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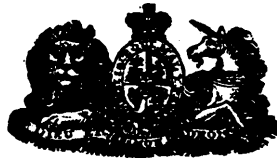
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STATUTES
OF
HIS MAJESTY'S PROVINCE
OF
UPPER CANADA.

PASSED IN

*The Second Session of the Ninth Provincial Parliament of
Upper Canada.*



By Authority.

SIR PEREGRINE MAITLAND, K. C. B.
LIEUTENANT GOVERNOR.

York, U. C.

Printed by ROBERT STANTON, Printer to the King's Most Excellent Majesty.

1826.



STATUTES

OF

Upper Canada;

PASSED IN THE SECOND SESSION OF THE NINTH PROVINCIAL PARLIAMENT,

MET AT YORK ON THE SEVENTH DAY OF NOVEMBER, 1825, AND PROROGUED ON THE THIRTIETH DAY OF JANUARY 1826. IN THE SIXTH AND SEVENTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B.
LIEUTENANT GOVERNOR.

ANNO DOMINI, 1826.

CHAP. I.

AN ACT granting to His Majesty a sum of Money for the Relief of the Sufferers in New Brunswick by the late Fire.

[Passed 12th December, 1825.]

MOST GRACIOUS SOVEREIGN.

WHEREAS the Inhabitants of New Brunswick are suffering great distresses from the dreadful ravages by the late Fire: *And whereas* it is desirable to afford the said Sufferers in New Brunswick such Relief as the present pressure upon our Revenue will admit; May it therefore please Your Majesty that it may be enacted, *And be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign ' intituled an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, That 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 Public Uses of this Province, and in the hands of the Receiver General thereof, unappropriated, there be granted to His Majesty, his Heirs and Successors, the sum of One Thousand Pounds; which said sum of One Thousand Pounds shall be trans-

Preamble.

£1000 granted to relieve the Sufferers in

New Brunswick by the late Fires, to be transmitted to the Governor of that Province.

mitted by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to the Governor, Lieutenant Governor, or Person Administering the Government of New Brunswick, to be by him applied in such manner as shall seem most conducive to the Relief of said Sufferers.

How the said sum shall be paid and accounted for.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Money shall be paid by His Majesty's Receiver General of this Province in discharge of such Warrant or Warrants as shall, for the purposes herein setforth, be issued by the Governor, Lieutenant Govevornor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.



CHAP. II.

AN ACT to prevent the operation in this Province of An Act of Parliament made in England, in the twenty-first year of the Reign of His late Majesty, King James the First, intituled, "An Act to prevent the Destroying and Murthering of Bastard Children, and to make other provisions in lieu thereof.

[Passed 30th January, 1826.]

Preamble.

21 James 1st Cap. 27. to be no longer in force in this Province.

WHEREAS doubts have been entertained respecting the true sense and 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, intituled, An Act to prevent the Destroying and Murthering of Bastard Children, and the same has been found in sundry cases difficult and inconvenient to be put in practice; For remedy whereof. *Be it therefore Enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of An Act passed in the Parliament of Great Britain, intituled, An Act to repeal certain parts of An Act passed in the fourteenth year of His Majesty's Reign, intituled, An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same; That 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 or be in force in this Province, any thing inthe said recited Act of the Parliament of Great Britain, passed in the fourteenth year of His

late Majesty's Reign, or in a certain Act of the Parliament of this Province, passed in the fortieth of His late Majesty's Reign, intituled, An Act for the further introduction of the Criminal Law of England in this Province, and for the more effectual punishment of certain offenders," to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the trial of Women charged with murder of any issue of their bodies, 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 as if the said Act had never been made.

Women charged with the Murder of their Bastard Children, shall be tried as in cases of Murder, and by the same rules of evidence.

III. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Jury, by whose verdict any Prisoner charged with Murder as aforesaid, shall be acquitted to find in case it shall so appear in evidence that the Prisoner was delivered of issue of her body, male or female, which if born alive, would have been Bastard, and that she did by secret burying or otherwise endeavour to conceal the birth thereof, and thereupon it shall be lawful for the Court, before which such Prisoner shall have been tried, to sentence such Prisoner to punishment in their discretion as in case of misdemeanor.

Jury on a trial of such charge may find a verdict that the birth was concealed, which shall subject the Defendant to punishment as for a misdemeanor.



CHAP. III.

AN ACT to dispense with the necessity of actually Pronouncing Sentence of Death in certain cases of Capital Convictions.

[Passed 30th January, 1826.]

WHEREAS it is expedient to dispense in certain cases with the actual Pronouncing of Sentence of Death upon Prisoners capitally convicted, and to allow of the same sentence being entered of Record in open Court, to have the like effect as if the same had been actually pronounced: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That whenever any person shall be convicted of any felony, except murder, and shall by*

Preamble.

The sentence in certain cases of capital Conviction, may be entered of record instead of being actually pronounced.

law be excluded from the benefit of Clergy in respect thereof, and the Court before which such offender shall be convicted, shall be of opinion that under the particular circumstances of the case such offender is a fit and proper subject to be recommended to the Royal Mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer then being present in Court to require and ask if such offender hath or knoweth any thing to say why Judgment of Death should not be recorded against such offender, and in case such offender shall not alledge any matter or thing sufficient in law to bar or arrest such judgment, the Court shall and may, and is hereby authorised, to abstain from pronouncing judgment of death upon such Offender, and instead of pronouncing such judgment, to order the same to be entered of Record; And thereupon such Officer as aforesaid, shall and may, and is hereby authorised, to enter judgment of death on Record against such Offender, in the usual and accustomed forms, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open Court against such Offender.

Effect of sentence so recorded.

II. *And be it further enacted by the authority aforesaid, That a Record of every such judgment so entered as aforesaid, shall have the like effect to all intents and purposes, and be followed by all the same consequences, as if such judgment had actually been pronounced in open Court, and the Offender had been reprieved by the Court.*



CHAP. IV.

An Act to repeal part of an Act passed in the Thirty-sixth year of His late Majesty's Reign, intituled, "An Act for the better regulation of certain Coins current in this Province, and to make further Provision for the regulation of the British Silver and Copper Coinage Current in this Province."

[*Passed 30th January, 1826.*]

Preamble.

36 Geo. 3. Chap. 1st. recited.

WHEREAS an Act was passed in the Thirty-sixth year of His late Majesty's Reign, intituled, "An Act for the better regulation of certain Coins Current in this Province, by which it is enacted that among other Silver Coins by the said Act made Current in this Province, the Silver Coins herein-after mentioned, shall pass Current and be deemed a legal tender at the rates following, that is to say;—The British Crown, at Five Shillings and Six Pence. The British Shilling, at One Shilling and a Penny. The Spanish Milled Dollar, at Five Shillings, equal to Four Shillings and Six Pence Sterling money of Great Britain. The American Dollar at Five Shillings, and all the higher and lower denominations thereof in the same proportion respectively: And whereas it appears by

an Official Communication from his Majesty's Government, that according to the contents in pure Silver, and of the value computed at the rate of Five Shillings and Two Pence per ounce, Troy of British standard, Fineness of the Spanish Dollar: and also the Dollar of the United States of America, are only equal in value to the sum of Four Shillings and Four Pence, Sterling money of Great Britain, and that the same Coins are to be issued at those rates, when the British Coin is not in the Military Chest for the pay of the British Troops in the Colonies: And whereas His Majesty's Government having taken into consideration the expediency of establishing the British Metallic Currency, as the circulating medium of all the Colonial Possessions of the Crown, an order of His Majesty in Council has been made, declaring that a tender or payment of British Silver Coin to the amount of Four Shillings and Four Pence, should be considered as equivalent to the tender or payment of One Spanish Dollar, and so in proportion of any greater or less amount of debt, and also, that British Copper money should be made a legal tender, to the amount of Twelve Pence in one payment, for its due and proper proportion of British Silver money; And whereas measures have been taken by His Majesty's Government, for facilitating the Currency of British Silver Coin within this Province, on terms highly advantageous to the holders of such Coins, and in order to give effect to the intentions of His Majesty's Government, it is expedient to give to such British Silver Coin its fair relative value in respect to other Silver Coins, whose value has been fixed by law in this Province.

Order of the Lords of His Majesty's Treasury, respecting the establishment of an uniform metallic Currency in Colonies.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth year of His Majesty's Reign intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the Silver Coins herein-after mentioned shall pass Current and be deemed a legal tender in payment of all debts and demands whatsoever, in this Province at the rates following, that is to say: The British Crown, at Five Shillings and Nine Pence. The British Shilling, at One Shilling and Two Pence, and that all the higher and lower denominations of the said Silver Coins, shall also pass Current, and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, in the same proportions respectively.

Value of the British Crown and Shilling declared.

II. *And be it further enacted by the authority aforesaid*, That British Copper money, shall pass Current, and be deemed a legal tender in payment

Value of Copper Coin.

No one bound to receive more than One Shilling in Copper Money.

Relative value of British, Silver and Copper Coin in Provincial Currency.

36 Geo. 3. Ch. 1. repealed, so far as it is effected by this Statute

of all debts and demands whatsoever in this Province, according to the due and proper proportion of such Copper Money to the British Silver Coins hereinbefore mentioned. *Provided always*, That no person shall be obliged to receive at any one payment more than the sum of One Shilling Currency of this Province, in Copper Money, and that in all payments not exceeding One Shilling Current money of this Province, Ten Pence shall be deemed equivalent to One Shilling, and all higher and lower denominations in the same proportion.

III. *And be it further enacted by the authority aforesaid*, That the sum of Seventeen Shillings and Four Pence, of British Silver and Copper Money, shall pass as equivalent and be equal to the sum of Twenty Shillings of the Current Money of this Province.

IV. *And be it further enacted by the authority aforesaid*, That so much of the said Act passed in the thirty-sixth year of His said late Majesty's Reign, as declared the value at which any British Silver Coins shall pass Current in this Province, shall be, and the same is hereby repealed.



CHAP. V.

AN ACT to Encourage the Progress of Useful Arts within this Province.

[Passed 30th January, 1826.]

Preamble.

Inventor of any Useful Art, &c. may procure a Patent right for the same.

WHEREAS it is expedient for the encouragement of Genius and of Arts in this Province to secure an exclusive right to the Inventor of any New and Useful Art, Machine, Manufacture, or Composition of Matter: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign 'intituled an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That when any Subject of His Majesty, being an Inhabitant of this Province, shall allege that he has Invented any New and Useful Art, Machine, Manufacture or Composition of Matter, not known or used before the application; and shall present a Petition to the Governor, Lieutenant Governor, or Person Administering the Government of the Province for the time being; signifying a desire of obtaining an exclusive property in the same, and praying that a Patent may be granted: Therefore, it

shall and may be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to direct that Letters Patent shall be made out, under the Great Seal of this Province, and passed in the usual form, reciting the substance of the said Petition, and giving a short description of the said Invention or Discovery, and granting therefore to the said Petitioner or Petitioners, his, her, or their Executors, Administrators, or Assigns, for a term not exceeding Fourteen years, the full and exclusive right and liberty of Making, Constructing, using, vending to others to be used, the said Invention or Discovery, which Letters Patent, so far as the same may be conformable to this Act, shall be good and available to the Grantee or Grantees, after the same shall have been recorded in a Book to be kept for that purpose, in the Office of the Secretary and Register of this Province, and the same shall, when so recorded, be delivered by the proper Officer to the Patentee or his order.

How to be applied for.

II. *Provided always, and be it further enacted by the authority aforesaid,* That any Person who shall have Discovered an improvement in the principle of any Machine or Composition of Matter, which shall have been Patented and shall have obtained a Patent for such Improvement, shall not be at liberty to Make, Use, or Vend the original Discovery, but the Improvement only, nor shall the first Inventor be at liberty to use the Improvement, and it is hereby enacted and declared, that simply changing the form or the proportion of any Machine or Composition in any degree, shall not be deemed a Discovery.

Inventors of Improvements upon original discoveries, to obtain Patents for such improvements only.

III. *And be it further enacted by the authority aforesaid,* That every Inventor, before he can receive a Patent shall swear, or being a Quaker, Menonist, Tunker, or belonging to the Society called United Brethren, or Moravians, affirm, that he does verily believe, that he is the true Inventor or Discoverer of the Art, Machine or Improvement, for which he solicits a Patent, (which oath or affirmation may be made before any Justice of the Peace) and shall deliver a written description of his Invention or Improvement, and of the manner or process of Compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known, and to make any person skilled in the Art or Science, of which it is a branch, or with which it is most clearly connected, to Make, Compound and Use the same; and in the case of any Machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other Inventions, and he shall accompany the whole with Drawings and Written References, where the nature of the case admits of Drawings, or with the Specimens of the Ingredients or of the Composition of Matters, sufficient in quantity for the purpose of experiment, which description, signed by himself and attested by two witnesses, shall be filed in the Office of the Secretary of the Pro-

Requisite steps to be taken before such Patent shall issue.

Oath.

Specification to be filed, and certified copy to be endorsed.

vince, and certified copies thereof shall be competent evidence in all Courts where any matter or thing touching Patent Right shall come in question: *Provided always nevertheless*, That such Inventor shall, moreover, deliver a Model of the Machine by him Invented, provided, the Secretary shall deem such Model to be necessary.

Model of Machinery.

IV. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any Inventor, his Executors or Administrators, by an Instrument under Seal, duly executed, to Assign the Title and Interest in the said Invention at any time, and the Assignee or Assignees, and his or their Assignee or Assignees after any number of such Assignments, subsequently made, which Assignments shall be Inserted of Record in the Office of the said Secretary of the Province, upon proof of the execution thereof, by affidavit, made by a subscribing witness before any Judge of the Court of King's Bench, or a Commissioner for taking Affidavits in the said Court, shall stand and be to all intents and purposes in the place of the Original Patentee of any such Invention.

Patentee may assign his right.

V. *And be it further enacted by the authority aforesaid*, That if any Person shall Make or Manufacture for sale, any Article or Composition so Invented, or shall Make or Manufacture, or make use of any Instrument or Machinery so Invented or specified, the exclusive right of which shall, as aforesaid, have been secured to any Person by Patent, without the consent of the Patentee, his Heirs and Assigns, or other lawful Representative first obtained in writing, every Person so Infringing such Patent, shall be liable to an Action for the same, in which, besides such Damages as shall be awarded by the Jury, the parties injured shall also receive Treble Costs, to be taxed by the Master.

Remedy for infringement of Patent.

VI. *Provided always, and be it further enacted by the authority aforesaid*, That if upon trial in any such Action it shall be made apparent, to the satisfaction of the Court, the Defendant having specially pleaded the same, that the specification filed by the Plaintiff does not contain the whole truth relative to his Discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made for the purpose of deceiving the Public, or that the thing thus secured by Patent was not originally discovered by the Patentee, but had been in use, or had been described in some public work anterior to the supposed discovery of the Patentee, or that he had surreptitiously obtained a Patent for the discovery of another person, then, in either of these cases, a verdict shall be rendered for the Defendant, and such Patent shall be declared void.

Defence which may be urged in any action for infringing a Patent right.

VII. *And be it further enacted by the authority aforesaid*, That in case of interfering applications the same shall be submitted to the Arbitration of Three Persons, One of which shall be chosen by Each of the Appli-

Interfering applications for Patents how decided,

cants, and the Third person shall be chosen by the said Secretary of the Province, or Person appointed to do the duty of that office ; and the decision or award of such Arbitrators, delivered to the said Secretary, in writing, and subscribed by them, or any Two of them, shall be Final, as far as respects the granting of the Patent, and if either of the Applicants shall refuse or fail to choose an Arbitrator, the Patent shall issue to the opposite party, and when there shall be more than two interfering applications, and parties applying shall not all unite in appointing Three Arbitrators, it shall be in the power of the said Secretary of the Province, or Person appointed to do the duty of that Office, to appoint Three Arbitrators for that purpose.

VIII. And whereas it is necessary to provide a convenient remedy, in cases where Letters Patent, issued under the authority of this Act, have been fraudulently or surreptitiously obtained, or have issued improvidently, or upon false suggestion: *Be it therefore further enacted by the authority aforesaid,* That at any time within Three Years, after the issuing of any such Patent as aforesaid, it shall and may be lawful for any Person or Persons desirous of impeaching the same, for any such cause as aforesaid, to obtain an exemplification of such Patent under the Great Seal of this Province, and to have the same filed by the Clerk of the Crown and Pleas in this Province, and that upon such exemplification being so filed, the Letters Patent so exemplified, shall be considered as remaining of Record in the Court of King's Bench, so that a Writ of *scire facias*, under the Seal of the said Court, may issue, grounded upon the said Record, for the purpose of repealing the same for legal cause as aforesaid, if upon the proceedings which shall be had upon the said Writ of *scire facias*, according to the law and practice of the Court of King's Bench in England, the same shall be declared void.

How Patents obtained fraudulently or by surprise may be voided.

IX. *And be it further enacted by the authority aforesaid,* That a certificate of the judgment by which any such Patent as aforesaid shall have been declared void, under the Seal of the Court of King's Bench, shall at the request of any Party, be entered upon the Margin of the enrolment of such Patent in the Office of the Secretary and Register of this Province, whereupon the said Patent shall be considered to be cancelled, and made void.

Entry of repeal to be made on the margin of the enrolment.

X. *And be it further enacted by the authority aforesaid,* That every Person claiming to be an Inventor as aforesaid, and presenting a Petition, signifying his desire to obtain a Patent, pursuant to this Act, shall pay into the hands of the Secretary of the Province, or other Person appointed to do the duty of that Office, the like Fee as is paid for other special instruments issued under the Great Seal of this Province, in full of all Fees demandable for the said Patent, and that for every Copy which may be required of the Enrolment of any such Patent, the Person requiring the same, shall pay the Fee ordinarily charged for Copies in the

Fees to be paid for Patent, and for services required by this Act.

said Office, and the further sum of Ten Shillings, for the affixing the Great Seal to the exemplification of any such Patent, and that for every such certificate of judgment as is herein before mentioned, declaring any such Patent as aforesaid to be void, the Clerk of the Crown and Pleas, shall be entitled to receive the sum of Five Shillings, and the sum of Two Shillings and Six Pence may be charged and taken by the Register of the Province for the entry of the same, and that the said Register may also charge the sum of One Shilling per folio, of seventy two words, for recording every assignment as is mentioned in this Act.



CHAP. VI.

AN ACT to Repeal Part of, Amend and Continue the Laws now in Force, for the Payment of Militia Pensions.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN.

Preamble.

WHEREAS an Act passed in the second year of your Majesty's Reign, intituled, "An Act to repeal an Act passed in the fifty-fifth year of His late Majesty's Reign, intituled, An Act to explain and amend an Act passed in the fifty-third year of His late Majesty's Reign, intituled, An Act to provide for the maintenance of Persons disabled, and the Widows and Children of such Persons as may be killed in His Majesty's service, and also an Act passed in the fifty-sixth year of His late Majesty's Reign, intituled, An Act to repeal part of and to alter and amend the laws now in force for granting Pensions to Persons disabled in the Service, and the Widows and Children of Persons who may have been killed in the Service, and to extend the Provisions of the same. And An Act passed in the fifty seventh year of His late Majesty's Reign, intituled An Act to repeal part of and amend an Act passed in the fifty sixth year of His late Majesty's Reign, intituled, An Act to repeal part, and to alter and amend the Laws now in Force, for granting Pensions to Persons disabled in the Service, and the Widows and Children of Persons who may have been killed in the Service, and to extend the Provisions of the same," and to make Provision for granting Pensions to Persons disabled in the Service, and to the Widows and Children of Persons who may have been killed in the Service, or who may have died while in Captivity with the Enemy, during the late War with the United States of America, is about to expire and it is expedient to continue and amend the same. May it therefore 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, intituled, An Act to repeal certain parts of An Act passed in the fourteenth year

Militia Pension Act of 2d Geo. 4. continued for 4 years.

of His Majesty's Reign, intituled, An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That such parts of the said Act as are now in force, except in so far as the same are hereby repealed or altered, shall be and continue in Force for the space of Four years. Exception.

II. *And be it further enacted by the authority aforesaid,* That a List of all Persons receiving Pensions, under the above recited Act, shall be Published three several times in the Upper Canada Gazette, in the Month of March, in every Second year after the passing of this Act, the First Publication thereof to be made in the Month of March next, after the passing of this Act, and that the Officer paying such Pensions, shall furnish an abstract thereof for that purpose, specifying the name of such Pensioners, the District in which he or she resides, and the account on which the said Pension is payable, namely, whether on account of being disabled in action with the enemy, or as the Widow, remaining unmarried, of Militia man killed in action with the enemy, or by Casualty while on Service, stating the name of Militia Man, or as the Guardian or other Person acting on behalf of the Child or Children, of a Militia Man killed in action with enemy, or by Casualty while on Service, naming such Militia Man, and also naming the Child of such Militia Man, stated to be still under the age of Sixteen years. List to be published periodically of Militia Pensioners under the several classes.

III. And whereas certain Persons have represented by Petition to the Legislature, that being entitled by Law to Pensions, on account of disability from wounds received in action with the enemy, and being from this Province at the time of the passing of the Statute herein-before recited, and ignorant of the Provisions therein contained, they have been precluded from receiving the bounty intended to be bestowed upon Persons under similar circumstances with themselves; *Be it therefore enacted by the authority aforesaid,* That it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, upon application of any Person, stating by Petition and proving satisfactorily, that from any cause it has not been in the power of such Applicant, to make his application, or to present himself for examination within the period presented by Law, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorize the examination of such Person, by the Medical Board, and that upon the production of the certificate of such Board, declaring that the Applicant is a proper Person, by reason of disability, to be placed upon the Pension List of this Province, the name of such Applicant shall be placed upon the Militia Pension List, and the payment of his Pension shall take date from the time of his application by Petition, either to the Government or to the Legislature of this Province, since the passing of the Act hereby continued. Power to admit applications in certain cases.

IV. *And be it further enacted by the authority aforesaid,* That the Eleventh Clause, and all other Provisions of the aforesaid recited Act, relative to the appointment of Pension Agent, and the several duties to be performed on account of the appointment of such Agent, be and the same are hereby repealed.

Provisions respecting Pension Act repealed.

V. *And be it further enacted by the authority aforesaid,* That the several Pensions authorized to be paid by this Act, shall be paid by the Receiver General of this Province, out of any monies that now are, or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, and in discharge of such Warrant or Warrants as may be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to order and direct that the said Pensions authorized to be paid by this Act, shall be paid either in advance, or by quarterly or half yearly payments, as to him shall seem proper, and the said several sums of money when so paid, shall be accounted for to His Majesty, His Heirs, or Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs, and Successors may please to direct.

Receiver General to pay Pensions.

How to be paid.

VI. *And be it further enacted by the authority aforesaid,* That when and so often as the Governor, Lieutenant Governor, or Person Administering the Government, shall order and direct a proportion of the Pensions authorized to be paid by this Act, the aforesaid Receiver General, shall insert a notice thereof, in the York Gazette, for Three Months, immediately after such aforesaid order and direction.

Notice of payment.

VII. And whereas it is inexpedient unnecessarily to multiply Warrants, *be it therefore further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by one or more Warrant or Warrants, to order and direct the payment and appropriation of the several sums therein named, by the said Receiver General to the purposes of this Act.

One or more Warrants to issue.



CHAP. VII.

AN ACT to Continue and Amend an Act passed in the Second Year of the Reign of George the Fourth, intituled, "An Act for assigning Limits to the respective Gaols within this Province."

[Passed 30th January, 1826.]

WHEREAS an Act passed in the Second Year of the Reign of our Lord the King, intituled, "An Act for assigning Limits to the respective

Gaols within this Province is about to expire, and whereas it is desirable to continue and amend the said Act: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same, That the above mentioned Act, and this Act for the continuance of it, shall be and continue in force for Four years from the passing of this Act, and no longer.

2d Geo. 4th, Cp. 6,
continued for 4 years.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Person or Persons having given security to the Sheriff, for any Prisoner to enjoy the Limits of the Gaol, to surrender such Prisoner into the hands of the Sheriff, or his Deputy or Gaoler, and upon such surrender the Sheriff shall and he is hereby required to deliver up the bond or security given to him by such person or persons, that he or they shall be wholly discharged therefrom. *Provided always*, that nothing in this Clause contained shall extend, or be construed to extend, to prevent the Sheriff, of any District, from Renewing such Security in the same manner as if such Prisoner had not enjoyed the Limits of such Gaol.

Bail for the limits may
surrender the Debtor.

Sheriff may take new
security.



CHAP. VIII.

AN ACT to make further and more effectual provision for the Prevention of Accidents by Fire in the several Police Towns of this Province.

[Passed 30th January, 1826.]

WHEREAS the means provided by Law for the Prevention and Extinguishing of accidental Fires, have hitherto proved insufficient from the want of a compensation being authorized for the services of persons who may be employed as Fire-men: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the

Preamble

Formation of Fire-Companies and privileges granted to the Members of such Companies in Police Towns.

Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as one or more Company or Companies shall be formed in any Town where a Police is or may be established by Law, of Persons voluntarily enrolling themselves as Fire-men, being Inhabitants of the said Town, under the Provisions of the Laws heretofore made for that purpose, it shall and may be lawful for the Justices of the Peace, in any District in which such Town may be situated in General Quarter Sessions assembled, or the majority of them being satisfied of the efficiency of such persons and accepting their enrollment to direct the Clerk of the Peace for such District, to grant to each member of such Corps or Company a certificate that he is enrolled on the same, which certificate shall exempt the individual named therein during the period of his enrollment and his continuance in actual duty as such Fire-man from Militia duty in time of Peace, from serving as a Juryman or a Constable, and from all other Parish and Town-Offices; any Law, Custom or Usage to the contrary notwithstanding.

Persons serving in such Companies may be discharged for neglect or misconduct.

II. *Provided always, and be it further enacted by the authority aforesaid,* That it shall be in the power of the Justices of the Peace, in and for any District in this Province, or the majority of them, at any General or Adjourned Sessions, upon complaint to them made of neglect of duty by any individual of such Fire Company, to examine into the same, and for any such cause; and also, in case of conviction of any individual of such Company for a breach of any of the rules legally made for the regulation of the same, to strike off the name of any such individual from the list of such Company, and from thenceforward, the certificate which may have been granted to such individual as aforesaid, shall have no effect in exempting him from any duty or service, in the preceding clause of this Act mentioned. *Provided always nevertheless,* that it shall be in the discretion of the Justices of the Peace for any District of this Province, or the majority of them, in General Quarter Sessions assembled, to consent to the formation as aforesaid, of any Fire Company under the provisions of this Act for any Police Town within their District, or to defer the same until the circumstances of any such town may, in their opinion, render it expedient, and that they may, also, in their discretion from time to time discontinue or renew any such Company or Companies.

Justices to have discretion as to forming and continuing such Companies.



CHAP. IX.

AN ACT to provide for the improvement of the Light House on Gibraltar Point, and for imposing duties for defraying the charge of the same and for erecting other Houses in this Province.

[Passed 30th January, 1826]

Preamble.

WHEREAS it is expedient to provide a fund for the support of the Light House on Gibraltar Point, and to render the same more servicea-

ble: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign 'intituled an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That out of the Rates and Duties now Raised, Levied and Collected, or hereafter to be Raised, Levied, and Collected, and remaining in the hands of the Receiver General unappropriated, there be applied such Sum, not exceeding Two Hundred Pounds, as may be necessary for procuring good and sufficient Lamps and Reflectors, and making such other improvements as may be necessary for rendering the same effective.

A sum not exceeding £200 granted for repairing the Light House on Gibraltar Point.

II. *And be it further enacted by the authority aforesaid*, That such Sum as may be necessary for the purpose aforesaid, shall be paid to the Collector of the Customs for the Port of York, in discharge of such Warrant as may be issued for that purpose by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and that such Collector shall have Authority to apply the same for the purposes of this Act.

To be paid to the Collector of York.

III. *And in order to provide a fund for the support of the said Light House, Be it further enacted by the authority aforesaid*, That the Master of every Decked Vessel of more than Fifteen and less than Fifty Tons burthen, except as hereinafter mentioned, entering the Port of York, shall pay a Sum of Seven Shillings and Six Pence, for Light House Duty, to the Collector of the said Port, and that the Master of every Vessel above Fifty Tons burthen, except as hereinafter mentioned, entering the Port of York, shall pay a Sum of Twelve Shillings and Six Pence for Light House Duty to such Collector as aforesaid.

Light House Duties imposed.

IV. *And be it further enacted by the authority aforesaid*, That for any Vessel trading as a Packet to and from the Port of York during the Season, and having stated periods of sailing from the said Port, once at least, in each and every week, the Master or Owner thereof, may, upon payment of the sum of Fifteen Pounds, obtain from the Collector of the Port of York, a Licence to run as a Packet to and from the said Port, without payment of the Duty hereinbefore mentioned, and such Licence shall exempt such Vessel from the Duty herein mentioned, for the Season in which the same was granted.

Regulations with respect to Packets.

V. *And be it further enacted by the authority aforesaid*, That if any Vessel, entering the Port of York, and liable to the payment of any duty in

Penalty for omitting to pay the Duty. this Act mentioned, shall land Goods or Passengers, and the Owner or Master of such Vessel, shall refuse, or omit within twenty four hours, to pay the Duty by this Act required, such Vessel shall be liable to Seizure and Forfeiture and may be proceeded against in the same manner as for other causes of forfeiture, under the Revenue Laws of this Province.

Amount of Duties how to be applied and accounted for VI. *And be it further enacted by the authority aforesaid,* That the amount of Duties received under this Act, shall be paid into the hands of His Majesty's Receiver General of this Province, and shall be applied to the reimbursement of the Money's hereby authorized to be paid in rendering the Light House on Gibraltar Point more serviceable, and in the annual support of the said Light House; and that any surplus above the expenditure required for the purposes, shall remain and accumulate as a fund for providing Light Houses in other parts of this Province.



CHAP. X.

AN ACT to Impose a Tax upon Dogs in certain Towns in this Province.

[*Passed 30th January, 1826.*]

Preamble. WHEREAS it is expedient to Impose a Tax upon Dogs in certain Towns in this province: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That from and after the first day of April next, every person residing within the limits of any Town in this Province, which now is or hereafter may be subject by Law, to Police Regulations, or within one mile thereof, shall pay or cause to be paid, for each and every Dog of the age of six months and upwards, which shall be kept by any such person, the sum of five shillings annually.

Tax imposed on Dogs in Police Towns

How collected. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace residing within the limits of any such Town at a Special Session to be by them held for that purpose, to appoint a person to Assess, Levy and Collect the said Taxes; and that the Collector so appointed may deduct at the rate of six Pounds for every hundred Pounds, and no more, as a full compensation for his

services in Collecting, and that the Treasurer shall give a receipt for all the money paid to him by the said Collector, which receipt shall be to such Collector a sufficient acquittance.

III. *And be it further enacted by the authority aforesaid,* That such Collector shall, before entering upon his Office with two Sureties to be approved of by such Justices, enter into a Bond to His Majesty, His Heirs and Successors, in such a sum as to the Justices may seem meet, to faithfully execute the duties thereof, and to account well and truly for all monies that may come into his hands by virtue of his said office.

Collector to give bond:

IV. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate imposed by this Act for each and every Dog, which he or she may own, within fourteen days after demand duly made of the same by the said Collector, the said Collector shall and is hereby required to levy the same by Distress and Sale of the Goods and Chattles 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, 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.

Payment of rate-how to be enforced.

V. *And be it further enacted by the authority aforesaid,* That all sums of money accruing under the provisions of this Act, shall be applied under the direction of the Magistrates to the improvement of the Streets of the several Towns in which they shall be raised and to no other purpose.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, when duly called upon, neglect or refuse to give a correct list of the Dog or Dogs, which he or she may usually keep, every such person or persons shall upon being thereof convicted before two or more of His Majesty's Justices of the Peace, pay a sum not exceeding Twenty Shillings Currency, which fine shall be disposed of in the same manner as the Taxes accruing under the provisions of this Act.

Application of the taxes levied under this Act.

VII. *And be it further enacted by the authority aforesaid,* That the Collector appointed under this Act, shall head the list, which he is required to make for the purpose of this Act with a certificate in these words, that is to say:—

Collector's List.

We do hereby severally certify, that we have since the ——— day of ——— in the last year, been in the possession of the number of Dogs set opposite to our respective names and no more.

And that if it shall be proved upon complaint, on oath before any two Justices of the Peace in and for any District of this Province respectively,

Penalty for returning
falsely the number of
Dogs owned by any
person.

that any person has certified falsely with respect to the number of Dogs in his or her possession, such person shall forfeit a sum not exceeding three Pounds upon conviction before such Justices, which shall be levied by Warrant of Distress under the Hand and Seal of such Justices, and in default of such Distress the Offender may be committed to Gaol for any time not exceeding one month.

In force for 4 years.

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



CHAP. XI.

AN ACT to continue for a limited time an Act passed in the Fourth Year of His Majesty's Reign, intituled, 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 Licencing Ale Houses within the same.

[Passed 30th January, 1826.]

Preamble.

WHEREAS, An Act passed in the Fourth year of His Majesty's Reign, intituled, "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 Licencing 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, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, 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 Parliament, and no longer.

3 Geo. 4. Ch. 15 con-
tinued for four years.



CHAP. XII.

AN ACT to repeal part and extend the Provisions of an Act passed in the Fourth year of His Majesty's Reign, intituled, "An Act to make more Ample Provision for regulating the Police of the Town of Kingston.

[Passed 30th January, 1826.]

Preamble.

WHEREAS the limits between the Town of Kingston and the Township of Kingston are irregular and not well defined, and there is much

uncertainty and confusion in respect to Names and Limits of some of the Public Streets in the said Town, which evils require to be remedied by law: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That the Justices of the Peace of the Midland District in General Quarter Sessions be, and they are hereby authorized and required to extend, define and establish the Limits between the said Town and Township including within the said Town, the Tracts of Land, called Park Lots Number one and two, granted from the Crown to Sir John Johnson and Ann Earl respectively, and also Lot Number Twenty-five in the first Concession of the said Township of Kingston, granted from the Crown to Michael Grass: and also, to define and establish the Names and Limits of the respective Streets, now laid out, and hereafter to be laid out, in the said Town, and to take such measures as may be necessary and proper for laying out new Streets in the said Town, and for making known and perpetuating the said Limits between the said Town and Township, and the Names and Limits of the said Streets for removing any obstruction, not extending to the removal of any building or buildings without the consent of the owners thereof, which is or may be within the limits of any of the said Streets. *Provided always*, That such establishment of the Limits between the said Town and Township, or of the Names and Limits of the said Streets shall not alter, prejudice or affect the Title or the Metes and Bounds of any Lot or Tract of Land Granted Transferred or Leased before the passing of this Act; *and Provided also*, That no part of the above mentioned Lots shall be subject to Assessment as Town Lots in the said Town of Kingston, until a Building shall be erected thereon, or the said Town Lot or some part thereof, shall be inclosed as a Yard or Garden.

Justices to define Limits of the Town of Kingston, designate the streets, &c.

Lay out new streets, &c.

Buildings not to be removed without the Owners consent.

Provide as to assessment of Town Lots to be formed.

II. *Aud Whereas*, in and by an Act passed in the Parliament of this Province, intituled, An Act to make more ample provision for regulating the Police of the Town of Kingston, the Justices of the Peace of the Midland District in Quarter Sessions assembled, are authorised to raise by Annual Assessments, in the manner therein mentioned, from the persons rated upon any Assessment in the Town of Kingston, a sum not exceeding One hundred Pounds in one year, for the improvement of the said Town, and it is found that a larger sum is required, and may be beneficially applied for that purpose: *Be it therefore enacted by the authority aforesaid*, That so much of the Third Section of the said Act as

4 Geo. 4. Ch. 30. Sec. 3d. in part repealed.

Justices may raise annually a sum not exceeding £200.

Limits the additional sum so to be raised for the improvement of the said Town, not to exceed One hundred Pounds in any one year be, and the same is hereby repealed, and that the Justices of the Peace of the Midland District in Quarter Sessions assembled, may raise by Annual Assessment from the persons rated upon any Assessments for Property in the Town of Kingston aforesaid, a sum not exceeding Two Hundred Pounds in any one year for the improvement of the said Town, to be raised, levied, collected, and applied in the manner directed in and by the said Act.

Regulations may be made punishing certain offences by fine.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace, of the Midland District in General Quarter Sessions Assembled, or the majority of them, to make, ordain, constitute and publish such prudential Rules and Regulations as they may deem expedient relative to Carts or Carmen; and also, relative to persons firing Guns, Squibs or Crackers, or destroying Trees planted for shade or ornament on the sides of the Streets or removing, or defacing Sign Boards or inscribing or drawing any indecent words, figures or pictures on any Building, Wall or Fence, and to enforce all their lawful Regulations by fine, in the same manner and under the same limitations as prescribed in certain cases by the fifth clause of the above recited Act.

Appropriation of fines

IV. *And be it further enacted by the authority aforesaid,* That so much of the Act providing for the establishment of a Market in the Town of Kingston, as requires the moieties of fines incurred by transgressions of the regulations of the said Market to be paid into the hands of His Majesty's Receiver General, be, and the same is hereby repealed; and that hereafter the moieties of such fines, not granted by Law to the informers, shall be paid to the Treasurer of the Midland District for the use of the said Town of Kingston to be applied and accounted for in the same manner as the moieties of fines accruing from transgressions of the Police Regulations of the said Town are appropriated in and by the Act aforesaid.

CAHP. XIII.

AN ACT to establish the District Town of the District of London in a more central position than at present, and to annex the Townships of Walpole and Rainham to the County of Haldimand, in the District of Niagara.

[Passed 30th January, 1826.]

Preamble.

WHEREAS the Gaol and Court House for the District of London, situate in the Town of Vittoria, have been accidentally destroyed by Fire, and it is necessary that other Buildings for the same purpose should

be immediately erected, *And Whereas* the said Town of Vittoria being situate near one extremity of the District, is a very inconvenient Site for the District Town, so far as it respects the inhabitants of the very populous and extensive Settlements which have of late years been formed in the County of Middlesex, and it would tend much to the welfare of the District and the general convenience of its Inhabitants, to establish the District Town at the reservation heretofore made for a Town, near the Forks of the River Thames, in the Townships of London and Westminster. *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That a certain Act of the Parliament of this Province, passed in the Fifty-fifth year of His late Majesty's Reign, intituled, An Act to repeal part of and amend an Act of the Parliament of this Province, passed in the Forty-first year of His Majesty's Reign, intituled, An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relative to the administration of Justice, done in several Districts of this Province, and also to fix the time of holding the Courts of General Quarter Sessions of the Peace in and for the same, and to make further provision for the same, shall be and the same is hereby repealed, and that so much of a certain other Act of the Parliament of this Province, passed in the Forty first year of His late Majesty's Reign, intituled, An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relating to the administration of Justice, done in several Districts of this Province, and also to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same, as is repealed by the said Act, shall be and remain repealed.

55 Geo. 3, Ch. 16 re-
pealed.

II. *And be it further enacted*, by the authority aforesaid, That the Courts of General Quarter Sessions of the Peace, and the District Courts in and for the said District, shall be holden and assembled within some part of the reservation heretofore made for the Site of a Town, near the Forks of the River Thames, in the Townships of London and Westminster, in the County of Middlesex, so soon as a Gaol and Court House shall be erected thereon, and in a fit state to afford accommodation for the administration of Justice, and that until such Buildings shall be so erected the

Courts of Quarter
Sessions and District
Court, to be remo-
ved to the County of
Middlesex.

Sheriff to appoint place until the Gaol and Court House are built.

said Courts shall be holden in such part of the District of London, being as nearly as conveniently may be, central with regard to the settled parts of the said District of London, as the Sheriff of the said District shall for that purpose appoint by Public Notice, within the said District, at least thirty days before the time appointed for holding any such Court respectively.

Rainham and Walpole to be annexed to the County of Haldimand.

III. And whereas in consequence of the removal of the District Town to a more central situation, it would better suit the convenience of the inhabitants of the Townships of Rainham and Walpole, which now form part of the County of Norfolk, if the said Townships were hereafter to be annexed to, and form part of the County of Haldimand in the District of Niagara: *Be it therefore enacted by the authority aforesaid,* That so much of a certain Act of the Parliament of this Province, passed in the Thirty-eighth year of His late Majesty's Reign, intituled, An Act for the better Division of this Province, as enacts that the said Townships of Rainham and Walpole shall constitute and form a part of the County of Norfolk, shall be repealed, and that the said Townships of Rainham and Walpole shall be annexed to, and shall form part of the County of Haldimand in the District of Niagara.



CHAP. XIV.

AN ACT to provide for the Erection of a Gaol and Court House in the District of London, and to authorize the imposing an additional rate for that purpose.

[Passed 30th January, 1826].

Preamble.

WHEREAS the Gaol and Court House of the District of London have been recently destroyed by fire, and it is expedient to provide for the accommodation of the several Courts of Justice, and for the safe custody of Prisoners by the erection of buildings in a situation more convenient for the inhabitants of the said District: *Be it therefore enacted,* by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America and to make further provision for the Government of the said Province;'" and by the authority of the same, That so soon as conveniently may be, after the passing of this Act, a Town shall be surveyed and laid out, under the direction of the Surveyor General, within the reservation heretofore made for the site of a Town, in the Townships of London and Westminster, in the County of Middlesex, in the said District of London, and

A Town to be laid out and surveyed within the reservation for a town in London and Westminster.

a Plan thereof shall be furnished by the said Surveyor General to the Commissioners hereinafter named, and that in the said Plan or Survey, a tract or space, of not less than Four Acres, shall be designated as reserved for the purposes of a Gaol and Court House within the said Town Plot.

Four acres to be reserved for Gaol and Court House.

II. *And be it further enacted by the authority aforesaid,* That the Honorable Thomas Talbot, Mahlon Burwell, James Hamilton, Charles Ingersol and John Matthews, of Lobo, Esquires, shall be and they are hereby appointed Commissioners for the purpose of erecting, upon such reserved tract as aforesaid; a Good and Sufficient Gaol and Court House, of Brick or Stone, for the purposes of the said District, either in One or in Separate Buildings, as shall to them appear most expedient, and for Contracting for superintending and paying for the building and completion of the same.

Commissioners for erecting Gaol and Court House.

III. *And be it further enacted by the authority aforesaid,* That in order to provide funds for the erection of the said buildings, it shall and may be lawful for the Justices of the Peace of the said District, in General Quarter Sessions assembled, and they are hereby required to levy, by Assessment, to be made on each and every inhabitant house-holder in the said District, in the same manner and form as by Law any Assessment may now or hereafter be levied for any Public purpose in the said District, an Additional Rate of One-third of a Penny in the Pound, until the sum hereinafter authorized to be borrowed for defraying the expense of Erecting the said Gaol and Court House and all interest thereon shall be fully discharged.

Funds to be raised by an additional assessment.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power to raise, by Loan, at a rate of interest not grater than six per cent, from such Person or Persons, Bodies, Politic or Corporate, as may be willing to lend the same, on the Credit of the District, a sum not exceeding Four Thousand Pounds, to be applied for the purposes herein before mentioned, and not otherwise, and that the bond or agreement, under the hand and seal of the President of the said Board of Commissioners, to be appointed as hereinafter mentioned and expressed, to be given for the repayment of such Loan under the authority of this Act, shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such President in his individual and personal capacity, and that the Treasurer of the said District, for the time being, shall annually, until the Loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same not less than Three Hundred and Fifty Pounds from and out of the Rates and Assessments of the said District.

Loan of £4000 may be raised.

Provision for payment of interest and re-payment of principal.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall meet at the Village of Saint

First meeting of Commissioners.

Thomas, in the County of Middlesex, on the first Monday in the month of March, next, and shall then select a President and Vice President, one or other of whom shall preside at every meeting of such Commissioners at which any resolution shall be passed, or matter agreed upon, and that no act shall be binding which is not assented to by a majority of the said five Commissioners, including the President or Vice President.



CHAP. XV.

AN ACT to authorize and establish a Re-survey of the Front of the Thirteenth Concession of the Township of Townsend.

[Passed 30th January, 1826.]

Preamble.

WHEREAS, by an Act, passed in the Fifty Ninth year of the Reign, of His late Majesty King George the Third, intituled, “An Act to Repeal an Ordinance of the Province of Quebec, passed in the Twenty Fifth year of His Majesty’s Reign intituled, ‘An Ordinance concerning Land Surveyors and the Admeasurements of Lands.’ and also, to extend the provisions of an Act, passed in the Thirty Eighth year of His Majesty’s Reign, intituled, ‘An Act to ascertain and establish, on a permanent footing, the Boundary Lines of the different Townships of this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed,” an Erroneous Line, Surveyed by the late William Hambly, as the Front of the Thirteenth Concession of the Township of Townsend, in the London District, of this Province, being the First Survey, would be established to the prejudice of the persons owning Lands in the Twelfth Concession of the said Township of Townsend: And whereas the said Erroneous Survey has been fully examined, and reported to the Surveyor General’s Office, by a Deputy Provincial Surveyor, in pursuance of special instructions to examine and report upon the same, and it is necessary to establish more correctly the Front of the Thirteenth Concession of the Township of Townsend aforesaid; *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, “An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign ‘intituled an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;” and by the authority of the same, That Stone Monuments, or Monuments, of other durable materials, shall be placed as Governing Points, from which to correct the Front of the Thirteenth Concession of the Township of Townsend aforesaid, so that a line from such Monument or Governing

The Front line of the 13th Concession of Townsend how to be

Points shall divide the said Twelfth and Thirteenth Concession equally, as nearly as may be done, which Monuments shall be placed and Survey corrected under the order of the Surveyor General of this Province, and Posts or Boundaries shall be placed along the said Line from such Monuments at proper distances for the Front Angles, to determine the width of the Lots in the Thirteenth Concession aforesaid.

corrected and established.

II. *And be it further enacted by the authority aforesaid,* That the course of the said Line, when so corrected as aforesaid, and the Distances, Boundaries and Monuments after the same shall be correctly ascertained and established in pursuance of this Act shall, on all occasions, be and be taken to be, and to have been, the true Course, Distances and Boundaries of such Concession Line and Lots respectively, whether the same do or do not, on actual measurement, coincide with the Course and Distances in any Letters Patent or Grant, or other instrument in respect of such Concession Line, Boundaries or Distances mentioned and expressed, any thing contained in the said Act passed in the Fifty-eighth year of His late Majesty's Reign, to the contrary thereof is anywise notwithstanding.

When corrected to be confirmed, notwithstanding any letters Patent.

III. *And be it further enacted by the authority aforesaid;* That nothing in this Act shall invalidate, or be taken or construed to invalidate, annul, or make void any such Letters Patent, Grant or Instrument affecting Lands in either of the said Concessions, but that the same shall be as valid as if this Act had not been made.

Title to lands in 12th or 13th Concessions of Towns not to be affected.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to direct the Surveyor General to order the said Erroneous Line to be Surveyed and Corrected as aforesaid, and that such Line, so Corrected, for the Front of the said Thirteenth Concession, and the Posts and Boundaries which shall be placed on the same, to determine the width of Lots as aforesaid, shall be, and be taken to be, the True and Unalterable Concession Line and Boundaries respectively.

Surveyor General to direct the new survey required.

V. *And be it further enacted by the authority aforesaid,* That if any Action of Ejectment should be brought against any person or persons, who, after the Front of the said Thirteenth Concession shall be so ascertained or Corrected in pursuance of this Act, shall be found, in consequence of the aforesaid Erroneous Survey, to have Improved on Land not his, her, or their own, the like proceedings may be had, and the same relief shall be afforded, as is provided in the said Act in case any person or persons may be found, in consequence of a side Line having been unskilfully Surveyed, to have improved on Land not his, her, or their own.

Provision in case ejections shall be brought.

VI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall give any right, or be taken or construed to give

Restraint of actions for unimproved lands, in consequence of the intended re-survey.

any right to any person or persons possessed of Lands by Gift, Devise, Inheritance ; Purchase or Marriage, in the said Thirteenth Concession, to maintain any Action or Actions against any person or persons for or on account of any alteration occasioned by the passing of this Act, in the Limits of any Lot or Parcel of Land which shall be unimproved at the time of the passing thereof.



CHAP. XVI.

AN ACT to make provision for a Survey of the first second and third Concession of Fredericksburgh original, and the whole of Fredericksburgh additional.

[Passed 30th January, 1826.]

Preamble.

WHEREAS it is expedient to repeal the third and fourth clauses of an Act passed in the Fifty ninth year of the Reign of George the Third, intituled, An Act to repeal an Ordinance of the Province of Quebec, passed in the Twenty-fifth year of His Majesty's Reign, intituled An Ordinance concerning Land Surveyors and the admeasurement of Lands, and also to extend the provisions of an Act passed in the Thirty eighth year of His Majesty's Reign, intituled, An Act to ascertain and establish, on a permanent footing, the Boundary Lines of the different Townships of this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed, so far as they respect that part of the Second Concession of the Township of Fredericksburgh, in the Midland District, lying between the Eastern boundary of Lot Number Seventeen, and the Eastern boundary of Lot Number Twenty-five in the said Concession, and also that part of the Third Concession of the said Township, between the head of Hay Bay and the Eastern Boundary of Lot Number Twenty-five, in the last mentioned Concession: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same. That the third and fourth clauses of the aforesaid Act, shall be and the same are hereby repealed, so far as respects the aforesaid Tracts of Land.

56 Geo. 3. Ch. 14 sec. 3 & 4 repealed, so far as respects a certain part of Fredericksburgh.

II. *And be it further enacted by the authority aforesaid*, That the Eastern Boundary Line of the said Township, otherwise known as the Line be-

tween Lots Number Twenty-five and the Gore in the said Second and Third Concessions, shall be, and the same is hereby declared to be, the Course or Courses of the respective Division or Side Lines of Lots or Parcels lying in the aforesaid Tract of Land, and all Surveyors shall be, and are hereby required, to run all such Division or Side Lines of any of such Lots or Parcels of Land, which they may be called upon to Survey, to correspond with and be parallel to the aforesaid Eastern Boundary Line.

The course of the side lines declared.

III. *And be it further enacted by the authority aforesaid,* That every Licenced Surveyor, when, and as often as he may be employed to run any Side Line or Limit, between Lots or Lines in the said Tract, required to go the same Course as the aforesaid Eastern Boundary Line, shall, if it has not been done before, or if it has been done, but the Course cannot at such time be truly ascertained, determine by a true Meridian Line, or some other infallible method, the true Course of a straight Line between the Front and Rear Angles on the Eastern Boundary of Lot Number Twenty-five, in that Concession in which the Land is to be Surveyed, may be, and shall run such Line or Lines as aforesaid, truly parallel to such Course, which is hereby declared and shall at all times be deemed and taken to be the true Course of such Lines.

How side lines shall be run in such part of Fredericksburgh in any new survey.

IV. *And Whereas,* it is expedient to make provision for a Survey of the First, Second and Third Concession of that part of the said Fredericksburgh generally known as Fredericksburgh original, and also of the whole of that part of the said Fredericksburgh generally known as Fredericksburgh additional: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace, serving for the Division within which the said Concessions are situated, or a majority of them, and they are hereby authorised and required, at a special Session to be by them held on the first Saturday in March in each and every year, or at any adjourned Session, for the purpose of carrying this Act into effect, to receive proposals from, and contract with, taking and demanding Security as they may think expedient, any Licenced Surveyor to erect Monuments and to establish Boundaries for any or all the Concessions or Lots in the last mentioned Tracts of Land, or for the actual Survey of any or of all of the aforesaid Concession Lines, either in Front or Rear of the said Concessions, and also for the actual Survey of the whole or any number of the said Lines or Limits between Lots or Parcels of Land in each or every of the aforesaid Concessions, which Survey shall be as near as can be ascertained according to the original Survey of such Concession, and to levy a proportionate Tax, which said Tax shall be appropriated and levied agreeable to the request of the inhabitants of such Concession, to be made in a manner and form as shall be hereafter provided on the several Lots or Parcels of Land in such Concession for the payment of such Surveyor, and also for a Collector, as hereinafter mentioned, and to issue their Warrant or Warrants to a

A re-survey to be made of certain parts of Fredericksburgh

and Monuments placed.

How the expense shall be defrayed

And collected.

Collector or Collectors, to be by them appointed for the purpose of collecting the aforesaid Tax, and every such Collector so appointed, upon receiving such Warrant aforesaid, is hereby authorised and required to demand and receive from each and every inhabitant of such Concession or Concessions, for which he is Collector, his proportion of the Tax imposed, agreeable to the provisions of this Act, and shall have the same power and may use the same means to compel the payment of such Tax as the several Collectors of the several Parishes, Townships or reputed Townships, have in this Province, and shall upon such Surveyors producing an order therefor, under the Hands and Seals of such Justices, pay over to such Surveyor, the said Monies, reserving to himself, as a compensation for his services, five per cent upon the Monies so collected.

Compensation to Collector.

Expense of Surveying each Concession to be levied on the Lands in such Concession.

V. *And be it further enacted by the authority aforesaid,* That the expense of Surveying each or any of the aforesaid Concessions, either in the original or additional part of the aforesaid Township, shall be satisfied and paid by an appropriate Tax aforesaid, on the several Lots or Parcels of Land situate in such Concession.

Justices not to proceed unless required by the Freeholders.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That such Justices as aforesaid, shall not be authorised to carry the provisions of this Act into effect, without first being requested by a writing signed by at least three fourths of the Proprietors of the Land situate in such Concessions, stating in what manner such Concessions shall be Surveyed, what sort of Monument shall be erected, and in what manner such Tax shall be proportioned for the purposes aforesaid.

New Survey to be made shall be conclusive.

VII. *And be it further enacted by the authority aforesaid,* That when the Boundaries or Survey of each or any of the aforesaid Concessions shall be established agreeable to the provisions of this Act, such Survey shall be permanent and conclusive.

Public Act

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



CHAP. XVII.

AN ACT to protect certain inhabitants of the County of Middlesex in the possession of their Lands during the continuance thereof.

[Passed 30th January, 1826.]

Preamble.

WHEREAS in consequence of an erroneous Survey a Tract or Parcel of Land in the County of Middlesex, in the District of London, has been

returned by one of the Deputy Surveyors of this Province, as forming the Thirteenth Concession of the Township of South Dorchester, and has also in Surveys of the Townships of Malahide and Yarmouth subsequently made, been returned as forming part of the said Townships, by which error, it has happened that the same Lands have been Granted to persons as forming part of South Dorchester, and have been subsequently located as parts of Malahide and Yarmouth, to persons who have gone to reside upon the same, and have built and improved thereon, which persons have now recently discovered that they are liable to be dispossessed by those to whom the same Lands have been previously granted, as forming part of South Dorchester. And whereas Legislative interposition may become necessary to prevent the evils which may otherwise ensue, but it is inexpedient to entertain any measure for that purpose until sufficient time has been afforded to all persons interested to have notice thereof, and in the mean time it is necessary to protect those who have actually improved the said Lots, in their possession: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same, That during the continuance of this Act, no person shall be dispossessed, by legal process, of any Lot or Parcel of Land by him held in the County of Middlesex, by reason of, or under any claim or Title of any person or persons, holding or claiming the same, under an original grant thereof made, describing the same as part of the Thirteenth Concession of the said Township of South Dorchester.

Erroneous Survey of part of South Dorchester, otherwise returned as part of Malahide and Yarmouth.

Persons protected in their possessions till a remedy can be provided.

II. *And be it further enacted by the authority aforesaid,* That this Bill shall be. and continue in force. for two years, and from thence to the end of the, then, next ensuing Session of Parliament. Continuance 2 years.



CHAP. XVIII.

AN ACT to Incorporate certain persons therein mentioned, under the style and title of "Desjardins' Canal Company."

[Passed 30th January, 1826.]

WHEREAS Public benefits are expected to be derived from connecting Burlington Bay with Lake Ontario, and in order that those benefits Preamble.

may be more generally extended to the surrounding country, it is of manifest importance to form a Water communication or Canal, sufficient for the passage of Sloops and other Vessels of burden, from the said Bay, to the Village of Cootes Paradise, through the intervening Marsh and other lands. And Whereas, Peter Desjardins and others, have petitioned the Legislature to be by Law Incorporated, for the purpose of effecting, by means of a Joint Capital or Stock, such Water communication or Canal, from the said Bay to the said Village: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province:'" and by the authority of the same, That the said Peter Desjardins, Christopher Holmes, William Holmes, David Stegman, Edward Lesslie, John Lesslie, William Lesslie James Nation, Peter Paterson, John Patterson, or any six of them, together with all such other persons as shall become Stockholders in such Joint Capital or Stock as hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be, a body Corporate and Politic, in fact, by the name of Desjardins' Canal Company, and that by this name, they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may, and shall have, a common Seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of The Desjardins' Canal Company, shall be, in Law, capable of purchasing, having and holding to them and their successors, any Estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient.

A Company to be incorporated to be called Desjardins' Canal Company.

II. *And be it further enacted by the authority aforesaid*, That the whole Capital or Stock, inclusive of any real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Ten Thousand Pounds, of lawful currency of this Province, which Capital shall be composed of Eight Hundred Shares, of the value of Twelve Pounds Ten Shillings each, and that the said Shares, of the said Capital Stock, shall be transferable, and may be, from time to time, transferred by the respective persons, so subscribing or holding the same, to other person or persons: *Provided always*, that such transfer be entered or registered in a Book or Books, to be kept for that purpose, by the said Company.

Amount of Capital Stock.

Shares transferable.

III. *And be it further enacted by the authority aforesaid,* That within twenty days the passing of this Act, books of subscription shall be opened as nearly as possible at the same time, in the towns of York, Niagara, and Dundas, by such person or persons, and under such regulations, within the meaning of this Act, as the said petitioners, or a majority of them, shall, by writing, direct.

How stock shall be subscribed.

IV. *And be it further enacted by the authority aforesaid,* That the said Books of subscription shall remain open for signature for ninety days, during which time, no person subscribing, shall so subscribe for more than Twenty Shares, but if, after the expiration of the said ninety days, any Stock should remain not taken up, then it shall be lawful for the said subscribers, or any of them, or any other person or persons, to subscribe for any greater or less number of Shares, so long as any of the said Stock may remain unsubscribed.

Limitation as to the time of subscribing and the amount.

V. *And be it further enacted by the authority aforesaid,* That all and every subscriber for the said Stock, or any part thereof, shall, at the time of subscribing, pay a proportion of five per centum, upon the Capital Stock of the whole number of Shares, for which they, or any of them respectively may subscribe, and that such proportion, so paid and deposited at the time of subscription, shall be at the disposal of the Directors hereinafter mentioned, to and for the purposes of this Act, in manner and form as hereinafter is directed, and that the residue of the sum or Shares of the Subscribers or Stockholders shall be payable by instalments, at such times and in such proportion as a majority of the Stockholders, at a Meeting to be expressly convened for that purpose, shall agree upon: *Provided,* that no such instalment shall exceed ten per centum, upon the said Capital Stock, or become payable in less than sixty days after public notice in the Gazette.

Calling in instalments

VI. *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, then such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share and shares as aforesaid, with the amount previously paid thereon, and that the said share or shares may be sold by the said Directors, and that the sum arising therefrom, together with amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the said Company.

If instalments not paid shares to be forfeited.

VII. *And be it further enacted by the authority aforesaid,* That as soon as the aforesaid deposit of five per cent, upon the whole Capital Stock, shall be paid into the hands of such Receiver or Receivers as the Stockholders shall appoint, it shall and may be lawful for the subscribers or a

First Directors to be chosen.

To serve till 1st Monday in April 1827.

majority of them, upon thirty days notice, published in the Upper Canada Gazette, to call a Meeting at the village of Dundas aforesaid, for the purpose of proceeding to the election of Directors, as hereinafter mentioned, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of April, in the year of our Lord One Thousand Eight Hundred and Twenty Seven, and the Directors so chosen shall commence the business of the said Company, and proceed therein till the first subsequent election of annual Directors, as hereinafter mentioned.

Affairs of the Company to be managed by five Directors.

When and how chosen

VIII. *And be it further enacted by the authority aforesaid,* That the Stock, property, affairs and concerns of the corporation of the Desjardins' Canal Company, shall be managed and conducted by five Directors, one of whom shall be President and another Vice President, who shall hold their offices for one year, which Directors shall be Stockholders, and shall be inhabitants of this Province, and shall be elected on the first Monday in April, in every year, at such time of the day and at such place, in the said village of Dundas, as the majority of the Directors for the time, being by thirty days public notice, shall appoint: *Provided nevertheless,* that the first board of Directors, to be chosen by the subscribers as aforesaid, shall continue in office till the first Monday of April, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, as in the last clause provided, and no longer, unless re-elected.

Regulation of voting by number of shares.

Such shares to be held three months before election.

IX. *And be it further enacted by the authority aforesaid.* That the Election of Directors shall be held and made by such Stockholders of the said Company as shall attend at Dundas aforesaid for that purpose in their own proper persons, or by proxy, and shall be determined by Ballot, such Ballot to be regulated and calculated by the number of Votes allowed to such Stockholders, according to the number of Shares held by them respectively, as follows: (that is to say,) One Vote for each Share, not exceeding Four or Five Votes for Six Shares; Six Votes for Eight Shares; Seven Votes for Ten Shares; and One Vote for every Five Shares above Ten; *Provided always,* That the Stockholders so Voting shall be possessed of the Share or Shares, in respect of which they shall respectively Vote, at least Three Months before the time of Election; and also, that no person, co-partnership, or body politic, shall be entitled to more than Fifteen Votes at any such Election, nor at the determination of any other matter or thing concerning the said Company or its affairs which may, by the provisions of this Act, be submitted to the Judgment and decision of the Stockholders generally: *Provided always,* That the choice of the Scrutineers hereinafter mentioned, and of President and Vice President be had as is hereinafter expressly directed.

Who may be Directors.

X. *And be it further enacted by the authority aforesaid,* That the Directors to be chosen shall be Stockholders in the said Company, and shall

hold to their own use, Ten Shares at least, and that all and every co-partnership, and co-partnerships, body, and bodies politic or corporate, holding any share or shares in the said Desjardins' Canal Company shall each of them Vote only as an individual Stockholder, nor shall two or more persons belonging to any such co partnership, or co-partnerships, body, or bodies politic or corporate, be capable of being nominated or chosen, or of sitting as Directors, although such persons may hold Stock in their private right or to their private use, in the said Desjardins' Canal Company.

Co-partnerships to vote only as individuals.

No more than one member of a co-partnership shall be a Director.

XI. *And be it further enacted by the authority aforesaid:* That of the persons so as aforesaid nominated and balloted for in manner aforesaid those Five shall be deemed Elected who shall have the greater number of Votes according to the shares held by the Voters respectively as hereinbefore prescribed at each and every such Election of Directors, and that at every such Election, on the First Monday of April in each and every year as aforesaid, after the Ballot shall have been kept open from Eleven of the clock in the forenoon 'till Two of the clock in the afternoon, the Five Persons having the majority of Votes in the manner aforesaid shall, so soon thereafter as convenient, on the same day, be declared the Directors chosen for the ensuing year by any two or more Scrutineers who shall have been previously nominated by the Stockholders for the purpose of examination and report of such ballot; *Provided nevertheless,* that the Stockholders present at the place of ballot shall in nomination of Scrutineers, vote per Capita, and not by shares.

Form of proceeding in choosing Directors:

XII. *And be it further enacted by the authority aforesaid,* That the said Directors on the same day and place wherein they shall have been so chosen and declared Directors, shall, after all other persons retire, choose by plurality of voices one of their number President, and another of their number Vice President, in which choice the Directors shall vote per Capita, and not by shares.

President and Vice President.

XIII. *And be it further enacted, by the authority aforesaid,* That the Board of Directors, so to be formed as aforesaid shall, at the annual Election, undergo a change of three of its members at least, so that the Directors for the last year shall be ineligible as Directors for the next ensuing year; and in order to determine the persons so to be changed, it is hereby provided and declared, that whenever at any such Election, it shall happen that more than two members of the late Board shall, upon scrutiny, be found among those having the greater number of votes in manner as aforesaid, then it shall and may be lawful for the Scrutineers to strike out one, or two, or three, as the case may require, from among the re-elected, such one, or two, or three, having the least number of votes, and shall in lieu, take one, or two, or three other, as the case may require, from among the others balloted for, as having the next greatest

Three of the Directors to go out of office every year.

number of votes, and the five persons so found to be chosen shall be the Directors for the ensuing year, and as such shall be declared by the Scrutineers.

Vacancy in Board of Directors how supplied. XIV. *And be it further enacted by the authority aforesaid,* That in case of vacancy by death or absence for more than two months from the sittings of the said Board, such vacancy shall, as often as necessary, be supplied by ballot, in the manner as aforesaid, the Directors for the time being present, declaring such vacancy and giving Public notice in one or more Newspapers to the Stockholders to meet at a day and place certain in the Village of Dundas aforesaid, for the purpose of supplying the said vacancy by ballot, in the manner aforesaid.

Vice President when to act. Three Directors to be a quorum. XV. *And be it further enacted by the authority aforesaid.* That the Vice President shall act as such, only in the absence of the President, and that three members, including the President or Vice President, shall be a Quorum of the said Board of Directors, and shall have all the power of the full Board, the absence of the other members notwithstanding.

Proceedings at the Board. Casting vote of President or Vice President. XVI. *And be it further enacted by the authority aforesaid,* That all questions submitted to, or coming before the Board of Directors, concerning the affairs of the said Company, shall be decided by the majority of voices, and that the President and Vice President, when presiding, shall not vote unless an inequality of voices amongst the other members of the Board require his casting vote.

Power of Directors to make rules, &c. XVII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them shall have power to make and subscribe such rules and regulations, and the same to alter and amend as to them shall appear needful, and just, and proper, touching the management and disposition of the Stock, Property, Estate and effects of the said corporation, and touching the duties and conduct of the Clerks and Servants employed by the said Company, and shall have power to make and subscribe, in the name of the said Company, all contracts for labour, work, materials, and all other matters concerning the construction of the said Canal. and after the construction be completed, concerning the Navigation Tolls, Wharfage, Burdens, loading and unloading of Vessels and Boats, within the waters of the said Canal. and all other matters and things concerning as well the construction of the said Canal and all its basins, ways, bridges, paths and passages, as also concerning its charges, tolls, entries, clearances, profits, losses, dividends and revenue whatsoever, such rules and regulations not being contrary to this Act nor the Laws of this Province.

Rates of Toll. XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company,

from time to time, to order, regulate and establish the rates of Toll, payable by persons navigating upon the said Canal, and the said Canal shall annually, if required, exhibit an account to either or every branch of the Legislature of this Province, of the Tolls so regulated and the amount thereof received, and other sums expended in keeping the same in repair, and also of the Goods, Wares and Merchandizes transported in and along the same, such accounts to be authenticated in such manner and form as the authority so requiring the same may deem satisfactory.

Accounts of Receipts and Expenditures.

XIX. *And be it further enacted by the authority aforesaid,* That whenever the said Tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Canal, and to afford an annual income to the said Company of Twenty per Cent profit upon the Capital actually expended in the construction of the said Canal, from the time of the commencement of its navigation, for such Vessels as aforesaid, then, and in such case, the increasing surplus revenue of the said Tolls shall be charged against the said Company, as so much by them received in the nature of a sinking fund, by means whereof, to purchase from the said Company, the entire Estate, use and property of the said Canal, to and for the use of the Public, in such manner and form as the Legislature of this Province may, by Legislative enactment, hereafter provide.

Terms upon which the Canal shall become public property.

XX. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty, at any time whatever, to purchase the said entire Estate, property and use of the said Canal, from the said Company, by paying to the said Company the Capital, so as aforesaid, actually expended, together with Twenty five per cent advance thereupon, to the credit of which payment, all revenue exceeding Twenty-five per cent, upon the said bona fide expenditure, and over and above the expense of maintaining and repairing the said Canal, shall be charged and taken; and it is also hereby provided and declared, that if any deficiencies of the said Twenty-five per cent, annual profit, should occur in navigation of the said Canal, such deficiencies shall be also chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive Twenty per cent profit on their said bona fide expenditures for the whole time for which they shall or may enjoy the estates, rights and privileges of the said Company.

May be sooner purchased if the Legislature think fit.

Provide.

XXI. *And be it further enacted by the authority aforesaid,* That the said Company shall have full power and authority for the purposes of forming and completing the said Canal, to purchase and hold in their corporate capacity such real estate as may be necessary for all the purposes of the said Canal and of this Act, *Provided always,* that the lines of demarkation on the right and left side of the said Canal, in its whole course, shall not be less than two chains apart, in any portion of the route, and that the space

What real estate the Company may hold. Width of space reserved for Canal, path, basins, &c.

Width of space reserved for Canal, Path, Basins, &c.

between these lines shall be wholly occupied by the Canal, its banks, basins, roads, towing paths and bridges.

Company empowered to acquire the land necessary for the Canal, paths, &c.

XXII. *And be it further enacted by the authority aforesaid,* That the said Directors of the said Company, for the time being, shall have full power to contract, compound, compromise and agree with the owners and occupiers of any land, throughout or upon which the said Canal may most advantageously pass, so that such purchase shall embrace and extend to the aforesaid proposed lines of demarkation of two chains distance from each other, throughout the course of the said Canal.

In case of disagreement as to value arbitrators to be appointed, &c.

XXIII. *And be it further enacted by the authority aforesaid,* That if, in the making of such contract, composition, compromise or agreement, any obstacle should arise between the parties thereto, touching the value of the portion of land to be bought for the purposes aforesaid, then, and in such case, it shall and may be lawful for the directors, for the time being, from time to time, as they or the majority of them may think fit, to appoint one or more person or persons as arbitrator or arbitrators on the part of the said Company, and also for the party or parties disagreeing, as to the value as aforesaid, to appoint one or more person or persons, being an equal number with those chosen by the said Directors, as arbitrator or arbitrators on his or their part, and that the persons so chosen on both sides, shall, having met for that purpose, choose by ballot one other indifferent person, and the whole number of persons so chosen shall be the arbitrators between the parties disagreeing, and that the said arbitrators shall be sworn by a Justice of the Peace, justly, impartially and equally, as far as in them lie, to the best of their judgment, to determine the matter to be to them referred.

How Directors to proceed if party differing shall fail to appoint an arbitrator.

XXIV. *And be it further enacted by the authority aforesaid,* That if, after eight days notice in writing, given to the party so differing as to the value as aforesaid, such party will not nominate or appoint an arbitrator or arbitrators as aforesaid on his part, it shall and may be lawful for the said Directors to add to their first nomination as many others, not being Stockholders of the said Company, as and for the arbitrators of the party so refusing to nominate for himself, and such added arbitrators shall have like power as if named by the party himself, and shall ballot for the additional arbitrator.

How arbitrators shall proceed.

XXV. *And be it further enacted by the authority aforesaid,* That the Board of arbitrators so constituted, shall fix a convenient day for hearing the respective parties, and shall give eight days notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said arbitrators, or a majority of them, shall make their award and arbitrament thereupon in writing, which award or arbitrament shall be final, as to the value so in dispute, as aforesaid.

XXVI. *And be it further enacted by the authority aforesaid,* That if the Party refuse to accept the value of the Land so ascertained by the Arbitrators as aforesaid, till the end of the second Term in His Majesty's Court of King's Bench next after the making of the Award and Tender of the value thereby ascertained, then and in such case the said Directors for the time being, shall be at liberty, and shall have full power, to occupy the piece of Land so valued by the Arbitrators, and to Cut, Excavate, Embank, and otherwise use the same, for the purposes of the said Canal, in the same manner, as other portions of the route thereof.

In case the party shall refuse to accept the sum awarded.

XXVII. *And be it further enacted by the authority aforesaid,* That if any Action of Ejectment, or other Action, real, personal, or mixed, for, or on account of the said Occupation, Cutting, Excavation, Embankment, or other use of the same, by the said Company, their Servants or Agents, or other Person or Persons using the said Canal or Roads, Bridges, Pathways, Passes, or other Commodities thereof; the said Award shall and may be Pleaded in Bar to such Action any time after the said two Terms in the said Court of King's Bench, notwithstanding any defect in form or substance in the said Award. *Provided always,* and it is hereby enacted and declared, That it shall and may be lawful to, and for the Party or Parties interested in the Land mentioned in the Award, or the Agents by Council, at any time within the two next terms as aforesaid, after the same hath been made, and the amount of the value Awarded tendered, to move the Court of King's Bench to set aside such award for corruption or any other matter or thing, for which Awards are now subject to be impugned at Law. *Provided also,* That if the first Award be so set aside by the Court of King's Bench, the matter indifferently may again be submitted to other Arbitrators, and so *toties quoties* till satisfaction be rendered between the parties.

In case of ejectments being brought award may be pleaded in bar

Second arbitration.

Several arbitrators.

XXVIII. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary to cut into or upon any highway, in order to conduct the said Canal by or through the same, the said Company shall, within one month after cutting through or into such highway, cause to be constructed a secure, sufficient, and commodious Bridge for the passing of Carriages, or otherwise sufficiently repair the damage so as to re-establish the communication between the several parts of such highway under a Penalty of Five Pounds Currency for each and every day after the expiration of the said time, which the said Company shall neglect to construct such Bridge or repair such damage as aforesaid. *And Whereas,* The Navigation of the Water between the Work or Canal contemplated by this Act, and the Outlet from Burlington Bay into Lake Ontario may be obstructed by ordinary Bridges erected thereon, and connecting public highways legally established for remedy whereof. *Be it therefore enacted by the authority aforesaid,* That it shall and may be Lawful for the

Bridges over highways.

Penalty:

Power to alter bridges erected over highways

said Company to convert such ordinary Bridges into Draw Bridges, keeping the said Draw Bridges in that situation that His Majesty's Subjects and others, with their Horses, Cattle, and Carriages, may pass thereon at all times, except when actually required to be open for the purpose of passing with Boats, Vessels, or other Craft, Navigating the said Canal.

Indemnification to Peter Desjardins' for money expended by him.

XXIX. *And Whereas*, The said Peter Desjardins has already expended a large sum of Money towards constructing a part of the work contemplated in this Act, and it is just that he should be paid, or otherwise reimbursed or indemnified for the same, and the said Peter Desjardins is willing to accept Stock to the amount of one half part of his expenditure as aforesaid, and security for the payment of other half. *It is therefore further enacted by the authority aforesaid*, That it shall and may be Lawful for the said Peter Desjardins at his option, to subscribe for as many Shares of Stock as may be equal in value at the rate aforementioned of each Share to the moiety or half part of his said expenditure, upon estimation thereof, made by competent Persons, and approved by the said Directors as just, the before mentioned limitation of Twenty Shares as the maximum of Stock, for which any one Individual is permitted to subscribe within the ninety days of the first opening of the Books of Subscription as aforesaid, to the contrary notwithstanding.

How such indemnity shall be secured and paid.

XXX. *And be it further enacted by the authority aforesaid*, That the Directors shall have power and authority by Deed or Bond to secure to the said Peter Desjardins the payment of the other moiety of the said expenditure so to be ascertained and approved as aforesaid; such payment to be made in four annual instalments, equal in period and amount, bearing Lawful Interest from the time of the passing of this Act.

In case of failure to elect Directors on the regular day charter not dissolved.

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

Proceeding in that case.

Dividends.

XXXII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make Annual Dividends of so much of the Profits of the said Company, as to them, or the majority of them, shall appear adviseable, and that once in every three years, and oftener, if thereto required, by a majority of the votes of the Stockholders, at a General Meeting to be called for that purpose, an exact and particular Statement shall be rendered of the state of their Affairs, of Debts, Credits, Profits, and Losses, such Triennial Statements to appear on their

General account to be furnished of the affairs of the Company.

Books, and to be open to the perusal of any Stockholder upon his reasonable request.

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

XXXIV. *And be it further enacted by the authority aforesaid,* That this Act from the time of passing thereof, shall continue in force for fifty years, and from thence to the end of the then next ensuing Session of Parliament, at which time, the Estate, Rights, Titles, Tolls, and Rates of the said Canal, with the Waters and Navigation thereof, shall vest in His Majesty, His Heirs and Successors, to and for the Use of this Province, in manner aforesaid; unless otherwise provided for by any Act of the Legislature, to be for that purpose, at any time hereafter enacted. Act to continue fifty years.
At the expiration of that time Canal &c. to vest in His Majesty.



CHAP. XIX.

AN ACT to repeal parts of and to explain and amend the several Acts of this Province relating to the Welland Canal Company.

[Passed 30th January, 1826.]

WHEREAS it is expedient to explain alter and amend an Act passed in the Fourth year of His Majesty's Reign, intituled, An Act to Incorporate certain persons therein mentioned under the style and title of the Welland Canal Company, and also a certain other Act passed in the Fifth year of his Majesty's Reign intituled, An Act to repeal part of and extend the provisions of an Act passed in the Fourth year of His present Majesty's Reign, intituled, An Act to Incorporate certain persons therein mentioned under the style and title of the Welland Canal Company: *And Whereas* it has been found that to descend the Mountain by the route prescribed by the seventh Section of the above recited Statute, passed in the Fifth year of His Majesty's Reign, would be attended with great difficulty and expense. and that a new route has been surveyed and reported upon; which will diminish the distance and expense and afford a more easy and practicable descent; *And Whereas*, the President and Directors of the Welland Canal Company have, by petition, prayed that the Legislature would sanction a deviation, as hereinafter mentioned, from the route prescribed by the Act last mentioned, and it is expedient to authorise the same: *Be it therefore enacted.* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled Preamble.
Welland Canal.

Deviation authorised in part of the line of the Canal as heretofore established.

by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, “An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty’s Reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;’” and by the authority of the same, That so much of the seventh clause of the last above mentioned Act, as relates to the route along which that part of the said Canal which is to connect the River Welland with Lake Ontario, shall be conducted, shall be, and the same is hereby repealed, and that the route along which that part of the said Canal shall be conducted, shall be as follows—that is to say, by Shaver’s Ravine and Dick’s Creek, to the Valley of the Twelve Mile Creek, as the said Route has been surveyed and reported upon, by Mr. Clowes and Mr. Roberts, Engineers, or as nearly thereto as circumstances will permit, and that from the said Twelve Mile Creek to Lake Ontario the same route shall be pursued as has been prescribed by the Act last mentioned or as near thereto as circumstances will permit.

4 Geo. 4, cp. 17, Sec. 2d explained as it regards Mill Seats.

II. *And Whereas*, by the second clause of the said Act passed in the Fourth year of His Majesty’s Reign it is provided that nothing therein contained shall extend to compel the owner or owners of any Mill Seat to sell, convey, or otherwise depart with the same to the said Company, and it being intended that the said Proviso should only apply to such good Mill Seats as actually existed before the making of the said Canal: *Be it therefore enacted by the authority aforesaid*, That the said recited proviso shall not extend or be construed to extend to any Mill Seat or Mill Seats not existing before the making of the said Canal.

Value of Mill Seats how to be ascertained

III. *And be it further enacted by the authority aforesaid*, That the value of any Mill Seat or Tract of Land which the said Company shall be authorised to purchase for the purposes of machinery, shall be ascertained in case of disagreement, by arbitrators, in the same manner as the value of the Land is to be assessed through which the said Canal shall pass, and that the said arbitrators shall be also empowered to decide whether the Mill Seat or Seite or other Machinery desired by the said Company is such as the person owning the same, can be compelled to part with to the said Company.

4 Geo. 4, ch. 17, Sec. 7, extended so as to authorise arbitrators to consider what advantages individuals will receive from the Canal.

IV. *And Whereas*, it is desirable that the arbitrators, to be appointed under the seventh clause of the said Act, passed in the Fourth year of His Majesty’s Reign, should be empowered to consider the advantages as well as the disadvantages of the said Canal, as respects the Lands of any person or persons through which the same may pass: *Be it therefore enacted by the authority aforesaid*, That the said arbitrators so to be appointed as aforesaid, shall and may and they are hereby authorised and required in assessing the value of any Lands or Tenements of any person or per-

sons proposed to be purchasad by the said Company, or the amount of damages to be paid by the said Company to any person or persons under the provisions of the said seventh clause, to take into their consideration the advantages likely to accrue as well as the injury or damage occasioned to Lands or Tenements by reason of the said Canal: *Provided always nevertheless*, That it shall not be in the power of such arbitrators to award that any such sum shall be paid by any person or persons to the said Company, on account of any such advantages as aforesaid. Proviso.

V. *And be it further enacted by the authority aforesaid*, That all matters of disagreement or dispute to be settled or determined by arbitration, under the provision of the said seventh clause of the said Act, passed in the Fourth year of His Majesty's Reign, shall be referred to arbitrators as therein provided, so that the award or awards of such arbitrators may be made, published, and declared, on or before the first day of September next, and that all and every sum of money, by such award or awards directed to be paid by the said Company, shall be paid to the party or parties entitled to receive the same on or before the first day of October next. Time limited for referring claims to arbitration
and for paying sums awarded.

VI. *And be it further enacted by the authority aforesaid*, That whenever the Canal, to be made by the said Company, in any part of its course from the Grand River to Lake Ontario, shall have the effect of depriving any person possessing Lands adjacent thereto of any privilege or convenience of water, for ordinary purposes, which he had before enjoyed, it shall be incumbent upon the said Company to allow to the person or persons, then and at all times hereafter possessing the said Lands, free and convenient access, for persons and cattle, to the waters of the said Canal. Remedy where persons shall be deprived by the Canal of any privilege of water.

VII *And Whereas*, in consequence of the enlargement of the said Canal, in order to adapt it to Schooner navigation, it is expedient to repeal the eleventh clause of the said Act, passed in the Fourth year His Majesty's Reign, and to make further provision in respect thereof, *Be it therefore enacted by the authority aforesaid*, That the said clause shall be and the same is hereby repealed, and it shall be lawful for any person possessing Lands through which the said Canal shall pass, and upon which there shall now be buildings, improvements, or Fields, which the said Canal shall divide, to erect a bridge at his own expense to connect the same: *Provided always*, that such bridge shall not prevent greater obstacles to the navigation of the said Canal, than the bridges erected thereon by the said Company. 4 Geo. 4, cp. 17, Sec. 11, repealed.
Regulation as to bridges over the Canal.

CHAP. XX.

AN ACT to authorize the Government to Borrow a certain Sum of Money, upon Debenture, to be Loaned to the Welland Canal Company.

[Passed 30th January, 1826.]

WHEREAS the Welland Canal Company are desirous of raising, by Preamble.
Loan, the Sum of Twenty five Thousand Pounds, Lawful Money of this

Province, to facilitate the completion of the Canal, now in progress, to connect the River Welland with the Lake Ontario: *And Whereas*, it is expedient that the Governor, or Lieutenant Governor, or person administering the Government of the said Province, should be authorised to raise the said Sum of Money, by debenture, as hereinafter provided, in order to Loan the same to the said Company: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign 'intituled an Act for making more effectual provision for the Government of the Province of Quebec in North America. and to make further provision for the Government of the said Province;" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorize and direct His Majesty's Receiver General of this Province, to raise, by Loan, from any person or persons, bodies Corporate or Politic, who may be willing to advance, upon the credit of the Government Bills or Debentures, authorised to be issued under this Act, the said Sum of Twenty five Thousand Pounds, and that as soon as the said Sum of Twenty-five Thousand Pounds, or any part thereof shall be so raised, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to issue his Warrant upon the said Receiver General for the same, in favour of the said Welland Canal Company, upon the Terms and Conditions hereinafter provided respecting the same.

£25,000 to be raised by loan and advanced to the Welland Canal Company.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver General, for the time, to cause or direct any number of Debentures to be made out for any such Sum or Sums of Money, not exceeding in the whole the said sum of Twenty-Five Thousand Pounds, as any person or persons, Bodies, Corporate or Politic, shall agree to Advance on the Credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and be signed by him; and that for each Loan or Advance, three several Debentures shall issue at the same time, bearing Date on the day on which the same shall be actually issued, and being each for the payment of one third of the Sum so Advanced at the expiration of two, four, and six years respectively, with Interest at six per cent per annum, from the Date of each Debenture until the same shall be discharged.

Debentures to be issued for such loan.

III. *And be it further enacted by the authority aforesaid*, That all such Debentures, with the Interest thereon, and all charges incident to, or

attending, the same, shall be, and are hereby, charged and chargeable upon, and shall be repaid or borne by and out of the monies that shall come into the hands of the Receiver General of this Province, to and for the Public uses of the said Province, on account of the proportion, payable thereto, of duties which already have been, or hereafter may be, levied and received in the Province of Lower Canada, upon Goods Imported into this Province.

Debentures charged upon certain public Revenues.

IV. *And be it further enacted by the authority aforesaid,* That the Debentures which shall be lawfully issued by the authority of this Act, and shall, from time to time, remain undischarged and uncancelled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be Current to all and every the Receivers and Collectors in this Province of the Customs, or of any Revenue or Tax whatsoever Granted, Due or Payable, or which may hereafter be Granted, Due or Payable to His Majesty, His Heirs and Successors, under or by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament, or otherwise; and also, at the Office of the Receiver General of this Province, from the said Collectors and Receivers, or from any Person making any Payment there to His Majesty, His Heirs and Successors, upon any account, or for any cause whatsoever; and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be deemed and taken as Cash, and as such, shall be charged against and credited to such Collectors and Receivers, and to such Receiver General aforesaid respectively, in their Accounts with each other, and with His Majesty, His Heirs and Successors.

Debentures to pass current with all public accounts.

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

Interest on debentures

in what case to cease.

VI. And to the end that it may be known for what time such Debentures, bearing Interest, shall, from time to time, remain in the hands of such Receivers or Collectors as aforesaid: *Be it further enacted by the authority aforesaid,* That the Person or Persons who shall pay any such Debenture or Debentures so bearing Interest to the Receivers or Collectors of any of His Majesty's Revenues or Taxes shall, at the time of making such payment, put his or their name or names, and write there-

Method of ascertaining for what period

the interest on such debentures shall be suspended.

upon, in words at length, the day of the month and year, in which he, she, or they paid such Debenture, bearing Interest; all which the said Collectors and Receivers respectively shall take care to see done and performed accordingly, to which respective days the said Receivers and Collectors shall be allowed again the interest which he or they shall have allowed or paid upon such respective Debenture, upon his or their paying the same into the hands of the Receiver General as aforesaid.

Capital Felony to forge any debenture or indorsement thereon, or to alter any such forged debenture knowingly and with intent to defraud.

VII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall Forge or Counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and remain uncanceled, or any Stamp, Indorsement, or Writing thereon or therein, or Tender in Payment any such Forged or Counterfeited Debenture, or any Debentures with such Counterfeited Indorsement or writing thereon, or shall demand to have such Counterfeit Debenture, or any Debenture with such Counterfeit Indorsement or Writing thereupon, or therein exchanged for ready Money by any Person or Persons who shall be obliged or required to exchange the same, or by any other Person or Persons whomsoever, knowing the Debenture so Tendered in payment or demanded to be exchanged, or the Indorsement or Writing thereupon or therein, to be Forged or Counterfeited, and with intend to defraud His Majesty, His Heirs or Successors, or the Persons appointed to pay off the same or any of them, or any other Person or Persons, Bodies Politic or Corporate; then every such Person or Persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony, without benefit of Clergy.

Accounts of debentures outstanding &c. to be submitted by the Receiver General.

VIII. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, for the time being, shall before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or person administering the Government of this Province, a correct account of the numbers, amount and dates of the different Debentures, which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said Debentures outstanding and unredeemed at the period aforesaid, and of the expenses attending the issue of the same, and of carrying this Act into execution, and also of the sum and sums of Money lent and advanced to the said Welland Canal Company, under the authority of this Act, with a correct account of the numbers, amount, and dates of the different bonds which he may receive from the said Welland Canal Company, according to the provisions of and under the authority of this Act for the Money's so lent and advanced, of the amount of the said bonds redeemed by the said Company, and of the interest paid thereon respectively, and also of the amount of the said bonds unredeemed at the period aforesaid, to be laid before the Legislature of this Province.

IX. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debenture, shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each Debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively, and that the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall, after the thirtieth day of June and the thirty-first day of December in each and every year, issue Warrants to the said Receiver General for the payment of the amount of Interest that shall have been advanced according to the receipts to be by him taken as aforesaid.

Interest accruing upon debentures shall be paid half yearly on demand by the Receiver General.

Warrants to be issued therefore.

X. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, and the person or persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances as the Governor, Lieutenant Governor, or Person administering the Government of this Province and the Executive Council thereof shall adjudge to be reasonable and shall direct to be allowed them for their respective services in the execution of this Act, and that the same shall be paid in discharge of such Warrant or Warrants as the Governor, Lieutenant Governor or Person administering the Government of this Province shall from time to time issue for that purpose.

Remuneration to the Receiver General and persons employed under him.

XI. *And be it further enacted, by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, for the payment of each Debenture as the same may become due and be presented in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

Debentures when due to be paid by warrant on the Receiver General and when paid to be cancelled.

XII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, if he think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment according to this Act, and if (after Insertion of the said notice for Three Months.) any Debenture then payable shall remain out more than Six Months from the First publication of such notice, all Interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable in re-

Calling in debentures.

On failure to present them after a certain time interest to cease.

spect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Before any advance is made Company to give bond securing repayments with interest.

XIII. *And be it further enacted by the authority aforesaid,* That the said Receiver General of this Province, for the time being, shall not pay or advance to the said Welland Canal Company any sum or sums of money specified in or by virtue of any Warrant or Warrants which may be from time to time issued in their favor by the Governor, Lieutenant Governor or Person administering the government of this Province under the authority of this Act until the said Welland Canal company shall have delivered to the said Receiver General a Bond or Bonds, or Writing or Writings, obligatory to our Sovereign Lord the King, his Heirs and Successors, duly Sealed and Executed, under the Seal of the said Welland Canal Company, in the Penal sum of double the amount to be secured thereby, such Bond or Bonds, respectively, to be conditioned for the repayment to the said Receiver General, to and for the use of our said Lord the King, His Heirs and Successors, the sum or sums of money specified in the said Warrant or Warrants that may be from time to time issued in favor of the said Welland Canal Company by virtue and under the authority of this Act, and at such period or periods respectively as the Debenture or Debentures upon which such sum or sums of money so to be from time to time advanced to the said Company, by way of Loan, may have been raised shall respectively become due and payable according to the terms thereof, together with legal interest thereon, at the rate of Six per Cent per Annum, such interest to be paid to the said Receiver General, to and for the use of our Sovereign Lord the King, His Heirs and Successors, half yearly, computed from the date or dates of the said Bond or Bonds respectively, and which Bond or Bonds, respectively, shall be prepared and made out in such method and form as the said Receiver General shall think most safe and proper.

How Bond to be acquitted on payment.

XIV. *And be it further enacted by the authority aforesaid,* That upon payment, by the said Company to the Receiver General of this Province for the time being, of the Principle or Interest upon any sum or sums of money from time to time lent and advanced to the Welland Canal Company by virtue of any such Warrant or Warrants issued under the authority of this Act, according to the condition, true intent and meaning of any Bond or Bonds to be given by the said Company for securing the same as by this Act required, such Receiver General shall deliver to the said Company a receipt or receipts for the same under his hand, which receipt or receipts, so signed and delivered, shall be, and are hereby declared to be a full and sufficient acquittance or acquittances to the said Company for the sum or sums therein respectively mentioned and specified.

XV. *And be it further enacted by the authority aforesaid,* That all and every sum and sums of money from time to time paid into the hands of

the Receiver General of this Province by the said Welland Canal Company as a Principle or Interest upon any Bond or Bonds of the said Company, given by virtue of this Act, shall remain in the hands of such Receiver General to the use of His Majesty, His Heirs and Successors for the Public uses of this Province and support of the Government thereof, and that the same shall remain at the disposal of the Legislature thereof, and together with all monies required to be paid by the authority of this Act, which shall be paid by the Receiver General in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor or Person administering the Government of this Province, shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Money advanced shall when repaid be applied to the public uses of the Province, &c.



CHAP. XXI.

AN ACT to authorize certain Persons therein named, and their Successors, to hold certain Lands for the purpose therein mentioned.

[Passed 30th January, 1826.]

WHEREAS Thomas Carfrae the younger, Peter McPhail, and other Inhabitants of the Town of York, have by their Petition set forth that owing to the influx of the inhabitants of the Town of York and the small portions of Ground hitherto allotted for the purpose of Cemeteries, it has become desirable that a Plot be obtained for the purpose of a General Burying Ground, as well for Strangers as for the Inhabitants of the Town, of whatever sect or denomination they may be, That several meetings of the inhabitants of the said Town have been held in order to fix upon some plan to obtain the required Land for that purpose, and that arrangements have been made for purchasing and enclosing, by means of a Private Subscription, a Tract of Six Acres of Land in the Vicinity of the Town of York : And whereas it is prayed by the said Petition, that Peter Patterson, John Ewart, Thomas Carfrae the younger, Thomas David Morrison and Thomas Hollowell, who have been nominated by the Subscribers as Trustees, may be enabled to hold to them and their Successors, in a Corporate capacity, the Six Acres of Land which shall be purchased for the purpose aforesaid, and that power be given to make such Rules and Regulations as may be necessary respecting the same. *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada: constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of

Preamble.

Certain persons im-
powered to take as
Trustees to them and
their Successors a con-
veyance of land for
the purpose of a bury-
ing ground.

Great Britain, intituled, “ An Act to repeal certain parts of an Act, passed in the Fourteenth year of His Majesty’s Reign, intituled, ‘ An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’ ” and by the authority of the same, That it shall and may be lawful for the said Peter Patterson, John Ewart, Thomas Carfrae the younger, Thomas David Morrison, and Thomas Hollowell, to purchase, have, hold, receive and take a Conveyance of any such convenient Parcel or Tract of Land in the said Township of York, not exceeding Six Acres in the whole, as they may be enabled to contract for, for the purpose aforesaid, and that it shall and may be lawful for the said Trustees so purchasing such Parcel or Tract of Land, and their Successors, to be appointed as hereinafter mentioned, to have and to hold the same, to and for the use and purpose aforesaid, in perpetuity for ever.

How succeeding trust-
ees to be chosen.

II. And in order to prevent the failure of such estate in succession, *be it therefore further enacted*, That whenever it shall hapen that more than two of the Trustees herein named, shall die, or shall become resident abroad, or become incapable of acting in the said trust, it shall be in the power of the inhabitant householders of the Town of York, upon notice thereof being given in the Government Gazette, at least thirty days before such meeting, by the remaining Trustee or Trustees, to elect, at a meeting to be held on the First Monday in the month of January, by the vote of the majority of such householders, the requisite number of Trustees from among the inhabitant householders of the said Town of York to complete the number of five Trustees, and that immediately upon such election the Six Acres of Land so to be purchased as aforesaid shall become legally vested in such Trustees.

Trustees may make
rules, not repugnant,
&c.

III. *And be it further enacted by the authority aforesaid*, That the Trustees, for the time being for the purposes of this Act, shall have power at all times hereafter to make such Rules and Regulations, not repugnant to the Laws of this Province, as may be necessary for the due management of the said Land for the purpose aforesaid.



CHAP. XXII.

AN ACT for the Relief of James Edwards.

[Passed 30th January, 1826]

Preamble.

WHEREAS under the operation of an Act of the Parliament of this Province passed in the fifty eighth year of the Reign of His late Majesty King George the Third intituled, an Act vesting in Commissioners the

Estates of certain Traitors, and also the Estates of persons declared Aliens by an Act passed in the fifty fourth year of His Majesty's Reign intituled, an Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty, and for applying the proceeds thereof towards compensating the losses which His Majesty's subjects have sustained in consequence of the late War and for ascertaining and satisfying the lawful debts and claims thereupon, the Estate in Fifty Acres of Land being a certain part of Lot number Ten in the First Concession of the Township of Delaware, in the County of Middlesex, and District of London, now claimed by James Edwards, of Mosa, by virtue of the will of Thomas Edwards, his father, deceased, as appears by the Petition of the said James Edwards, has been vested in the Commissioners appointed under and by virtue of the said Act. and sold by them as therein directed. *And Whereas* the said James Edwards has by his Petition set forth that he was prevented by his ignorance of the whole proceeding from traversing the inquisition in due time, by virtue of which the said Lands became so forfeited. *And Whereas* it is desirable to afford, to the said James Edwards, an opportunity of exhibiting his claims to the said land and trying the merits of such claim. *Be it therefore enacted*, by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America and to make further provision for the Government of the said Province;'" and by the authority of the same, That it shall and may be lawful for the said James Edwards, at any time within Six Months from the passing of this Act, to traverse all or any inquisition or office, whereby the real Estate in the said Land has been vested in His Majesty and the Commissioners aforesaid as forfeited.

James Edwards allowed to traverse all inquisition whereby certain lands have been vested in His Majesty as forfeited.

II. *And be it further enacted by the authority aforesaid*, That if Judgment be given for the Traverser upon his plea, it shall and may be lawful for the Commissioners, upon proof that the same was erroneously returned as forfeited, upon a transcript of the said judgment under Seal of the Court being filed with them, and upon the consent of the Purchaser or his Assigns being declared, in writing, to Execute a Deed of Bargain and Sale to the said Claimant of the Land in Fee Simple, which Deed, being duly Registered in the Register Office of the County within Six Months from the date thereof, shall be good and valid in Law, notwithstanding the former Deed thereof by them given, and shall vest the Estate in the said Land in the Claimant, any law, matter, or thing to the contrary notwithstanding.

If judgment be given for traverser, the estate may with consent of the purchaser be conveyed to him.

III. *And be it further enacted by the authority aforesaid*, That if Judgment be given for the Traverser it shall and may be lawful for the said

Purchaser to be repaid his purchase money with interest, by the special Receiver.

Commissioners out of the monies now in the hands of the special Receiver, appointed under and by virtue of the above recited Act, to repay the Purchaser or Purchasers of the said Land at the sale thereof by order of the said Commissioners, the monies paid and advanced by them for the purchase of the said Lands or any part thereof, together with the interest thereon accrued and due, and for that purpose the said Commissioners shall and may issue the Warrant or Debenture, on the said special Receiver in favor of the said Purchaser or Purchasers, which Warrant or Debenture, when paid, shall be a sufficient discharge of the said special Receiver.

Security to be given to His Majesty for costs.

IV. *And be it further enacted by the authority aforesaid,* That before any Traverse to the said inquisition shall be received or filed in the Office of His Majesty's Court of Kings Bench the said James Edwards, his Heirs or Assigns, shall enter into a Bond to His Majesty in the penalty of fifty pounds, conditioned for the payment of all such costs as His Majesty may be put unto in or about the defending the said Traverse, in case Judgment shall be given thereon for His Majesty, His Heirs and Successors, or the said James Edwards shall fail in prosecuting the same with effect.



CHAP. XXIII.

AN ACT for the Relief of Leonard Soper.

[Passed 30th January, 1826.]

Preamble.

WHEREAS by an Act of the Provincial Parliament passed in the Fifty-eighth year of the Reign of His late Majesty King George the Third, intituled, "an Act for vesting in Commissioners the Estates of certain Traitors, and also the Estates of persons declared Aliens by an Act passed in the Fifty-fourth year of His Majesty's Reign, intituled, 'an Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty,'" and for applying the proceeds thereof towards compensating the losses which His Majesty's subjects have sustained in consequence of the late War, and for ascertaining and satisfying the lawful debts and claims thereupon, Lot number Twenty three, in the Third Concession of the Township of Hope, in the District of Newcastle, now claimed by Leonard Soper, of the same place, has been vested in the Commissioners appointed under and by virtue of the said Act: *And Whereas* the said Leonard Soper has not been able in due time to Traverse the inquisition by virtue whereof the said Land became forfeited, and it being desirable to afford him an opportunity of exhibiting his claim to the said Land and trying the merits of such claim: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada con-

stituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same. That it shall and may be lawful for the said Leonard Soper, or his Heirs, at any time within Six months from the passing of this Act, to Traverse the said inquisition so far as the same may affect any title of the said Leonard Soper, or his Heirs, to the parcel, tract, or lot of Land as aforesaid: *Provided always* that before any Traverse to the said inquisition shall be received or filed in the Office of His Majesty's Court of Kings Bench, the said Leonard Soper, or his Heirs, shall enter into a Bond to His Majesty in the penalty of Fifty Pounds conditioned, for the payment of all such costs as His Majesty may be put unto, in or about the defending the said Traverse, in sase judgment should be given thereon for His Majesty, His Heirs, and Successors, or the said Leonard Soper shall fail in prosecuting the same with effect.

Leonard Soper allowed to traverse an inquisition whereby certain lands have been returned as forfeited.

Security to be given to His Majesty for costs.



CHAP. XXIV.

AN ACT to grant to His Majesty a Sum of Money for the Encouragement of Manufacturing Paper in this Province.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN.

WHEREAS it is expedient to encourage the Manufacture of Paper in this Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same, That from and out of the Rates and Duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and in the hands of the Receiver General, unappropriated, there be granted to Your Majesty, Your Heirs, and Successors, the sum of One Hundred and Twenty Five Pounds Currency, which said sum of One Hundred and Twenty Five Pounds shall be applied in payment of a Premium, or Bounty, to such person or persons who shall Build a Mill and Machinery for the purpose of Manufacturing Paper in this Province, and carry the same into successful operation.

Preamble.

£125 to be given as a premium to the first person who shall set up a manufactory of paper.

On what proof the money shall be paid.

Accounted for.

II. *And be it further enacted by the authority aforesaid, That the money hereby granted, shall be paid by the Receiver General of this Province to such person or persons as shall produce to the Governor, Lieutenant Governor, or Person administering the Government of this Province in Council, satisfactory proofs that he or they have erected and brought into successful operation, a Paper Mill, according to the intent and meaning of this Act, in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and be accounted for as Your Majesty, Your Heirs and Successors, shall be graciously pleased to direct.*



CHAP. XXV.

AN ACT to Grant to His Majesty a certain Sum of Money to be applied in Making, Repairing and Amending Highways and Bridges in this Province.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is desirable to afford aid towards Repairing Roads and Erecting Bridges in certain parts of this Province, may it please Your Majesty, that it may be enacted. *And be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, That 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 Your Majesty, Your Heirs and Successors, the Sum of One Thousand Two Hundred Pounds; which said Sum of One Thousand Two Hundred pounds shall be appropriated and applied as follows, that is to say:*

£1200 applied for making and repairing roads and bridges.

In aid of the Society for Improving the Public Road in a part of the Townships of Ernestown and Kingston—One Hundred Pounds.

How to be distributed.

In aid of Building a Bridge across the Twelve-Mile-Creek, in the Township of Nelson, in the District of Gore, and reducing the Hill, on the North side thereof—Four Hundred and Fifty Pounds.

In aid of Erecting a Bridge across the River Thames, between Lot Number Three in the Township of Camden, and Lot Number Three in the Township of Howard—Three Hundred Pounds.

In aid of Building a Bridge across the River Rideau, at the Foot of the Rapid commonly called Daniel Burritt's Rapid, from Lot Number Twenty-five in the First Concession of the Township of Marlborough, to Lot Number Five in the First Concession of Oxford in the District of Johnstown—One Hundred Pounds.

In aid to Improve the Road between Mr. Tolmans in Kitley, and Perth in the Bathurst District, and to improve the Roads in the Township of Burgess, and the Townships of North and South Crosby in the Johnstown District—One Hundred Pounds.

In aid for making a Road from Portland to the Western part of Loughborough, and the Road leading from thence to the Village of Waterloo in the Midland District—Fifty Pounds.

To be expended on the Road leading through the County of Glengary to Hawkesbury in the Ottawa District—One Hundred Pounds.

II. *And be it further enacted by the authority aforesaid,* That the monies hereby Granted shall be laid out and expended under the direction of such Persons as the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall appoint as Commissioners to carry the provisions of this act into effect, and 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 the said Province, for that purpose, and 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; and that an account of the expenditure thereof, in detail shall be submitted to the Legislature at its next Session.

How the monies granted shall be paid, expended, and accounted for.



CHAP. XXVI.

AN ACT for Granting certain Sums of Money to His Majesty, to enable His Majesty to defray the expense of the Administration of Justice, and the support of the Civil Government of this Province, for the years One Thousand Eight Hundred and Twenty-Five, and One Thousand Eight Hundred and Twenty-Six.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN,

WHEREAS by an Estimate transmitted to the Commons House of Assembly by His EXCELLENCY SIR PEREGRINE MAITLAND, a Sum of Money Preamble.

is required towards defraying the expenses of the Administration of Justice and the support of the Civil Government, of this Province for the present year; and also, a further Sum of Money for the same purposes, for the Year One Thousand Eight Hundred and Twenty-Five. *And Whereas*, Your Majesty's Faithful Commons are desirous of Granting to Your Majesty the said Sums of money for defraying the said charges: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That there be appropriated from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the Public Uses of this Province, and in the hands of the Receiver General, and unappropriated, the Sum of Three Thousand Nine Hundred and Seventy-Three Pounds, Fourteen Shillings and Ten Pence Half-penny; which said Sum of Three Thousand Nine Hundred and Seventy-Three Pounds, Fourteen Shillings and Ten Pence Half-penny, shall be applied towards defraying for the year One Thousand Eight Hundred and Twenty-Five, the charges hereinafter specified, viz:—

£3,973 14 10 1-2
granted to defray the
charges for the Civil
Service of the year
1825.

For what services.

The Administration of Justice,
The Government Office,
The Receiver General's Office,
The Surveyor General's Office,
The Executive Council Office,
The Secretary's and Register's Office,
The Inspector General's Office,
Repairs and Contingent Expenses of the Government House,
The Government Printer,
Casual and other Expenses,
Printing the Laws.

II. *And be it further enacted by the authority aforesaid*, That there be also appropriated from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected to and for the Public Uses of this Province, and in the hands of the Receiver General, and unappropriated, the Sum of Three Thousand Eight Hundred and Seventy Pounds; which said Sum of Three Thousand Eight Hundred and Seventy Pounds, shall be appropriated towards defraying the charges hereinafter specified, for the year One Thousand Eight Hundred and Twenty-Six, viz:—

£3,870 granted to de-
fray the charges for
the Civil Service of
the year 1826.

The Administration of Justice,

The Government Office,
 The Receiver General's Office,
 The Surveyor General's Office,
 The Innspector General's Office,
 The Executive Council Office,
 The Secretary and Register's Office,
 The Government Printer,
 Printing the Laws,
 Casual and other Expenses.

For what services.

III. *And be it further enacted by the authority aforesaid,* That the said several Sums of Money in this Act mentioned, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty 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.

How to be paid and accounted for.

IV. *Provided always, And be it further enacted by the authority aforesaid,* That an Account, with Vouchers of all the items composing the same, in detail of all monies paid under the authority of this Act, be submitted for the inspection of the Commons House of Assembly, at the next Session of Parliament: *And Provided also,* That so much of the said Sums so appropriated as may remain unexpended shall be subject to the future disposition of Parliament.

Accounts in detail to be rendered to the Assembly, and surplus unexpended to be subject to the future disposition of Parliament



CHAP. XXVII.

AN ACT to Make Good certain Monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of an Address of the House of Assembly.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN—

WHEREAS in pursuance of an Address of Your Commons House of Assembly at its last Session, to His EXCELLENCY SIR PEREGRINE MAITLAND, Lieutenant Governor of Your Province of Upper Canada, the Sum of Two Thousand Nine Hundred and Thirty-Nine Pounds, Nineteen Shillings and Four Pence has been issued and advanced by Your Majesty, through Your 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

Preamble.

King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same. That 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 unappropriated, there shall be issued and applied the Sum of Two Thousand Nine Hundred and Thirty-Nine Pounds, Nineteen Shillings and Four Pence, to make good the said Sum which has been issued and advanced in pursuance of the aforesaid Address.

£2,939 13 4 granted to make good so much advanced on an Address of the House of Assembly,

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

How to be accounted for,



CHAP. XXVIII.

AN ACT to Authorize the Raising by Debenture a Sum of Money to be applied in Erecting Buildings for the use of the Legislature.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient to provide suitable accommodation for the Legislature of this Province, and to raise a Sum of Money by way of loan for that purpose: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorise and direct

Preamble.

His Majesty's Receiver General of this Province to raise by loan, from any Person or Persons, Bodies Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorized to be issued under this Act, a Sum not exceeding Seven Thousand Pounds, to be applied in Erecting and Completing a Building suitable and proper for the above purpose.

A Sum not exceeding £7000 to be raised by loan for the purpose of erecting buildings for the Legislature.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General, for the time being, to cause any number of Debentures to be made out for any such Sum or Sums of Money, not exceeding in the whole the said Sum of Seven Thousand Pounds; as any Person or Persons, Bodies Politic or Corporate, shall agree to advance on the Credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each Loan or Advance a Debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said Sum of Seven Thousand Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding Seven Years, and shall and may be Signed by the said Receiver General of this Province, for the time being.

Debentures, how to be made out and issued.

III. *And be it further enacted by the authority aforesaid,* That if any Person or Persons shall Forge or Counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any Stamp, Endorsement or Writing thereon or therein, or Tender in Payment any such Forged Debenture, or any Debenture with such Counterfeit Indorsement or Writing thereon, or shall demand to have any such Counterfeit Debenture, or any Debenture with such Counterfeit Indorsement or Writing thereupon or therein, exchanged for ready Money, by any Person or Persons who shall be obliged and required to exchange the same, or by any other Person or Persons whomsoever, knowing the Debenture so Tendered in payment, or to be exchanged, or the Indorsement or Writing thereupon or therein, to be Forged or Counterfeited with intent to defraud His Majesty, His Heirs and Successors, or the Persons appointed to pay off the same, or any of them; or any other Person or Persons, Bodies, Politic or Corporate, then every such Person or Persons so offending, shall be adjudged a Felon, and shall suffer as in case of Felony, without benefit of Clergy.

Punishment for Forging such Debentures or uttering them, knowing them to be Forged.

IV. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, for the time being, shall before each session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a correct account of the Numbers, Amount and Dates of the different Debentures which he may have issued under the authority of this Act,

Account of Debentures issued, &c. &c. to be made out by the Receiver General and laid before the Legislature.

of the amount of the Debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of this Province.

Interest when to be paid and how.

V. *And be it further enacted by the authority aforesaid;* That the interest growing due upon the said Debentures shall and may be payable in half-yearly periods to be computed from the date thereof, and shall and may be paid on demand by the Receiver General of this Province, for the time being, who shall take care to have the same Indorsed on each Debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the Governor, Lieutenant Governor, or person administering the Government of this Province, shall after the Thirtieth day of June and Thirty-first day of December in each year, issue warrants to the Receiver General for the payment of the amount of Interest that shall have been advanced according to the Receipts to be by him taken as aforesaid.

Remuneration to the Receiver General and those employed under him.

VI. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, and the Person or Persons necessarily employed under him in the execution of this Act, shall severally have and receive such Rewards and Allowances, as the Governor, Lieutenant Governor, or person administering the Government of this Province, and the Executive Council thereof shall adjudge to be reasonable and direct to be allowed them for their respective services in the execution of this Act, and that the same shall be paid in discharge of such Warrant or Warrants as the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall from time to time issue for that purpose.

How Debentures shall be redeemed and cancelled.

VII. *And be it further enacted by the authority aforesaid,* That separate Warrants shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, for the payment of each Debenture as the same may become due, and be presented in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he thinks proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of said

Debentures to present the same for payment according to this Act, and if after the insertion of the said notice for Three Months, any Debenture then payable shall remain out more than Six Months, from the first publication of such notice, all Interest on such Debentures after the expiration of the said Six Months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said Six Months and their presentment for payment.

Debentures to be called in.

IX. *And be it further enacted by the authority aforesaid, That the Honorable William Allan, William Thompson, and Grant Powell, Esquires, be Commissioners for the purpose of receiving Plans and Estimates, and of Contracting for and Superintending the Erection of the said Buildings, to which said Commissioners the sums required to be expended for the purposes of this Act shall be paid in discharge of such Warrant or Warrants as shall be issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and that the sums so applied shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct, and that an account of such expenditure shall, from time to time, be laid before the Legislature of this Province; Provided, always nevertheless, that if any of the said Commissioners shall die, or shall decline to act as Commissioner under this Act, it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province to appoint a Commissioner or Commissioners in the room of any one or more of such Commissioners as shall die or refuse to act as aforesaid.*

Commissioners appointed for superintending the erection of the said Buildings.

Vacancies, how supplied.

CHAP. XXIX.

AN ACT to Grant a Sum of Money to His Majesty to enable His Majesty to Compensate the Services of certain Persons therein mentioned.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient to Grant to Your Majesty a Sum of Money to Compensate the Services of the Arbitrator appointed in behalf of this Province under the provisions of the Act of the Imperial Parliament passed in the Third Year of Your Majesty's Reign, intituled, "an Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," and also to Compensate the Services of the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada: We beseech Your

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Majesty, that it may be enacted, *And be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to Your Majesty, Your Heirs and Successors, the Sum of Six Hundred Pounds, to enable Your Majesty to compensate the said Arbitrator and Secretary for their services.

£600 granted to compensate the Arbitrator and Secretary sent to Lower Canada to adjust the distribution of duties.

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

How paid and accounted for.



CHAP. XXX.

AN ACT to grant a further Sum of Money for the Completion of the Monument to the Memory of the late Major General Sir Isaac Brock.

[Passed 30th January, 1826]

MOST GRACIOUS SOVEREIGN,

WHEREAS it has been represented by the surviving Commissioner appointed under an Act of the Parliament of this Province passed in the Fifty Fifth Year of His late Majesty's Reign intituled, "an Act to provide for the Erection of a Monument to the Memory of the late President, Major General Sir Isaac Brock," that a further sum of money is required to Complete the said Monument upon a scale which appears to the Commissioners worthy of the object: *And whereas* the Legislature of this Province are happy in testifying, on this occasion, to Your Majesty, the continued veneration with which they regard the Memory of the late Sir Isaac Brock: May it 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

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authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America and to make further provision for the Government of the said Province;'" and by the authority of the same, That from and out of the Rates and Duties already raised, levied, and collected, to and for the use 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 Pounds, which said Sum of Six Hundred Pounds shall be paid by the Receiver General of this Province, to the surviving Commissioner appointed to carry into effect the Provisions of an Act passed in the Fifty fifth Year of the Reign of the late King, intituled, "an Act to provide for the erection of a Monument to the Memory of the late President Major General Sir Isaac Brock," in Discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

£600 granted to complete the Monument to the memory of the late Major General Sir Isaac Brock.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Six Hundred Pounds shall and may be applied by the said Commissioner in discharge of such expenses as now are or hereafter may be incurred in erecting and completing the Monument to the Memory of the late Major General Sir Isaac Brock, and that an account of such expenditure shall be laid before the Legislature of this Province at its next session.

To be applied by the Commissioner and an account rendered to the Legislature.

CHAP. XXXI.

AN ACT to grant a Sum of Money to His Majesty for the Purchase of certain Machinery now used in Deepening the Waters at Burlington Bay.

[Passed 30th January, 1826.]

MOST GRACIOUS SOVEREIGN.

WHEREAS the Contractors for making the Canal at the outlet of Burlington Bay, have purchased, at much expense, a Dredging Machine for deepening the Channel in the said Bay, and the Commissioners for the said Canal have represented that it would be advisable to purchase the said Machine; And whereas it is expedient to provide for the purchase thereof, may it please Your Majesty that it may be enacted: *And be it enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,

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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, a sum not exceeding Two Thousand Pounds, which said sum of Two Thousand Pounds shall be applied by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, or so much of the same as may be required for that purpose, to the purchasing of the Dredging Machine aforesaid.

A Sum not greater than £2000 to be applied in purchasing certain Machinery at an appraised value.

Appraisers to be appointed

II. *And be it further enacted by the authority aforesaid,* That as soon as may be after the passing of this Act, it shall and may be lawful for the said Commissioners to nominate and appoint one Appraiser, and for the said Contractors to nominate and appoint one other Appraiser, and the two Appraisers so appointed, to elect a third.

Value to be ascertained and reported.

III. *And be it further enacted, by the authority aforesaid,* That the Appraisers appointed as hereinbefore mentioned, shall with all convenient speed proceed to ascertain by the best means in their power, the actual value of the said Dredging Machine, and to report the same to the said Commissioners, under their hands and seals or the hands and seals of the majority of them.

Amount so reported to be paid by warrant,

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, on receiving a report from the said Commissioners, of the amount so found to be the value of the said Machine, to issue his Warrant on the Receiver General, for the said sum of Two Thousand Pounds, or so much thereof as amounts to the value of such Machine, to enable the said Commissioners to pay for the same.

and accounted for, &c.

V. *And be it further enacted by the authority aforesaid,* That the money so granted shall be paid by the Receiver General out of any monies in his hands or hereafter to come into his hands, to and for the uses of this Province and unappropriated, 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 may be graciously pleased to direct.

Security to be given.

VI. *And be it further enacted by the authority aforesaid,* That before any Warrant shall issue for the payment of the sum aforesaid, the Contractor or Contractors entitled to receive the same, shall enter into Bonds with Sureties to the satisfaction of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in double the amount of the appraised value of the said Machine, conditioned for the rendering up of the said Machine upon the completion of the said Canal, in as good order as at the time of the appraisement thereof.