture of Great Britain ; Three Pence.

For every Gallon of Rum or other Spirits, which should be imported or brought from any of His Majesty's Sugar Colonies in the West Indies ; Six Pence.

For every Gallon of Rum or other Spirits, which should be imported or brought from any other of His Majesty's Colonies or Dominions in America ; Nine Pence.

For every Gallon of Foreign Brandy, or other Spirits of Foreign Manufacture, imported or brought from Great Britain ; One Shilling.

For every Gallon of Rum or Spirits, of the produce or manufacture of any of the Colonies or Plantations in America, not in the possession or under the Dominion of His Majesty, imported from any other place except Great Britain ; One Shilling.

For every Gallon of Molasses and Syrups, which should be imported or brought into the said Province in Ships or Vessels belonging to His Majesty's Subjects in Great Britain or Ireland, or to His Majesty's Subjects in the said Province ; Three Pence.

For every Gallon of Molasses and Syrups, which should be imported or brought into the said Province in any other Ships or Vessels in which the same might be legally imported ; Six Pence.

And after those rates for any greater or less quantity of such goods respectively ; and it was thereby further enacted, that all the monies that should arise by the said Duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) should be paid by the Collector of His Majesty's Customs into the hands of His Majesty's Receiver General in the said Province for the time being, and should be applied in the first place in making a more certain and adequate provision towards defraying the expenses of the Administration of Justice and of the support of the Civil Government in the said Province ; and that the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any three or more of them, for the time being, should be and they were thereby empowered from time to time, by any Warrant or Warrants under his or their hand or hands, to cause such money to be applied, out of the said produce of the said Duties, towards defraying the said expenses : and it was thereby enacted, that the residue of the said Duties should remain and be reserved in the hands of the said Receiver General for the future disposition of Parliament.—

And whereas the said Province of Quebec hath, since the enactment of the said Act been divided into the two Provinces of Upper Canada and Lower Canada : *And whereas* it is expedient to make further provision for the appropriation of the Duties raised, levied, and collected under the said Act ; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of Upper and Lower Canada, respectively, by any Acts to be by them from time to time passed, and assented to by His Majesty, His Heirs and Successors, or on His or their behalf, to appropriate, in such and to such purposes as to them respectively shall seem meet, all the monies that shall hereafter arise by or be produced from the said Duties, except so much of such monies as shall be necessarily defrayed for the charges of raising, collecting, levying, recovering, answering, paying and accounting for the same.

Legislative Councils of Upper and Lower Canada may appropriate certain revenues thereof as shall seem meet to them.

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