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STATUTES,
OF HIS MAJESTY'S PROVINCE
OF
UPPER CANADA,

1828

PASSED IN
THE FIRST SESSION OF THE TENTH PROVINCIAL PARLIAMENT
OF UPPER CANADA.

TO WHICH ARE PREFIXED,

AN ACT PASSED IN THE FOURTH SESSION, NINTH PROVINCIAL PARLIAMENT
OF U. C. AS ASSENTED TO BY HIS MAJESTY: - (Act 1828)
AND CHAPS. LXXV. 6th. GEO. IV. AND LI. 9th. GEO. IV. IMPERIAL PARLIAMENT.

Commence 1828

By Authority.

SIR JOHN COLBORNE, K.C.B.
LIEUTENANT GOVERNOR.

YORK, U. C.

PRINTED BY ROBERT STANTON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

RA RE
KEO
49
1829

AN ACT

To Secure to and Confer upon certain Inhabitants of this Province, the Civil and Political Rights of Natural Born British Subjects.

[Assented to by His Majesty in Council, 7th May, 1828.]

WHEREAS it is expedient to remove by law doubts that may have arisen as to the Civil Rights and Titles to Real Estate of some of the persons hereinafter mentioned, and to provide by some general law for the Naturalization of such persons not being by law entitled to be regarded as Natural Born Subjects of His Majesty, as are actually domiciled in this Province. Preamble.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province, and by the authority of the same,'" That all persons who have at any time received Grants of Land in this Province from the Crown, and all persons who have held any Public Office in the Province under the Great Seal or Privy Seal of the Province, or under the Sign Manual of the Governor, Lieutenant Governor, or Person Administering the Government of the Province, and all persons who have taken the Oath of Allegiance, or being of the persons who by the Laws of this Province are allowed to Affirm in Civil Cases, have made the Affirmation of Allegiance to His Majesty, or His Majesty's predecessors, before any person duly authorized to administer such Oath or Affirmation, and all persons who had their settled place of abode in this Province before the year of our Lord One Thousand Eight Hundred and Twenty, and are still resident therein, shall be, and are hereby admitted and confirmed in all the privileges of British Birth, and shall be deemed, adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart, or transmit, any Real Estate in His Majesty's Dominions; or any right, title, privilege or appurtenance thereto, or any interest therein, to have been Natural Born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in His Majesty's United Kingdom of Great Britain and Ireland, and that the Children, or more remote descendants, of any person or persons of either Certain descriptions of persons admitted to, and confirmed in the privileges of British birth. Their children, or descendants.

of the foregoing descriptions who may be dead, shall be, and are hereby admitted to the same privileges which such Parents or Ancestors, if living, could claim under this Act: *Provided nevertheless*, that no one (except Females) of either of the above description of persons who has not taken the Oath, or being of those persons who are allowed by the Laws of this Province to Affirm in Civil Cases has not made the Affirmation of Allegiance before some person duly authorized to administer the same, shall be entitled to the benefits of this Act unless he shall take the said Oath or Affirmation (as the case may be) before some person duly authorized to administer the same.

Oath of Allegiance required.

All persons domiciled in this Province on 1st March 1828, and residing seven years to be deemed subjects.

II. *And be it further enacted by the authority aforesaid*, That all persons actually domiciled in this Province on the first day of March, One Thousand Eight Hundred and Twenty-eight, not being of either of the descriptions of persons before mentioned, who shall have resided, or shall continue to reside therein, or in some other part of His Majesty's Dominions, until they shall have been Resident Inhabitants of His Majesty's Dominions for the space of Seven Years continually, without having been during that time Stated Residents in any Foreign Country, shall be deemed and adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any Real Estate in this Province, or any right, title, privilege, or appurtenances thereto, or any interest therein, to have been Natural Born Subjects of His Majesty to all intents, constructions and purposes whatsoever, as if they, and every of them, had been Born within this Province: *Provided nevertheless*, that no one of the persons described in this Clause (except Females) who at the passing of this Act has been resident in His Majesty's Dominions Seven Years continually as aforesaid, shall be entitled to the benefits of this Act unless within three years from and after the passing of this Act, if at the said passing of the Act, he shall be of the age of Sixteen years or upwards, (or if he shall not at the said passing of the Act be of the said age, then within three years after he shall attain the said age,) he shall take and subscribe the Oath in the Schedule to this Act annexed, marked (A.) or being of those persons who are allowed by the laws of this Province to Affirm in Civil Cases, shall make Affirmation to the same effect, before the Register or Deputy Register of some County in this Province, and that no one of the persons described in this Clause, who has not been Resident as aforesaid Seven years continually in His Majesty's Dominions, shall be entitled to the benefits of this Act, unless within Three years after he shall have completed a stated Residence of Seven years continually, as aforesaid, in His Majesty's Dominions, (if at the completion of such Residence he shall be of the age of Sixteen years or upwards, or if at that time not of that age, then within Three years after he shall have

Oath to be taken or Affirmation.

attained that age,) he shall take and subscribe such Oath, or make such Affirmation.

III. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully Swear Falsely, or make false Affirmation in making said Oath or Affirmation before the Register or his Deputy, under the Provisions of this Act, shall be deemed guilty of wilful and corrupt Perjury, and that every such person shall on conviction thereof, forfeit all the privileges and advantages which he would otherwise by such Oath or Affirmation have been entitled to under this Act, but that the rights of others in respect to Estates derived from or held under such persons shall not be thereby prejudiced.

False Swearing;
Perjury.

But rights of others
shall not be prejudi-
ced thereby.

IV. *And be it further enacted by the authority aforesaid,* That the Register of each and every County in this Province, or his Deputy, shall administer the Oath or Affirmation by this Act required, to any person above the age of Sixteen years who shall desire to take the same, and shall keep Books of Registry, in the beginning of which shall be written the Oath and Affirmation required by this Act, and which shall contain the columns and specifications described in the second Schedule to this Act annexed, marked (B), and that in the column appointed for that purpose, the person making the Oath or Affirmation shall set his Signature, or if unable to write, his mark, in the same line of the Register in which entry is made of the name and description of such person.

Registers may admin-
ister the Oaths, and
shall keep Registers.

V. *And be it further enacted by the authority aforesaid,* That Duplicate Books of such Registry shall be kept, both of which being original, shall contain the actual signatures or marks of the person subscribing, and that on or before the Thirty-first day of December, in each and every year, the Register shall transmit one of the originals thereof to the Secretary of the Province, for the time being, and that the said Books of Registry shall remain and be preserved as Public Records in the said Offices respectively.

Duplicate Registers
to be made and how
preserved.

VI. *And be it further enacted by the authority aforesaid,* That if from any casualty or otherwise, either of such original Registers, or any part thereof, shall be lost or destroyed, it shall be supplied by a copy taken from the other original of such Register remaining in the Office of the Register or Secretary of the Province, (as the case may be) and attested as a true copy upon the Oath of the Officer having custody of the same, made before any Commissioner for taking Affidavits in the Court of King's Bench, which copy so attested, shall be regarded to all intents and purposes as the original Register.

In case of loss of Re-
gistry how supplied.

Extract of Register
to be evidence.

VII. *And be it further enacted by the authority aforesaid,* That a copy or extract from any Book of Registry, made under the authority of this Act, of the whole entry made in such Register, with respect to any person whose name is recorded therein, and certified by the Register or by the Secretary of the Province, for the time being, or their respective Deputy or Deputies, shall be deemed and taken to be sufficient evidence of the Naturalization of the person therein described.

Register shall verify
his Books on Oath.

VIII. *And be it further enacted by the authority aforesaid,* That whenever any Register shall transmit any Book of Registry to the Secretary of the Province, as hereinbefore provided, he and his Deputy, if he shall have a Deputy, shall at the end of such Book of Registry verify the same on Oath, to be taken before some one of His Majesty's Justices of the Peace, in which the said Register and his Deputy shall severally depose that to the best of his or their knowledge and belief, such Book of Registry forms a true and correct record of the statements made to him or them by the several persons therein described, and which they severally verified by Oath or Affirmation taken before him or them.

No proceedings to
be had under this Act
after 1850.

IX. *And be it further enacted by the authority aforesaid,* That after the First day of January, in the year of our Lord, One Thousand Eight Hundred and Fifty, no further Oaths shall be administered or proceedings had for the purpose of being Naturalized under this Act.

Penalty for omitting
to verify record.

X. *Provided always, and be it further enacted by the authority aforesaid;* That if any person to whom it shall belong to attest the truth of any such Record, shall neglect or omit to attest the same in manner aforesaid, he shall forfeit and pay the sum of Two Hundred Pounds, to be recovered by information in His Majesty's Court of King's Bench; but such omission shall not prejudice the right of any person who may have taken the Oath or made the Affirmation required by this Act, or preclude him from receiving a Certificate or Extract, according to the Provisions thereof.

Books to be left open
for inspection.
Alphabetical lists.

XI. *And be it further enacted by the authority aforesaid,* That a general Alphabetical List shall be made and kept by the Secretary of this Province, and by the several Registers, of the Surnames and Christian names of all persons whose names and descriptions are recorded in the several Books of Registry, referring to their place in such Books respectively, and that such List and Books shall be open at all times to inspection during the hours of business in such Office, and that any person desirous of searching in the said List or Books, shall pay to the Officer keeping the same, One Shilling for each person whose name he shall desire to search for.

Fee for search.

XII. *And be it further enacted by the authority aforesaid,* That for administering the Oath or Affirmation as aforesaid, making the entry required by this Act, and giving a certified copy or extract of such entry, the Register or his Deputy shall be entitled to demand and recover from every person making such Oath or Affirmation, the sum of One Shilling and Three-pence, and that the Register and Secretary of the Province, and their respective Deputies, shall be entitled to demand and receive for searching and giving such extract at any other time, the sum of One Shilling, and that no more or other Fees than are expressly allowed by this Act shall be demanded or received for any services done under this Act, by the Register or by the Secretary of the Province, or their respective Deputies.

XIII. *And be it further enacted by the authority aforesaid,* That if any person, not entitled to be regarded as a natural born subject of His Majesty, who at the time of the passing of this Act was domiciled in this Province, shall die before the period limited by this Act for his taking the Oath according to the provisions thereof, such person shall be nevertheless deemed to have been a natural born subject of His Majesty, so far as regards the taking, holding, imparting and transferring of any real Estate, by Grant, Marriage, Dower, Devise, or Inheritance.

XIV *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be taken to repeal or in any manner alter or affect any Statute passed by the Legislature of this Province, respecting the qualification of voters for Members to serve in the Assembly of this Province, or the eligibility of Members to serve in the said Assembly, or in any manner to affect or interfere with a certain Act of the Legislature of this Province, passed in the Fifty-fourth year of His late Majesty's Reign, entitled: "An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty," or with any proceedings had thereupon, or to repeal any Laws now in force in this Province, for the Naturalization of Foreigners.

XV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no person shall be disturbed in the possession or shall be precluded from the recovery of any Lands, Tenements, or Hereditaments in this Province, on the ground of his or her being or having been an Alien, or on the ground of any person from or through whom he or she may claim being or having been an Alien, provided the person against whom such disability shall be so objected, being a Female, was Resident in this Province on the Twenty-sixth day of May, in the year of our Lord, One Thousand Eight Hundred and Twenty-six, or being a Male, was Resident in this Province on the said

Fees.

Remedy in case of persons dying before they can be Naturalized under this Act.

Acts respecting eligibility to the Assembly, or 54 Geo. iii. ch. 9, not to be affected by this Act.

Remedy with respect to Estates held by Aliens or derived through Aliens.

Twenty-sixth day of May, and was then actually under the age of Sixteen years.

Exceptions in certain cases.

XVI. *And be it further enacted by the authority aforesaid,* That in all cases where any person claiming to hold as next entitled on account of any person nearer in the line of descent having been an Alien, shall in virtue of such claim have taken actual possession of any Real Estate, before the said Twenty-sixth day of May, and have made improvements thereon; and also, in all cases where any person claiming to hold as next entitled on account of the person nearer in the line of descent having been an Alien, shall have actually sold or departed with, or shall have actually contracted to sell or depart with his real Estate, before the said Twenty-sixth day of May, no person being at that time in adverse possession of the same; the Provisions of this Act shall not extend to render invalid any right or title to such Estate, but such right or title shall be taken and adjudged to be as if this Act had not passed.

A.

Schedules.

I do swear, (or being one of the persons allowed by Law to Affirm in Civil Cases, do affirm,) that I have resided seven years in His Majesty's Dominions, without having been during that time a stated Resident in any Foreign Country, and that I will be faithful and bear true Allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon.

B.

NAME.	Present Residence.	Addition, degree, or occupation.	Signature.	Date of Registry.	Number of Entry.

ANNO SEXTO

GEORGII IV. REGIS.

CHAP. LXXV.

AN ACT to enable His Majesty to grant to a Company, to be Incorporated by Charter, to be called "The Canada Company," certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other purposes relating thereto.

[27th June, 1825.]

WHEREAS by an Act passed in the Thirty-first Year of the Reign of His late Majesty, intituled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" it was enacted, that it should and might be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces of *Upper* and *Lower Canada* respectively, or the person administering the Government therein, to make, from and out of the Lands of the Crown within such Province, such allotment and appropriation of Lands for the support and maintenance of a Protestant Clergy within the same, as might bear a due proportion to the amount of such Lands within the same, as had at any time been granted by or under the authority of His Majesty: and that whenever any grant of Lands within either of the said Provinces should thereafter be made, by or under the authority of His Majesty, His Heirs or Successors, there should at any time be made in respect of the same a proportionable allotment and appropriation of Lands for the above-mentioned purpose, within the Township or Parish to which the Lands so to be granted should appertain or be annexed, equal in value to the seventh part of the Lands so granted: *And whereas* in pursuance of the said Act, such proportionable allotments and appropriations of Lands as aforesaid, have from time to time been reserved for the purposes therein mentioned, which Lands are known by the name of "*The Clergy Reserves:*" *And whereas* the greater part of the said Clergy Reserves in the said Province of *Upper Canada* have ever since continued, and are now waste and unproductive; and it is expedient that means

B.

should be adopted for clearing and cultivating the said Lands, and for that purpose His Majesty should be authorised to sell and dispose of certain parts thereof to the Company to be established as here mentioned: *And whereas* certain other Lands in the said Province of *Upper Canada* have been reserved for the use of His Majesty, and are known in the said Province by the name of "The Crown Reserves:" *And whereas* divers persons have united together to establish a Company for purchasing, improving, settling, and disposing of Lands in *Upper Canada*, and especially for purchasing and settling the whole of the before-mentioned Lands known by the name of "The Crown Reserves," and such parts of the said Lands known by the name of "The Clergy Reserves," as His Majesty may be so authorized to sell and convey to them, and for such other lawful purposes as to His Majesty shall seem meet; and the said Persons have, in order to carry such purposes into effect, subscribed a Capital of One Million Pounds Sterling, upon which the sum of Ten Pounds *per Centum* has been paid by the several Subscribers; and they have humbly besought His Majesty to grant to them a Charter of Incorporation: *Be it therefore enacted*, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same: That in case His Majesty shall, within Three years after the passing of this Act, be pleased by Charter of Incorporation under the Great Seal of *Great Britain and Ireland*, to declare and grant that such and so many persons as shall be named therein, and all and every such other person or persons as from time to time shall be duly admitted Members into their Corporation, shall be a Body Politic and Corporate, by the name of "The *Canada Company*," and to declare that the said Corporation so to be made and created shall be established for the purpose herein-before mentioned, and for such other lawful purposes as to His Majesty may seem meet, then and in that case it shall and may be lawful for the said Corporation to hold to them and their Successors such Lands, Tenements, and Hereditaments within the said Provinces, as shall or may be granted by His Majesty, to them and their Successors within the said Provinces, or as subject to the restrictions herein-after mentioned, shall be contracted for and purchased or acquired by them therein; and to hold, alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such conditions, provisoes, limitations, and restrictions, as His Majesty by such His Charter may impose, direct, or prescribe.

If His Majesty shall grant a Charter, the *Canada Company* may hold Land, &c.

His Majesty may sell to Company the Land called Clergy Reserves.

II. *And be it further enacted*, That His Majesty shall be, and He is hereby empowered to sell and convey to the said Company and their Successors, in Fee Simple, for such valuable considerations as shall be agreed upon between His Majesty and the said Company, as He shall deem ex-

pedient, and upon such conditions and with and subject to such restrictions, limitations, and provisoes, as His Majesty may be pleased to impose, one equal half, part, and no more, of the said reserved Lands in the Province of *Upper Canada*, called "The Clergy Reserves," lying in those Townships of the said Province, which on or before the First day of *March*, One Thousand Eight Hundred and Twenty-four, were actually laid out in any of the several Districts thereof: *Provided always*, that the several portions of the said Clergy Reserves which have been granted or demised to any person or persons by any lawful authority, or which have been occupied under any Licence or promise made or given by any lawful authority, or which have been specially appropriated or set apart for any public purposes, or which have been occupied by any person or persons without disturbance for a period of Ten Years, shall not, for the purposes of any such grant or conveyance, be considered as forming any part of the Clergy Reserves, whereof one moiety may be sold and conveyed to the said Company as aforesaid: *Provided also*, that the purchase money which shall be paid by the said Company, for the Lands so to be granted to them, in whatever securities the same may be vested, shall be appropriated exclusively to the Support and Maintenance of a Protestant Clergy, and shall be in the place of, and remain to the same uses, and for the same purposes, to and for which the said Clergy Reserves have by virtue of the above recited Act been allotted and appropriated: *Provided also*, that nothing herein contained shall be deemed or taken to limit or restrict any other grant by His Majesty to the said Company, which by His Majesty's Royal Prerogative he is authorized and empowered to make, or to restrict or prevent the said Company from taking, accepting, and enjoying the same, in as full, ample, and beneficial a manner as His Majesty may be pleased to direct.

III. *And be it further enacted*, That in case His Majesty shall see fit to set apart and appropriate in the said Province of *Upper Canada* other waste Lands of and belonging to His Majesty, of equal value with that part of the said Clergy Reserves which His Majesty is so empowered as aforesaid to sell and convey to the said Company, it shall and may be lawful for His Majesty, and He is hereby empowered by any order to be by Him for that purpose made, by and with the advice of His Privy Council, to declare, that the Lands so set apart and appropriated shall thence-forward be substituted and exchanged for such last mentioned part of the said Clergy Reserves; and then and in that case such substituted Lands shall, from and after the issuing of any such order, be held, set apart, and appropriated upon, for, and to such and the same uses, trusts, intents and purposes, upon, for, and to which the said Clergy Reserves are now held, set apart and appropriated.

His Majesty may substitute other Land for the Lands called Clergy Reserves.

Shares to be Personal Estate.

IV. *And whereas*, it may be necessary for the purpose of raising the Capital for the proposed undertaking, with a view to the accomplishment of the beneficial objects aforesaid, to vest in the said Company such powers and privileges as cannot be granted without the aid of Parliament ; *Be it therefore enacted*, That the shares in the said undertaking, and in the profits and advantages thereof, shall be and be deemed Personal Estate, and as such personal estate shall be transmissible accordingly.

Subscribers to forfeit their Shares in Default of Payment of Calls.

V. *And be it further enacted*, That if any Subscriber, or any Proprietor or Proprietors of any share or shares in the said Company, his or their executors, administrators, successors or assigns, shall neglect or refuse to pay his or their part or portion of the Money to be called for, in such manner as may be directed by Letters Patent, to be granted as aforesaid, during the space of six calendar months next after the time appointed for payment thereof, together with lawful interest from the appointed time of payment, then, and in every such case, such person or persons, Bodies Politic or Corporate, so neglecting or refusing, shall absolutely forfeit all his or their share or shares in the said Company, and all profits and advantages thereof, and all Money theretofore advanced by him, her or them, on account thereof, to and for the use and benefit of the said Company ; and all shares which shall or may be forfeited shall or may at any time or times thereafter be sold at a public sale, for the most money that can be gotten for the same, and the produce thereof shall go to and make part of the capital stock of the said Company ; and such share or shares, forfeited and sold, shall be assigned and transferred to the purchaser by an instrument under the common seal of the said Company, in the manner required upon other transfers ; but no advantage shall be taken of such forfeiture of any share or shares, until the same shall be declared to be forfeited at some general or special meeting of all the said proprietors, which shall be held not earlier than six calendar months next after the said forfeiture shall happen, and that every such forfeiture so to be declared shall be an absolute indemnification and discharge to and for the proprietor or proprietors, or his, her or their, executors, administrators, successors and assigns, from all liability in respect thereof.

Shares not to be sold till Calls paid.

VI. *And be it further enacted*, That after any call for money shall have been made and become due and payable by virtue of the provisions which may be introduced for that purpose in any Charter or Letters Patent to be granted as aforesaid, no person or persons, bodies politic or corporate, shall sell or transfer any share or shares which he, she, or they shall possess in the said stock of the said Company, until the money so called for in respect of his, her, or their share or shares intended to be sold shall be paid and until such money so called for shall be paid, any such sale or transfer of any share or shares shall be void ; and all and every per-

son and persons, body politic and corporate, making default therein, shall be subject and liable to forfeit such his, her, or their share or shares in the said Company, to and for the general benefit of the said Company, unless he, she, or they shall at the time of such sale or transfer pay to the Banker of the said Company, or such other person or persons as the Court of Directors, for the time being, shall appoint to receive the same, the full sum of money called for upon every share so to be sold or transferred; such forfeiture to be first notified and declared in such manner as may be directed with respect to the forfeiture of shares for not answering the calls to be made thereon as aforesaid.

VII. *And be it further enacted*, That the said Company may be and are hereby authorized to purchase, take, hold and sell, all Lands, Tenements and Hereditaments, situate in *Great Britain* and *Ireland*, or in the said Provinces of *Upper Canada* and *Lower Canada*, which it may be necessary or convenient for the said Company to acquire, in order to carry the purposes aforesaid into more complete effect; provided that such Lands, Tenements and Hereditaments, as may be purchased in *Great Britain* and *Ireland*, be not altogether of more than the value of five hundred pounds *per annum* at the time of the purchase; and also provided, that any such purchase as aforesaid in the said Provinces of *Upper Canada* and *Lower Canada*, be of such annual value only as His Majesty by such His Charter or Letters Patent, or by any order or orders to be by him issued with the advice of His Privy Council may from time to time authorize and direct, and to be made in conformity with the local Laws and Statutes in force in those parts of His Majesty's Dominions in which the Land so to be purchased may be situate; and the said Company may do all other acts and things in relation to the premises, in all respects as beneficially as any other Body politic or corporate, or any Subject of this Realm, is by Law entitled to do.

Company may hold Lands in any part of His Majesty's Dominions.

Limitation of the value of the Lands to be purchased.

VIII. *And be it further enacted*, That all conveyances which shall be made by the said *Canada* Company, to any individual or individuals, of any part of the Lands to be granted to, or purchased, or held by the said Company in the manner and subject to the restrictions aforesaid, shall and may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say,)

Conveyances of Land to be in the following.

WE the *Canada* Company, incorporated under and by virtue of an Act made and passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, entituled "*An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called 'The Canada Company,' certain Lands in the Province of Upper Canada, and to invest the said Company with certain powers and privileges, and*

Form.

‘for other purposes relating thereto, in consideration of the sum of
 ‘to us paid, do hereby grant and release to all and all
 ‘our right, title and interest, to and in the same, and every part thereof;
 to have and to hold unto the said and his heirs forever.”

And every such conveyance shall be valid and effectual in Law, to all intents and purposes whatsoever.

Charter to be verified
and registered.

IX. *And be it further enacted*, That a copy of His Majesty’s Charter of Incorporation, being duly verified on oath before one of the Masters in Ordinary of the High Court of Chancery at *Westminster*, shall be transmitted to the Governor or Lieutenant-Governor of the said Province of *Upper Canada* and the said Province of *Lower Canada*, and registered in the office of the Chief Secretary of each of the said Provinces; and such registry, or copy thereof, shall within the said Provinces, respectively be and be deemed and taken to be good and sufficient evidence of the contents of such Charter of Incorporation, to all intents and purposes.

Public Act.

X. *And be it further enacted*, That this Act shall be deemed and taken to be a Public Act, and shall extend to and be in force in the said Provinces of *Upper Canada* and *Lower Canada*, and shall be judicially taken notice of as such by all Judges, Justices, and others in the United Kingdom aforesaid, and in the said Province, without being specially pleaded.



ANNO NONO

GEORGII IV. REGIS

CHAP. LI.

AN ACT to alter and amend an Act for enabling His Majesty to grant to a Company, to be Incorporated by Charter, to be called “The Canada Company,” certain Lands in the Province of Upper Canada.

[15th July, 1828.]

6 G. 4. c. 75.

WHEREAS by an Act of Parliament passed in the Sixth year of the Reign of His present Majesty, entitled, “An Act to enable His Majesty to grant to a Company, to be Incorporated by Charter, to be called, ‘The

Canada Company, certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other purposes relating thereto," it was enacted that in case His Majesty shall within three years after the passing of this Act, be pleased by Charter of Incorporation under the Great Seal of Great Britain and Ireland to declare and grant that such and so many persons as shall be named therein, and all and every such other person or persons as from time to time shall be duly admitted members into their corporation, shall be a body politic and corporate, by the name of "The Canada Company," and to declare that the said corporation so to be made and created shall be established for the purpose herein before mentioned, and for such other lawful purposes as to His Majesty may seem meet, then and in that case it shall and may be lawful for the said corporation to hold, to them and their successors, such Lands, Tenements and Hereditaments, within the said Provinces as shall or may be granted by His Majesty to them and their successors within the said Provinces, or as, subject to the restrictions hereinafter mentioned, shall be contracted for and purchased or acquired by them therein, and to hold, alienate, sell and dispose, of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such conditions, provisions, limitations and restrictions, as His Majesty by such His Charter, may impose, direct, or prescribe; and it was thereby enacted, that all conveyances which were made by the said Canada Company to any individual or individuals, of any part of the Lands to be so granted or to be so purchased or held by the said company, should be made according to a certain form for that purpose provided: *And whereas* by Letters Patent under the Great Seal, bearing date at Westminster on the Nineteenth day of August, in the Seventh Year of His Majesty's Reign, His Majesty, in pursuance of the said Act, was graciously pleased to give, grant, make, ordain, constitute, declare and appoint, that Charles Bosanquet Esquire, William Williams Esquire, Robert Biddulph Esquire, Richard Blanchard Esquire, Robert Downie Esquire, John Easthope Esquire, Edward Ellice Esquire, James William Freshfield Esquire, John Fullarton Esquire, John Galt Esquire, Charles David Gordon Esquire, William Hibbert the younger Esquire, John Hodgson Esquire, John Hullett Esquire, Hart Logan Esquire, Simon McGillivray Esquire, James McKillop Esquire, John Masterman Esquire, Martin Tucker Smith Esquire, and Henry Osborne Esquire together with such and so many other person or persons, bodies politic or corporate, as had become, or should at any time thereafter become, subscribers or shareholders of or for the capital stock hereinafter mentioned, in manner hereinafter provided, and their respective successors, executors, administrators and assigns, and such other person or persons, bodies politic or corporate, as should from time to time be possessed of or entitled to such shares as are hereinafter provided, should be one body politic and corporate in deed and in name,

by the name of "The Canada Company," and by that name should and might sue and be sued, implead and be impleaded, in all courts, whether of law or equity, and should have perpetual succession, with a common seal, which might by them be changed or varied at their pleasure; and by the said letters patent provision was made for the Government of the said company: *And whereas* the said letters patent are in all respects in pursuance of and in conformity with the provisions of the said act of parliament; but adequate provision was not made for rendering valid and effectual, within the said Province of Upper Canada, the conveyances to be made as aforesaid by the said company of the lands to be granted or to be purchased by the said company, whereby the operations of the said company in settling such their lands may be impeded: *Be it therefore enacted*, and it is hereby enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the said company by warrant of attorney or written instrument under their corporate seal, to constitute and appoint two or more persons, being in Upper Canada, to make and execute conveyances in the name and on the behalf of the said company, to any individual or individuals, of any part of the lands to be granted to or purchased or held by the said company, in the manner and subject to the restrictions in the said Act of Parliament contained, and which conveyances shall be made under the signatures of the said attorneys, and under such seal as hereinafter mentioned, and according to the form following, or as near thereto as the circumstances of the case will admit; that is to say,

Canada Company, by Warrant of Attorney, may appoint persons, being in Upper Canada, to execute conveyances in the name of the Company.

Form of Conveyance.

"**WE** *A. B.* and *C. D.*, the Attornies of the *Canada Company*, incorporated under and by virtue of an Act made and passed in the sixth year of the reign of His Majesty King George the Fourth, intituled An Act to enable His Majesty to grant to a company, to be incorporated by charter, to be called "The Canada Company," certain Lands in the Province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto, being constituted and appointed such Attornies by virtue and in pursuance of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled [here insert the Title of this Act,] do hereby, in consideration of the sum of——to us as such Attornies as aforesaid paid, grant and release to——all——and all the right, title, and interest of the said *Canada Company* to and in the same and every part thereof, to have and to hold unto the said——and his heirs for ever.

(Signed)

A. B.

C. D."

II. *And be it further enacted,* That it shall and may be lawful for the said company from time to time, as occasion may require, and as to them Company may revoke such Warrants of Attorney, and grant others. may seem meet, to revoke any such warrant of Attorney or instrument as aforesaid, and again to make and grant any other warrant or warrants of Attorney, instrument or instruments for the like purpose, provided that such warrants of Attorney or instruments as aforesaid be not addressed to fewer than two persons, and be made to take effect only when and so long as the persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said company to appoint and commit to the custody of such their Attornies for the time being a Seal, for the purpose of executing such conveyance as aforesaid, and such Seal from time to time to break, alter, or renew, as to them may seem meet; and every conveyance to be made and executed in manner aforesaid, by such Attornies for the time being as aforesaid of the said company, shall be valid and effectual in law to all intents and purposes whatsoever.

III. *And be it further enacted,* That conveyances to be made by the said company within the United Kingdom, in pursuance of the said Act, Conveyances not to be subject to Stamp Duty. of Lands situate in Upper Canada, shall not be subject to any duty of Stamps; and that the Seal of the said company affixed to any conveyance, deed, or instrument in writing, or to any memorial or memorials thereof, for the purpose of the registration of the said conveyance, deed, or instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed, or instrument in writing, or the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of such execution, nor any evidence or verification of the signatures of the directors who shall attest the sealing of such conveyance, deed, or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry; any law or custom now in force in the said Province of Upper Canada notwithstanding. Seal of the Company affixed to any Deed to be sufficient evidence of its execution.

IV. *And be it further enacted,* That it shall and may be lawful for any artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, not being under the age of seventeen years, by Artificers, &c may bind themselves to serve the Company for a certain period. indenture duly executed, and without a stamp, to contract with the said Canada Company faithfully to serve or to proceed to and faithfully to serve the said company in the Province of Upper Canada, for any period not exceeding the full term of seven years, to be computed from the day of the date of such indenture; and it shall be lawful for the said company, within any part of His Majesty's dominions, to maintain an action against any person or persons who shall employ, retain, harbor, or

conceal any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, with intent to deprive the said Company, or any Agent of the said Company, of his, her, or their services, or otherwise with intent to defraud or injure the said Company or their Agents; and in case the said Company shall in any such action recover a verdict, they shall, in addition to the damages found by such verdict, or assessed under the same, recover and have treble costs.

Justices may impose fine on ill-behaviour of artificers, &c.

V. *And be it further enacted*, That it shall and may be lawful to and for any two or more Justices of the Peace in His Majesty's dominions to punish by fine not exceeding fifty pounds, or by imprisonment not exceeding three calendar months, or both, any wilful violation of such indentures as aforesaid, by any ill-behaviour of such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, in such his or her service or employment as aforesaid; and also to hear and determine all complaints, differences, and disputes, which shall happen and arise between any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, and the said Company, or their Agents, and to make such order or award in every such case as to such Justices shall seem just, and every such order or award to enforce by execution against the goods, effects, or other property of the party or parties against whom such order or award shall be made, or by arrest of the person, and imprisonment not exceeding three calendar months.

Act not to prevent His Majesty from altering the letters patent to the Company.

VI. *And be it further enacted and declared*, That nothing in this Act or in the said former Act of Parliament contained shall extend or be construed to extend to prevent His Majesty, his heirs and successors, from altering, amending, or adding to the provisions of the said Letters Patent, by Letters Patent to be hereafter issued under the Great Seal, as to His Majesty, his heirs and successors, shall seem meet.

STATUTES,

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE TENTH PROVINCIAL PARLIAMENT.

MET AT YORK ON THE EIGHTH DAY OF JANUARY 1829, AND PROROGUED ON THE TWENTIETH DAY OF MARCH, IN THE TENTH YEAR OF THE REIGN OF GEORGE IV.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

ANNO DOMINI 1829.

CHAP. I.

AN ACT to provide for the Admission of the Evidence of Quakers, Menonists, Tunkers and Moravians, in Criminal Cases.

[*Passed 20th March, 1829.*]

WHEREAS the Administration of the Law in Criminal proceedings is much impeded by reason that the evidence of persons belonging to certain Religious Sects, who from scruples of conscience decline taking an Oath, cannot be received, to the impunity of Offenders, and the consequent encouragement of Crime—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 au-^{Preamble.}

Quakers, Menonists, Tunkers and Moravians admit to give evidence in criminal cases.

Form of affirmation.

Previous declaration.

Evidence so given to have the same effect as if on Oath.

All persons authorised to administer oaths in Criminal cases may take affirmations.

Perjury may be assigned on false affirmation.

Persons admitted to affirm under this Act not to serve on Juries in Criminal cases.

thority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, every Quaker, Menonist or Tunker, or person being a member of the Church or Congregation known by the name of "Unitas Fratrum" or the United Brethren, sometimes otherwise called the Moravian Church, in any Criminal Case in which an Oath is required by Law, or upon any lawful occasion whatever in the administration of the Law, for the prevention or punishment of offences wherein the Oath of any persons can be admitted, may make his or her affirmation or declaration in these words following, that is to say:—I, A. B. do solemnly, sincerely and truly declare and affirm," having first made the following declaration or affirmation, viz:—I, A. B. do solemnly, sincerely and truly declare, that I am one of the Society called Quakers, Menonists, Tunkers, or Unitas Fratrum, or Moravians, (as the case may be,) which affirmation or declaration as aforesaid, of any Quaker, Menonist, Tunker, or person being of the said Church or Congregation called Moravians or United Brethren, shall be and is hereby declared to be of the same force and effect to all intents and purposes, in all Courts of Law or other places where by Law an Oath is or shall be allowed, authorised, directed or required for the purposes aforesaid, as an Oath taken in the usual form: and all and every person and persons who is or are or shall be authorised or required to administer any Oath for any of the purposes aforesaid, by any Law now in force or hereafter to be made, although no express provision is made for that purpose in any such Law, shall be and is or are hereby required to administer such affirmation or declaration.

II. *And be it further enacted by the authority aforesaid,* That if any person making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any matter or thing which if the same had been deposed in the usual form upon Oath, would have amounted to wilful and corrupt Perjury, every such person so offending, shall incur and suffer all the pains, penalties, forfeitures, and disabilities, which by the Laws now in force are to be inflicted on persons convicted of wilful and corrupt Perjury.

III. *And be it further enacted by the authority aforesaid,* That no Quaker, Menonist or Tunker, or person belonging to the Society of United Brethren or Moravians, shall by virtue of this Act be qualified or permitted to serve on Juries, in Criminal Cases.

CHAP. II.

AN ACT to authorise the detention of Debtors in certain cases.

[*Passed 20th March, 1829.*]

WHEREAS from the delay and inconvenience to which Creditors are at present by Law in many cases subjected, in procuring the necessary Process for the speedy arrest of Debtors, such Debtors are enabled to escape without being arrested, it is therefore expedient to provide some more speedy and effectual method of proceeding for the detention of Debtors about to leave the Province: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for any of His Majesty's Justices of the Peace, upon Affidavit made before him, to issue his Warrant under his hand and seal, and cause the Defendant to be arrested and detained until he can be served with a proper Process of the Court in which the Plaintiff may intend to proceed with his suit for the recovery of his debt—which Affidavit shall be made by the Plaintiff, his, her or their servant, clerk or agent, and may be in the form hereinafter mentioned, or to a similar effect, intent or meaning: *Provided nevertheless*, that the time of such detention by virtue of such Warrant, shall in no case exceed the space of four days, and that nothing in this Act shall extend or be construed to extend to dispense with the necessity of filing the usual Affidavit required by Law, previous to the Writ of Capias ad respondendum, issuing from the Office of the Clerk of the Crown, or his Deputies, or from the Clerks of the several District Courts in the respective Districts.

Preamble.

Justices may issue detaining Warrants.

Detention not to exceed four days.

The usual Affidavit must be filed before Capias ad respondendum can issue.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and each and every Sheriff is hereby required in every District where such Warrant of the Justice of the Peace shall so have issued, to receive such Debtor so arrested and detained by any Constable into his custody at the Gaol of the District, and the said Debtor detain for any period not exceeding Forty-eight hours.

Sheriff must receive Debtors so detained.

And keep them in Gaol, but not longer than forty-eight hours.

Act limited to two
years, &c

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

FORM OF THE AFFIDAVIT.

Form of Affidavit for
detaining Warrant.

TO WIT: } *_____District,* } A. B. of the Township of *_____* in the *_____* District,
} *_____* maketh Oath and saith, that C. D. is justly and
truly indebted to him or her this Deponent, (as the case may be,) in the
sum of £ *_____* of lawful money of Upper Canada; and Deponent further
saith, that he or she is apprehensive that the said C. D. will leave this
Province without satisfying the said debt, before the regular process can
issue to hold him to bail, and that he or she does not sue out process
from any vexatious or malicious motive whatsoever.—Sworn before me
at *_____* in the *_____* District, this *_____* day of *_____* 18*_____*

FORM OF THE WARRANT.

Form of the War-
rant.

To *_____* a Constable for the District of *_____*—These are to command and require you *_____* to take into your custody C. D., and his person detain in security until the expiration of four days from the time of actual arrest, A. B. having made Oath before me as a Justice of the Peace, that the said C. D. is indebted to him in the sum of £ *_____* and for so doing, this shall be your sufficient authority.

E. F. (L.S.)
J. P.

Dated at *_____* in the District }
of *_____* this *_____* day of }
_____ 18*_____* }

Fees allowed.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the persons hereinafter mentioned to demand and receive the following Fees, and no more:—

Justices of the Peace, for each Affidavit—Two Shillings and Sixpence.

For each Warrant—Two Shillings and Sixpence.

Constable apprehending Debtor—Two Shillings and Sixpence.

Every mile of travel—Fourpence.

For actual detention in charge, per diem—Five Shillings.

CHAP. III.

AN ACT, the better to protect the Mississaga Tribes living on the Indian Reserve of the River Credit, in their exclusive right of Fishing and Hunting therein.

[*Passed 20th March, 1829.*]

WHEREAS heretofore the principal Chiefs and Warriors of the Mississaga Indians, that is to say, Chechalk, Osenega, Acheton, and others of the said Chiefs, for themselves and their people, did sell, make over, and surrender, by several Deeds registered in the Office of the Secretary of the Province, to His Majesty King George the Third, His Heirs and Successors, divers large Tracts of Land lying between the River Etobicoke and the head of the Lake Ontario, reserving to themselves, their people, and their posterity forever, amongst other portions of the said Tracts, a certain parcel thereof on the River Credit, called in the Indian language the River Mazonahkasepa, with the sole right to the Fisheries therein, which parcel of Land so reserved is in the Office of the Surveyor General, described as follows, that is to say, commencing in the Southern Boundary of the said Reserve, at a large white Oak squared post, planted by Mr. Wilmot, Deputy Surveyor, in the year one thousand eight hundred and six, standing on the bank of Lake Ontario, one mile South-Westerly from the said River; thence North sixty-nine degrees West, sixty-three chains, thirty-one links, more or less, to where the said boundary line forms the first angle; thence South sixty-four degrees West, one hundred and ninety-one chains, more or less, to where the said boundary line forms the second angle; thence North, forty-five degrees West, twenty chains, more or less, to within the distance of fifty chains of the Eastern limit of Dundas Street; thence North, thirty-eight degrees East, parallel to Dundas Street, three hundred chains, more or less to the intersection of the said line with the Northern boundary line of the said Reserve, produced on a course North sixty-nine degrees West, from a squared white Oak post, planted in the year one thousand eight hundred and six, by the said Deputy Surveyor, piled with stone near the bank of Lake Ontario, one mile from the River Credit at right angles from the general course to the first bend of the said River, which is North sixty-nine degrees West; thence along the said Northern boundary line on a course South sixty-nine degrees East, one hundred and eighty-five chains more or less, to Lake Ontario, at the last mentioned squared post; thence along the water's edge of the said Lake to the place of beginning, containing four thousand Acres, more or less.

Preamble.

Reserve made for the Mississaga Indians on the River Credit, with a right of fishery.

Boundaries of such reservation.

Petition of the said
Indians.

And whereas the Tribe of the said Mississagas living on the said River Mazonahkasepa, or Credit, have by Petition to His Excellency Sir John Colborne, complained of many unwarrantable disturbances, trespases and vexations, practised by divers idle and dissolute Fishermen, and others, upon the said reserved parcel of Land and Fishery aforesaid, thereby unjustly diminishing the source of their subsistence, wantonly destroying Fish and Game, and setting evil examples by their rudeness and ill manners towards the said worthy and unoffending people; and it is necessary to prohibit such unwarrantable disturbances, trespases, vexations and evil example, in order to preserve to the said Mississaga people the quiet and peaceable enjoyment of their said Land and Fishery, and the rights and privileges thereunto belonging.

Persons restrained
from hunting or fish-
ing on the said reser-
vation, without con-
sent from the Indians.

Penalty.

Mode of conviction.

Imprisonment of of-
fenders.

Forfeiture of utensils
used in hunting or
fishing.

How to be disposed
of.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that if after the passing of this Act, any person or persons whatsoever, against the will of the said Mississaga people, or without the consent of three or more of their principal men or Chiefs, shall Hunt or fish in any way, mode or manner, whatsoever, for Fish or Game, or Fur of any kind upon the said reserved Parcel of Land and Waters thereof, such person or persons so offending shall be liable to be taken by one of the principal men of the said Indian people, and one of the sworn Constables of the said District, before any one of His Majesty's Justices of the Peace, convenient to the said reserved Parcel of Land, and being convicted by the Oath of one or more creditable witness or witnesses, before such Justice of the Peace, shall be committed to prison in the next Gaol, there to remain for a space of time not less than one, nor more than three days; and the Fish, Flesh, Game and Fur, taken with the offender, shall be deemed to belong to the Indians arresting and taking such offender, and the Boat, Skiff, Canoe, Net, Spears, Light-jacks, Traps, Springs, or other Craft or Implements in the possession of the offender at the time of the offence, or set, placed, laid, moved, or otherwise used by him in Hunting or Fishing on the said reserved Land, and the waters thereof, against the provision of this Law, shall be liable to be seized and taken by the said Indian people, and held and taken to be public property of the said Indian Tribe, disposable at the discretion of their principal men or Chiefs, for the public benefit of the said Tribe.

II. *And whereas*, It may be necessary to obviate all doubt or ignorance of the extent of the said right of fishing so necessary to the existence and support of the said Indian Tribe living on the said River Mazenahe-kasepa, or Credit: *Be it therefore enacted by the authority aforesaid*, That the said right to the sole fishery aforesaid, shall be held and taken to extend through the entire stream from Racey's line down its course, to its mouth, and from thence one mile into Lake Ontario, occupying such a space thereon as may be supposed to be included in the segment of a circle, having the middle of the said River at its mouth as the centre, and the distance thence to the Eastern Boundary where it touches the shore as its Radius, whereby to describe the said segment from the East to West Boundaries thereof on the shore as aforesaid.

Limits defined within which such exclusive privilege is to be enjoyed by the Indians.

Provided always, nevertheless, That nothing herein contained shall extend or be construed to extend, to take away or in anywise diminish, the common law rights and remedies, which the said Indian people may at any time be desirous of availing themselves as other subjects or His Majesty within this Province, in protection of their Lands from trespass, waste, or other damage whatsoever: neither shall any thing herein contained extend, or be construed to extend, to prevent or in any wise to obstruct any of His Majesty's Subjects, in travelling, passing and repassing by themselves, their Teams and Carriages, by and along, any Public Highway or Road now or hereafter laid out by lawful authority, in or over any part of the said reserved Land, nor to prevent or in anywise to obstruct any of His Majesty's Subjects with their Vessels, Boats and Rafts, to Navigate freely the said River and Waters for the purposes of Trade or other lawful occasion.

This Act not to take away any Common Law remedy for offences committed against the Indians.

The privileges hereby granted not to obstruct travellers on public Highways, or the free Navigation of the River.

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



CHAP IV.

AN ACT to afford greater facility in procuring testimony upon claims to Lands in this Province, by the Heirs or Devisees of the original nominees of the Crown, or their Assignees.

[Passed 20th March, 1829.]

WHEREAS under the several Acts now in force in this Province to afford relief to those persons who may be entitled to claim Lands in this

Preamble.

D

Province as Heirs or Devises of the original nominee of the Crown, or their Assignees, when no Patent has been issued, it is doubtful whether the Governor, Lieutenant-Governor, or person administering the Government of this Province, has by the said several Acts, power and authority to appoint more than one person in each and every District of this Province, for taking and receiving evidence touching and relating to any such claim or claims: *And whereas*, it is necessary to afford greater facility in procuring and receiving such evidence.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of 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 each and every Commissioner in His Majesty's Court of King's Bench in this Province, to take and receive the testimony and evidence of any person or persons relative to such claim or claims to be brought forward under the provisions of the said several Acts, which said testimony and evidence upon oath, the said several Commissioners in His Majesty's Court of King's Bench in this Province, are hereby authorized and empowered, to take and receive; and if any person or persons shall wilfully forswear him, her, or themselves, before any such Commissioner authorized to receive testimony under the provisions of this Act, he, she or they shall, on conviction thereof, be subject to the pains and penalties of wilful and corrupt perjury.

Commissioners for taking Affidavits in the King's Bench, may take Affidavits relative to claims under Heir and Devisee Acts.

False swearing in such cases made Perjury.

II. *And be it further enacted by the authority aforesaid*, That for each and every Affidavit so to be taken by any Commissioner, empowered by this Act to take the same, it shall and may be lawful for such Commissioner to demand and receive the sum of One Shilling, and no more.

Fee for taking Affidavit.

CHAP. V.

AN ACT to repeal an Act passed in the forty-fourth year of George the Third, entitled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquility thereof."

[Passed 20th March, 1829.]

Preamble.

WHEREAS in the Forty-fourth year of His late Majesty's Reign, it being thought expedient more effectually to guard the peace of this Colo-

ny, an Act was passed, entitled, “An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof:” and whereas the ordinary Laws of this Province are sufficient for the protection of the inhabitants thereof: *Be it therefore enacted*, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;’” and by the authority of the same, that the said recited Act be, and the same is hereby repealed.

44th Geo. 3, ch. 1,
repealed.

CHAP VI.

AN ACT to alter the time of holding the Court of General Quarter Sessions of the Peace in the Ottawa District.

[*Passed 20th March, 1829.*]

WHEREAS the Periods now fixed by Law for holding the Courts of General Quarter Sessions of the Peace in the Ottawa District are found to be inconvenient, and application hath been made by the Magistrates of the said District to alter the same.

Preamble.

Be it therefore enacted by the King’s Most Excellent Majesty, by and with the Advice and Consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;’” and by the authority of the same, that the fourth clause of an Act passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, entitled, “An Act to repeal part of an Act of the Parliament of this Province, passed in the thirty-eighth year of His Majesty’s Reign, entitled, ‘An Act for the better division of this Province, and more effectually to provide for the administration of Justice, by constituting the Counties of Prescott and Russell, under certain modifications, a separate District,” be, and the same is hereby repealed; and that from and after the passing of this Act, the said Court of General Quarter Ses-

Sec. 4. of 56th Geo.
3, ch. 2, repealed.

Times appointed for holding the General Quarter Sessions in the District of Ottawa.

sions of the Peace in and for the said District of Ottawa, shall be holden at the place appointed by Law for that purpose, on the third Tuesday in the months of January, April, June and September, in each year.

CHAP VII.

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

[*Passed 20th March, 1829.*]

Preamble.

4th Geo. 4, ch. 22, and 4 Geo. 4, 2d Session, ch. 21, and 9th Geo. 4, ch. 11, recited.

WHEREAS a certain Act of the Parliament of this Province, passed in the Fourth year of the Reign of His present Majesty, entitled, "An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the Creditors of that Institution," and a certain other Act of the Parliament of this Province passed in the Fourth year of His present Majesty's Reign, entitled, "An Act to repeal part of an Act passed in the last Session of Parliament, entitled, 'An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the Creditors of that Institution, and to make further provision for settling the affairs of the said pretended Bank;'" and a certain other Act of the Parliament of this Province, passed in the last Session, entitled, "An Act to repeal the Laws now in force respecting the late pretended Bank of Upper Canada, and to make provision for settling the affairs of the said Institution:" *And whereas* sundry of the Debtors of the said pretended Bank have, by Petitions to the Legislature, complained of grievous injuries sustained by them through the provisions of the before recited Acts: *And whereas* it is the true end and design of Legislation to promote and secure as far as possible universal justice, it is expedient and just to provide other means for a final, amicable and equitable settlement of the affairs of the said Institution: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make

further provision for the Government of the said Province," and by the authority of the same, that the said several Acts hereinbefore recited be, and the same are hereby repealed.

The above Acts repealed.

II. *And be it further enacted by the authority aforesaid,* That Hugh Christopher Thomson, Henry Smith and John Strange, be and are hereby appointed to act as Commissioners to settle the affairs of the late pretended Bank, lately established at Kingston, and in case of vacancy by death, removal from the District, or resignation of any one of them, it shall and may be lawful for the remaining Commissioners to appoint another person of their mutual choice, to supply such vacancy, in one week from the time of its occurrence.

Certain persons appointed Commissioners for settling the affairs of the late pretended Bank of Upper Canada.

How vacancies shall be supplied.

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

Books and other documents to be delivered over to the Commissioners.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid may from time to time prosecute in, and by the name of the Kingston Bank Commissioners, such actions at Law as may be necessary for the recovery of any debts due to the Institution, or to others to the use and in the behalf or account of the said Institution, by Mortgage, Bond, Note, or otherwise, and that all such debts, whether due by specialty, or by simple-contract, may if the Plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the Defendant and the parties suing by the name aforesaid, and such specialty, or other proof of debt, may be received as evidence of an account stated: *Provided always,* that upon request made by any Debtor or of the said Institution, it shall be incumbent upon the said Commissioners to refer such debt or demand to arbitration, that the said Commissioners and the Debtor, before appointing men of their respective choice, shall agree upon some person as the third man in the arbitration, and in case they do not agree in the choice of such person, it shall and may be lawful for the Commissioners to write the names of three persons not being Debtors or Creditors of said Institution, or otherwise interested, on slips of paper, and for the Debtor to do the same, when the whole shall be put into a box and shook together, and one drawn therefrom by an indifferent person; and the person whose name shall be so drawn, shall be the third arbitrator, to act in conjunction with the two to

How Commissioners may sue for debts.

In what form of action.

Debtors may insist upon having the claims against them referred to arbitration.

How arbitrators shall be appointed.

Umpires.

be named by the Commissioners and Debtor respectively, in considering and deciding upon all matters and things set before them, and their award, or the award of any two of them delivered in writing shall be final, and to all intents and purposes binding on the parties.

Award shall be final

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

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

Mode of proceeding against debtors absent from the Province.

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

Confirmation of Mortgages, Bonds, &c. given to or for the use of the late Bank.

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

Notice of their sittings to be published by the Commissioners.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be constituted under this Act, shall within two weeks after their appointment, cause notice of their place and hours of business to be advertised in the Upper Canada Gazette, and in all other Newspapers in Upper Canada, and in the Montreal and Quebec Gazettes, in three successive numbers of each Paper, calling upon all holders of Notes or Certificates, or other Creditors of the said late Institution, to present their claims within the period of Six Months, or otherwise such claims will be for ever barred and cancelled.

Claims against the Institution to be preferred within six months.

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

All claims barred unless presented before 1st of November next.

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

Commissioners may give longer credit to debtors.

May accept property real or personal.

Or Bills or Notes of the late Bank.

Or make other compromise.

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

No interest to be charged to debtors in certain cases.

XII. *And be it further enacted by the authority aforesaid,* That the Commissioners shall make a report to the Governor, Lieutenant Governor, or person administering the Government of this Province, on the 1st day of January in every year, of their proceedings under this Act, and of the state of the affairs of the said Bank, to be laid before the Legislature at its next Session.

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

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

Dividends to be made.

Disbursements to be deducted.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have authority after receiving such payment or compromise as they may deem reasonable and proper, to release and discharge any Bonds, Mortgages, Specialties, Notes or Securities of any kind whatsoever, given by any person or persons to the Commissioners heretofore appointed for the settlement of the affairs of the said Institution or to the said pretended Bank, or to any person or persons, for the use, benefit or

Commissioners empowered to release Mortgages, discharge Bonds, &c.

security of the said Institution, whether it be expressed in such Bond, Mortgage, Specialty, Note or Security, that the same was given for the use, benefit or security of the said Institution or not.

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

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

Acts of two Commissioners to be valid.

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

Public Act.

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

CHAP VIII.

AN ACT to make valid under certain restrictions the Registry of Deeds and Conveyances, made by the Registrar of the County of Northumberland, under an appointment adjudged to be invalid.

[Passed 20th March, 1829.]

Preamble.

Certain registries of conveyances made by Thomas Ward Esquire, under an invalid appointment as Registrar of the County of Northumberland

WHEREAS, in or about the Year of our Lord One Thousand Eight Hundred and Eight, Thomas Ward, Esquire, was appointed Registrar of the County of Northumberland, in the District of Newcastle, and in that capacity Registered many Conveyances and other Deeds relating to real Estate in the said County: *And whereas* the appointment of the said Thomas Ward, was afterwards adjudged by the Court of King's Bench in this Province to be invalid, and he was therefore removed from the said Office, but hath since continued to keep the Memorials and Registries of all such Deeds and Conveyances in his custody, and purchasers and others are exposed to loss and inconvenience from not being able to satisfy themselves of the state of any Title, by searching in the Office of Registrar of the said County, for remedy thereof: *Be it therefore enacted,*

by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled: "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled: 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that the said Thomas Ward, shall within Two Months from the passing of this Act, transmit and deliver over to the Registrar of the said County of Northumberland, all such Memorials and Registries by him received and made in the capacity of Registrar of such County as aforesaid, and before his appointment was declared void, as hereinbefore recited.

Memorials and Registries so made by T. Ward, shall be transmitted to the present Registrar for Northumberland.

II. *And be it further enacted by the authority aforesaid,* That such Memorials and Registries when so transmitted and delivered over, shall form part of the Papers and Records of the Office of Registrar for the said County of Northumberland, in the same manner as if the same had been entered, proved and recorded by any person heretofore legally holding the said Office, and that all and every such Registries of any Conveyance or other Deed, entered, made and certified, by the said Thomas Ward, as such Registrar as aforesaid, before his appointment was adjudged void, and his consequent removal from the said Office shall be deemed and taken to have been entered, made and certified, by the lawful Registrar of such County: *Provided always, nevertheless,* that nothing in this Act contained shall extend to invalidate, affect or interfere with the title, claim or interest of any purchaser or purchasers of any Lands or Estates, comprised in any of the said Memorials or Registries, provided such purchase shall have been made *bona fide* for valuable consideration, and without notice or knowledge of such Lands or Estates being comprised in any such Memorial or Registry, but that such title, claim or interest, shall be and remain as if this Act had not been passed, and not otherwise.

When so transmitted they shall form public records of such office.

And shall be deemed valid registries.

Claims of innocent purchasers without notice of any such registry shall not be prejudiced by this Act.

III. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend or be construed to extend to make any alteration in the tenure of the office of Registrar, in any County of this Province.

This Act to make no alteration in the tenure of the office of Registrar.

E.

CHAP.

CHAP IX.

AN Act to render effectual certain Securities to be given by the Welland Canal Company, for a Loan advanced by His Majesty's Government, and for other purposes relating to the said Canal: and also, for authorizing the making a lateral Cut from the Welland Canal, through the Town of Niagara to the mouth of the River Niagara, by a Company incorporated for that purpose.

[Passed 20th March, 1829.]

Preamble.

Petition of Welland Canal Company recited.

Imperial Statute 9, Geo. 4, recited.

Loan made by His Majesty to the Welland Canal Company.

Conditions exacted.

Authority required to fulfil those conditions.

WHEREAS the President and Directors of the Welland Canal Company, have by their Petition set forth that certain alterations are expedient in the Charter of the said Company, which it appears proper to provide for: *And whereas*, under and by virtue of an Act made and passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the Ninth Year of the Reign of His present Majesty, entitled: "An Act to authorise the advance of a certain sum out of the consolidated Fund, for the completion of the Welland Canal Navigation in Upper Canada;" the Lords Commissioners of His Majesty's Treasury, have lent and advanced to the Welland Company the sum of fifty thousand pounds sterling, money of Great Britain, to be applied by the President and Directors of the said Company, towards defraying the expences of completing the said Canal, upon the condition, however, required by the said act, that the re-payment of the monies so advanced, with interest at four per centum per annum, within the term of ten years from the passing of the said last recited act, should be secured by an assignment of the Tolls and Profits of the said Canal, to such persons in such manner, and under such conditions and regulations as the said Commissioners of the Treasury should order and direct. *And whereas* it may be doubted whether the President and Directors of the said Welland Canal Company can, without Legislative authority, pledge the said Canal and the Tolls and Profits thereof, in fulfilment of the assignment for that purpose made by them with the Lords Commissioners of His Majesty's Treasury, through the agency of William Hamilton Merritt, Esquire, agent for the said Company; and it is just and expedient to remove all such doubts, and to enable the said Company to afford the required security to His Majesty's Government: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal

certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;' and by the authority of the same, that it shall and may be lawful for the said Welland Canal Company, by any Instrument or Instruments, in writing under the Seal of the said Company well and effectually to convey, transfer and assign, the said Welland Canal, and the Tolls and profits thereof; and all and singular, the funds, property and effects of the said Company, unto such person or persons as the said Commissioners of His Majesty's Treasury, or the Governor or Lieutenant Governor, for the time being, of the Province of Upper Canada, by the direction of the said Commissioners have directed, or shall hereafter direct; and to his or their Heirs, Executors, Administrators and Assigns, upon such conditions for redemption thereof, and upon such terms, and with such provisions and conditions as have been heretofore agreed upon by the Lords Commissioners of His Majesty's Treasury, with the said Company, or their Agent, and upon such other terms and conditions as the said Company shall agree to and think reasonable, for the effectually securing the repayment of the said fifty thousand pounds, and interest as aforesaid, to the satisfaction of the Lords Commissioners of His Majesty's Treasury: *Provided always nevertheless*, that no Mortgage, or other security, which shall be given by the said Company, under the authority of this Act, shall have the effect of defeating, or in any manner prejudicing, any security or securities by them given, for monies advanced to them, before the eighteenth day of August, in the year of our Lord one thousand eight hundred and twenty-eight, being the date of the agreement entered into between the Lords Commissioners of His Majesty's Treasury, and the Agent of the said Company.

Power given to the Welland Canal Company to secure the said loan by mortgage.

Such mortgage not to prejudice any security given for prior debts.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the said Company, to contract either with His Majesty's Government or with any Public Company or Body, either Politic or Corporate; or with any private Individual, for the loan of any sum or sums of money, to be laid out in the completion of the said Canal, and for securing the repayment thereof, to cause to be executed one or more bond or bonds, or other Instrument or Instruments, in writing, in the name of the Welland Canal Company, and Sealed with the Seal of the said Company, and signed by the President or Vice-President, and Secretary.

The Company authorised to raise further sums by loan.

And to give bonds &c. for such loans.

III. *And be it further enacted by the authority aforesaid*, That all such bonds or other securities so to be given, as aforesaid, shall be made payable to the person lending the money therein mentioned, or bearer, and shall be transferable by delivery.

Such bonds may be made transferable by delivery.

The Company may enlarge the feeder now in progress from the Grand River, so as to make it a Canal fit for Schooners &c.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company hereafter to increase the dimensions of the Feeder they are now constructing from the Grand River to the Deep Cut, to the ordinary size of the Canal, for the purposes of Ship Navigation, if they shall deem it expedient.

Provision for compensating the owners of lands.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, whose Lands shall be taken for, or injured by the said Company, or whose Mills shall be injured by the stoppage of water, to nominate one Arbitrator, and for the Company to name another, which two shall name a third, to determine upon their oaths the amount to be paid for the Land, or the damages done thereto, which award the Directors are hereby required to pay at the time specified therein.

Arbitration provided for in case the parties cannot agree.

VI. *And be it further enacted by the authority aforesaid,* That in case the Welland Canal Company shall not agree with the owner or occupiers of the Land through which the feeder is now laid out, on either bank of the Welland River, between Mill Creek, above Leonard Misner's and the Deep Cut, on or before the first day of June next, upon the price to be paid to such owner or occupiers for the absolute purchase of so much of the said Land as the said Company may require, for the purposes of the said Canal, or any damages they may claim from the said Company, according to the provisions of the Charter, it shall and may be lawful for Smith Griffin, of Grimsby, Esquire; William D. Miller, of Niagara, Merchant, and Moses Brady, of Pelham, Farmer, and they are hereby required to assemble at Mr. Berger's, Inn-keeper on the Welland River, at such time as they may appoint, during the month of June next, and to determine what price or sum of money the said Company shall and ought to pay to each individual for the Land taken and set apart for the purposes of the said Company, or any damages as aforesaid.

Arbitrators and witnesses to be sworn.

VII. *And be it further enacted by the authority aforesaid,* That the said Arbitrators shall be sworn before some one of His Majesty's Justices of the Peace, well and truly to award and determine between the parties what price and damages shall and ought to be paid to each owner or occupier of the Land so taken as aforesaid, according to the best of their judgment; and that the witnesses to be examined before the said Arbitrators, shall be sworn by the said Smith Griffin, before their evidence is received.

When money awarded shall be paid.

VIII. *And be it further enacted by the authority aforesaid,* That the monies awarded to be paid under this Act, shall be paid by the aforesaid Company to the persons legally authorised to receive the same, within

two months from the time of the award being made: *And whereas*, Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, John Barker, and others, Inhabitants of the Town of Niagara, are desirous of cutting a lateral branch of the said Welland Canal from the bottom of the Mountain Ridge to the said Town of Niagara, and to be Incorporated for that purpose: *Be it therefore further enacted by the authority aforesaid*, that the said Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, and John Barker, or either of them, together with all such persons as shall become Stockholders of the Company, hereinafter mentioned, shall be and are hereby ordained, constituted and declared, to be a body Corporate and Politic, in fact, and by the name of "The Niagara Canal Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting, and being contracted with; of suing, and being sued; pleading, and being impleaded; answering, and being answered unto, in all Courts and places whatsoever; in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common Seal, and may change and alter the same at their will and pleasure. And also, that they and their successors, by the name of "The Niagara Canal Company," shall be in Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal and mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Petition for a Branch Canal to the Town of Niagara.

A Company incorporated by the name of 'The Niagara Canal Company.'

Powers and privileges of the Company.

Seal.

May hold and dispose of Real Estate.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Niagara Canal Company, their Engineers, Agents and Servants, to explore the country lying between the Welland Canal, below the Mountain Ridge, in the Township of Grantham, and the Town of Niagara; and to lay out the route, and to excavate, finish and complete a Branch Canal, for Boat Navigation only, from any part of the Welland Canal, below the Mountain, to the Town of Niagara, and thence into the Niagara River;—and for that purpose to raise by subscription within the said Town, or elsewhere, a sum not exceeding twenty-five thousand pounds, in Shares of twelve pounds ten shillings each.

May explore a route for the Canal leading to Niagara.

For boat navigation only.

£25,000 Capital.

X. *And be it further enacted by the authority aforesaid*, That the affairs of the said Niagara Canal Company shall be managed by three Directors, one of whom shall be President, who shall be elected annually, on the first Monday in May, in each year, and shall have all the powers, authorities and privileges used and exercised, enjoyed or belonging now by virtue of the Charter, to the Welland Canal Company, in so

Directors how to be chosen.

Three in number.

May make Bye-laws. far as the same are applicable to the making and completing the said Branch Canal, and keeping the same in repair; and also as to the regulations and Bye Laws incidental to the good government of a chartered Company.

Provision for compensating the Welland Canal Company for the water to be taken for the Branch Canal. Arbitration.

XI. *And be it further enacted by the authority aforesaid,* That as soon as the said Niagara Canal Company shall have acquired by subscription a sufficient quantity of Stock to complete the said Branch Canal, it shall and may be lawful for the said Welland Canal Company, on the one part, and the said Niagara Canal Company on the other part, to nominate four Arbitrators who shall be neither directly nor indirectly interested, two on each side, who shall nominate and appoint a fifth person equally disinterested, to be associated with them, which persons, or a majority of them, shall award and determine what compensation the Niagara Canal Company shall pay to the Welland Canal Company, and in what manner, and when, for the water to be withdrawn or taken from the Welland Canal Company by the proposed lateral Branch Canal.

Welland Canal Company may decline to accept the sum so awarded, in which case the company and stock created by this Act shall merge in the Welland Canal Company.

XII. *And be it further enacted by the authority aforesaid,* That if the Welland Canal Company shall, within six months after the umpirage or award of the said Arbitrators so chosen, as aforesaid, refuse to accept the sum, recompense or profit so to be awarded, as aforesaid, then the Stock so subscribed to the Niagara Canal Company shall thenceforth form part of and be merged in the Stock of the Welland Canal Company. And the said Welland Canal Company shall thenceforth be entitled to the Stock, and be authorized to construct the said lateral Branch Canal, and shall thereafter be deemed and taken to be part of the Welland Canal; and the Stockholders in the Niagara Canal Company shall thenceforth become Stockholders in the Welland Canal Company, according to their respective subscriptions.—And the Niagara Canal Company shall from that time cease and determine.

Provisions for that contingency.

Provision as to commencing the work by the Welland Canal Company in case they should assume it.

Canal may be increased for Ship Navigation.

XIII. *Provided always, and be it further enacted by the authority aforesaid,* That the Welland Canal Company, after assuming the said Stock, shall, on payment of twenty-five per cent. on the estimated expense of cutting the Lateral Branch Canal by the said Stockholders in the Niagara Canal Company, immediately commence the said Lateral Branch Canal, and finish the same within two years, upon a sufficient sum being paid in by the said Niagara Canal Company Stockholders for that purpose. And also, that nothing in this Act contained, or any other Act of this Province, shall prevent the Stockholders in the Welland Canal Company, upon assuming the Lateral Branch Stock, as aforesaid, to make the Lateral Branch Canal, as aforesaid, adequate for Ship Navigation, without calling on the Subscribers to the Lateral Branch for increase of Stock for that or any other purpose whatsoever.

XIV. *And be it further enacted by the authority aforesaid,* That the said Niagara Canal Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall, and they are hereby required to pay into the Bank of Upper Canada, on account of the said Welland Canal Company, the aforesaid sum of twenty-five per cent. on the amount of the said award; and the said estimate for making the said Canal, within five years from the completion of the Welland Canal, between Lakes Erie and Ontario, by way of the mouth of the Chippewa River.

Period within which 25 per cent. must be paid in by the subscribers to the Branch Canal.

XV. *And be it further enacted by the authority aforesaid,* That the said Directors of the said Niagara Canal Company shall be, and they are hereby authorized, to contract, compromise and agree with the owners and occupiers of any Land through or upon which the route or line of the said Lateral Branch may be determined to be cut, for the purposes of the said Lateral Branch Canal, either for the absolute purchase of so much Land as shall be required for the said Company, or for the damages he, she or they shall and may be entitled to receive from the said Company, in consequence of cutting the said Lateral Canal, and in case of any disagreement between the said owners or occupiers, aforesaid—then the said owners or occupiers, and the said Directors, shall decide the same by arbitration, in the same manner, and following the same provisions, and according to the terms contained in the Act of this Province, passed in the Fourth year of the Reign of King George the Fourth, entitled, “An Act to Incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company.” And further, that the said Arbitrators so to be appointed, according to the said Act, shall be paid and indemnified by the said Directors within one month after the sitting of the said Arbitrators.

Provision for compensating owners of lands for property taken, damages, &c.

Arbitration.

Compensation to the Arbitrators.

XVI. *And be it further enacted by the authority aforesaid,* That at the annual Election of Directors, five Directors only shall be elected by the Stockholders, and so long as any Stock shall be held in behalf of this Province by the Government, two other Directors shall be named by the House of Assembly at every Session; and that from the time of the next Election of Directors to the end of the next Session of Parliament, Robert Dickson, Esquire, and John J. Lefferty, Esquire, be Directors of the said Company.

Not more than Five Directors shall be hereafter chosen annually by the Stockholders in the Welland Canal Company.

Two to be chosen by the House of Assembly.

Certain persons appointed Directors for the present year.

XVII. *And be it further enacted by the authority aforesaid,* That the President and Directors of the said Company shall, and they are hereby required, every year, to lay before the Legislature accounts in detail of their receipts and expenditure.

Accounts of receipts and expenditure to be laid before the Legislature.

CHAP. X.

An Act relative to Confiscated Estates.

[Passed 20th March, 1829.]

Preamble

Power given to Commissioners for Forfeited Estates, in certain cases, with consent of parties, to transfer Lots which were intended to have been sold, in place of those which, by error, were actually sold; and to accept a transfer of the Lot erroneously sold, in return.

WHEREAS it is represented, that in several instances Lands have been erroneously confiscated, and sold under the Statutes heretofore passed for the disposal of Estates forfeited during the late war with the United States of America, the purchasers whereof are willing to relinquish their purchases, and to accept in lieu the Lands intended to have been respectively proceeded against. *And whereas* such arrangements are expedient and just: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the Commissioners appointed for carrying into effect the aforesaid acts for the disposal of forfeited Estates, or the majority of them, from time to time to inquire whether any Lots, Pieces, or Parcels of Land not liable to confiscation, have been, or may be hereafter returned to and sold by them; under the said acts, and if so, also to inquire whether any other Lots, Pieces, or Parcels of Land not returned as forfeited, or if so returned, not actually sold by the said Commissioners, was or were liable to confiscation; and whether the same was intended or ought to have been proceeded against instead of the Premises so erroneously forfeited and sold; and in case it shall appear to the satisfaction of the said Commissioners, or the majority of them, that other Lots, Pieces, or Parcels of Land were intended, or ought to have been proceeded against, instead of the Premises that may have been, or may hereafter be respectively erroneously forfeited and sold, it shall and may be lawful for the said Commissioners, or the majority of them, to transfer and convey to the purchaser or purchasers of any such Lots, Pieces, or Parcels of Land so erroneously forfeited and sold as aforesaid, and in lieu thereof, and upon the same terms and considerations, provided such purchaser or purchasers shall be willing to accept the same, the Lots, Pieces, or Parcels of Land which they the said Commissioners, or the

majority of them, shall so find liable to confiscation, and against which it shall appear proceedings were intended, or ought to have been originally instituted, the said last mentioned Lands being first duly vested in the said Commissioners, pursuant to the provisions of the Statutes hereinbefore mentioned.

II. *And be it further enacted by the authority aforesaid,* That whenever any such Lots, Pieces, or Parcels of Land so erroneously sold as aforesaid, shall be relinquished by the purchaser or purchasers thereof as aforesaid, it shall and may be lawful for the said Commissioners, or the majority of them, to decree and transfer the same to the proper owner or owners thereof, according to his, her, or their lawful and just estate and right therein.

The lands transferred back to the Commissioners as having been erroneously sold may be by them conveyed to the rightful claimant thereof.

III. *And be it further enacted by the authority aforesaid,* That in case the purchaser or purchasers of any Lots, Pieces, or Parcels of Land that have been, or may hereafter be erroneously sold as aforesaid, shall decline accepting in lieu thereof the Premises which ought to have been proceeded against and sold, or in case there shall be no other Lands to substitute for such erroneous sale or sales, it shall and may be lawful for the Commissioners, or the majority of them, to restore to the said purchaser or purchasers, the purchase money paid to the said Commissioners, by him, her, or them, respectively, with lawful interest thereon from the period of payment, provided he, she, or they shall be willing to accept the same, and thereupon to decree and transfer the Lots, Pieces, or Parcels of Land so erroneously sold as aforesaid, to the rightful owner or owners thereof, as hereinbefore provided in the Second Section of this Act.

When the purchaser of lands erroneously sold, shall decline accepting the intended lands in exchange, the money paid by him shall be repaid with interest, and the land conveyed to the rightful owner.

CHAP. XI.

AN Act to Improve the Navigation of Lake Ontario, by authorising the construction of a Harbour at Cobourg, by a Joint Stock Company.

[Passed 20th March, 1829.]

WHEREAS the construction of a safe and commodious Harbour at Cobourg, in the District of Newcastle, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage

Preamble

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Petition for an Act of Incorporation to make a Harbor at Cobourg.

to all persons in any way concerned in the Navigation of Lake Ontario. *And whereas* Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash, and Archibald M'Donald, have petitioned to be by law Incorporated for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company.

A Company Incorporated, to be called the President, Directors and Company of the Cobourg Harbour.

Powers and privileges of the Company.

Seal.

Not to carry on the business of Banking.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that the said Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash, and Archibald M'Donald, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by, and under the name and style of "The President, Directors and Company of the Cobourg Harbour;" and that by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common Seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the "President, Directors and Company of the Cobourg Harbour," shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always* that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorized and empowered, at their own cost and

charge, to construct a Harbour at Cobourg aforesaid, which shall be accessible to and fit, safe and commodious for the reception of such description and burthen of Vessels as commonly Navigate the said Lake. And also, to erect and build all such needful Moles, Piers, Wharves, buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of Vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same as may be found expedient and necessary.

Company authorised to construct a Harbor at Cobourg.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any Land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she, or they shall and may be intitled to recover from the said Company in consequence of the said intended Harbour, roads, streets and approaches thereto being cut, made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said Arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose, by the said Directors, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment. *Provided always* that any award made

To contract for the purchase of Lands required for making the Harbor.

Or to compromise for damages done by them.

In case of disagreement an arbitration provided for.

Nomination of Arbitrators.

Regulations respecting the award.

under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators as hereinbefore provided.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering Vessels, the said Company shall have full power and authority to ask for, demand, receive, recover, and take as Toll, to and for their own proper use and benefit and behoof, on all goods, wares and merchandise, shipped or landed on board, or out of any Vessel or Boat, from or upon any part of the Lake shore, between the East Boundary of Lot number Thirteen, and the West Boundary of Lot number Nineteen, in the Township of Hamilton, in the said District of Newcastle, and upon all Vessels and Boats entering the said Harbour, according to the rates following. That is to say—

Tolls and rates appointed,

Pot and Pearl Ash, *per barrel*, Nine-pence.
 Pork, Whiskey, Salt, Beef and Lard, *per barrel*, Six-pence.
 Flour, *per barrel*, Four-pence.
 Merchandise, *per barrel bulk*, Six-pence.
 Lard and Butter, *per keg*, One penny half-penny.
 Merchandise, *per ton*, Seven Shillings and six-pence.
 West India Staves, *per M*, Two Shillings and six-pence.
 Pipe Staves, *per M*, Twelve Shillings and six-pence.
 Wheat, and other Grain, *per sixty pounds*, One penny.
 Lumber, *per M feet, board measure*, One Shilling and three-pence.
 Boats and Vessels under Twelve Tons, One Shilling and three-pence.
 Boats under Five Tons, Free.
 Boats or Vessels above Twelve Tons and not over Fifty, Two Shillings and six-pence.
 Vessels over Fifty Tons, Five Shillings.

Harbour &c. vested in the Company.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, Moles, Piers, Wharves, Buildings, Erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said Tolls, on Goods, Wares, or Merchandise, as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors forever.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize or detain

the Goods, Vessels, or Boats on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk, or servant as aforesaid, may sell or dispose of the said Goods, Vessels, or Boats, or such part thereof as may be necessary to pay the said Tolls, by Public Auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

Compelling payment
of tolls.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns of the said Company shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least Four Shares, as well as inhabitants of this Province, and be elected on the first Monday in February in every year, at Cobourg, at such time of the day as a majority of the Directors, for the time being, shall appoint, and public notice thereof shall be given in the Upper Canada Gazette, or in any Newspaper or Newspapers that may be published in the said District of Newcastle, at least Thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons, or by proxy, and all Elections for such Directors shall be by ballot, and the Seven persons who shall have the greatest number of votes at any Election, shall be Directors, and if it shall happen at any such Election, that two or more have an equal number of votes, in such manner that a greater number of persons than Seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorized to hold such Election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of Seven; and the said Directors so chosen, as soon as may be after the said Election, shall proceed in like manner to Elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Directors how chosen.

To be seven in number.

President.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rules, *that is to say,* one vote for each Share not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten.

Voting regulated.

Default of making
election on the day ap-
pointed.

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

Directors to make
rules.

X. *And be it enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and effects of the said Corporation, and touching the duty of the officers, clerks and servants, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

Appoint officers and
assign salaries, &c.

First Directors how
and when to be cho-
sen.

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday after the passing of this Act, a meeting of the Stockholders shall be held at Cobourg, who, in the same manner as hereinbefore provided, shall proceed to Elect Seven persons to be Directors, who shall continue in such office until the first Monday in February next after their Election, and who during such continuance, shall discharge the duties of Directors in the same manner as if they had been Elected at the annual Election. *Provided always* that if Shares to the amount of Three Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least Thirty days notice thereof given in the Gazette, or in any Newspaper or Newspapers that may be published in the said District.

Amount of Capital.

number of Shares.

Transfer of Shares.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value Seven Thousand Five Hundred Pounds, to be held in six hundred Shares, of Twelve Pounds Ten Shillings each, and that the Shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

XIII. *And be it further enacted by the authority aforesaid,* That as soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving Thirty days notice thereof in the Gazette, or in any Newspaper or Newspapers that may be published in the said District, for an Instalment of Ten per cent. upon each Share which they, or any of them respectively may subscribe, and that the residue of the sum or Shares of the Stockholders shall be payable by Instalments, in such time and in such proportion as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such Instalment shall exceed Ten per cent., nor become payable in less than Thirty days after public notice in the Gazette, or in any Newspaper or Newspapers that may be published in the said District. *Provided always* that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Calling in instalments.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company. *Provided always* that the purchaser or purchasers shall pay the said Company the amount of the Instalment required over and above the purchase money of the Share or Shares so purchased by him, her, or them as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such Shares so purchased as aforesaid. *Provided always, nevertheless,* that Thirty days notice of the sale of such Forfeited Shares shall be given in the Upper Canada Gazette, or in any Newspaper or Newspapers that may be published in the District of Newcastle, and that the Instalment due may be received in redemption of any such Forfeited Share, at any time before the day appointed for the sale thereof.

Shares forfeited if instalments shall not be paid in.

Sale of forfeited Shares.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make Annual Dividends of so much of the profits of the said Company, as to them, or the majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear on the books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

Dividends of profits.

Accounts to be open to Stockholders.

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

After fifty years His Majesty may assume the possession of the Harbour.

XVII. *And be it further enacted by the authority aforesaid,* That at any time after Fifty years, after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the sums furnished and advanced by each subscriber, towards the making and completing the said Harbour, together with such further sum as will amount to Twenty-five per cent, upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption, in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to the provisions of any Act of the Legislature of this Province, that may be passed of or respecting the same. *Provided always* that it shall not be lawful for His Majesty, His Heirs or Successors at any time after the expiration of the said Fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of Twelve Pounds Ten Shillings, for every Hundred Pounds they shall be possessed of in the said concern.

On what conditions.

Appropriation of tolls after such assumption by His Majesty.

XVIII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest, and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as hereinbefore authorized, all Tolls and Profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct. *Provided always* that the said Harbour shall be commenced within One Year, and completed within Seven Years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void.

Time for commencing and completing the Harbour.

CHAP.

CHAP XII.

AN ACT to Incorporate certain Persons therein named, under the style and title of the "Port Hope Harbour and Wharf Company."

[Passed 20th March, 1829.]

WHEREAS a safe and commodious Harbour and Wharf, at the Village of Port-Hope, in the District of Newcastle, in this Province, would be a valuable public improvement: *And whereas*, John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla, and John Huston, have petitioned to be Incorporated for the purpose of constructing the same by means of a Joint Stock Company: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, that the said John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla, and John Huston, together with all such persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, and their successors shall be and are hereby ordained, constituted and declared, to be a body Corporate and Politic, in fact, and by the name of the "President, Directors and Company of the Port-Hope Harbour and Wharf Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting, and being contracted with; of suing, and being sued; pleading and being impleaded; answering, and being answered unto, in all Courts and places whatsoever; in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common Seal, and may change and alter the same at their will and pleasure. And also, that they and their successors, by the same name of the "President, Directors and Company of the Port-Hope Harbour and Wharf Company," shall be by

Preamble.

A Joint Stock Company incorporated for making a Harbor at Port Hope.

Corporate name.

Seal.

May hold and dispose of Real Estate. Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient. *Provided always*, that nothing herein contained shall extend or be construed to extend to allow the said Company to carry on the business of Banking.

May not carry on the business of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour at Port-Hope, aforesaid, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Ontario, and also to erect and build all such needful Moles, Piers, Wharves, Buildings and Erections, whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair and enlarge the same, as may be found expedient and necessary.

The Company empowered to construct a Harbour at Port Hope.

To build piers, &c. &c.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any Land through, or upon which they may determine to dredge, cut and construct the said Harbour, with all necessary and convenient Roads, Streets and approaches thereto, to be made and constructed, either by purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to recover from the said Company, in consequence of the said intended Harbour, Roads, Streets, and approaches thereto, being cut, made and constructed, in and upon his, her or their respective Lands, and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be Arbitrators, to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final, and the said Arbitrators shall,

Provision for compensating owners of lands for property taken, damages done, &c.

Arbitration.

and they are hereby required to attend at some convenient place, in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration, by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace, in and for the said District, any of whom may be required to attend the said Meeting for that purpose, well and truly to assess the Damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission, by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitrators to be sworn.

Award may be set aside by King's Bench for legal cause.

IV. *And be it further enacted by the authority aforesaid*, That so soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover, and take as toll, to and for their own use and benefit, and on all Goods, Wares and Merchandise shipped or landed on board, or out of any Vessel or Boat from or upon any part of the Lake shore between the Eastern Boundary of Lot number one, and the Western Boundary of Lot number ten, in the first and broken Concession of the Township of Hope, in the said District of Newcastle, and upon all Vessels and Boats entering the said Harbour, according to the rates following. That is to say—

Tolls to be exacted.

Pot and Pearl Ash, *per barrel*, Nine-pence.

Pork, Whiskey, Salt, Beef and Lard, *per barrel*, Six-pence.

Flour, *per barrel*, Four-pence.

Merchandise, *per barrel bulk*, Six-pence.

Lard and Butter, *per hundred weight*, Two pence.

Merchandise, *per ton*, Seven Shillings and six-pence.

West India Staves, *per M*, Two Shillings and six-pence.

Pipe Staves, *per M*, Twelve Shillings and six-pence.

Deals, *per Hundred pieces*, Five Shillings.

Wheat, and other Grain, *per Bushel of sixty pounds*, One penny.

Lumber, *per Thousand feet, board measure*, One Shilling and three pence.

Boats and Vessels under Twelve Tons, One Shilling and three pence.

Boats under Five Tons, Free.

Boats or Vessels above Twelve Tons and not over Fifty, Two Shillings and six-pence.

Vessels above Fifty Tons, Five Shillings.

Harbour &c. and tolls
vested in the Compa-
ny.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, Moles, Piers, Wharves, Buildings, Erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said Tolls, on Goods, Wares, or Merchandise, as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors forever.

Compelling payment
of tolls.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize or detain the Goods, Vessels, or Boats on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk, or servant as aforesaid, may sell or dispose of the said Goods, Vessels, or Boats, or such part thereof as may be necessary to pay the said Tolls, by Public Auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

Seven Directors to be
chosen.

Time and manner of
Election.

Notice of day of Elec-
tion.

Ballot.

President.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns of the said Company shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least Four Shares, as well as inhabitants of this Province, and be elected on the first Monday in January in every year, at Port Hope, at such time of the day as a majority of the Directors, for the time being, shall appoint, and public notice thereof shall be given in the Upper Canada Gazette, and in any Newspaper or Newspapers that may be published in the said District of Newcastle, at least Thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons, or by proxy, and all Elections for such Directors shall be by ballot, and the Seven persons who shall have the greatest number of votes at any Election, shall be Directors, and if it shall happen at any such Election, that two or more have an equal number of votes, in such manner that a greater number of persons than Seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorized to hold such Election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of Seven; and the said Directors so chosen, as soon as may be after the said Election, shall proceed in like manner to Elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any

time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

How vacancies to be supplied.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, *that is to say*, one vote for each Share not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten.

Regulation as to voting.

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

Corporation not to be dissolved for failure of choosing Electors on the day appointed.

Provision in such case.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and effects of the said Corporation, and touching the duty of the officers, clerks and servants, and all such other matters as appertain to the business of the said Corporation; and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

Directors may make Bye-Laws.

Manage the affairs of the Company.

Appoint clerks and servants.

Limit salaries, &c.

XI. *And be it further enacted by the authority aforesaid,* That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Port Hope, who, in the same manner as hereinbefore provided, shall proceed to Elect Seven persons to be Directors, who shall continue in such office until the first Monday in January next after their Election, and who during such continuance, shall discharge the duties of Directors in the same manner as if they had been Elected at the annual Election. *Provided always* that if Shares to the amount of Two Thousand Five Hundred Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least Thirty days notice thereof given in the Gazette, or other paper or papers published in the said District of Newcastle.

First election of Directors.

No meeting to be held until shares shall be taken to the amount of £2,500.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value Seven Thousand Five Hundred Pounds, to be held in six hundred Shares, of Twelve Pounds Ten Shillings each, and that the Shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Capital limited to
£7,500.
Number of Shares.

Transfer of Shares.

XIII. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving Thirty days notice thereof in the Gazette, or other paper or papers published in the said District of Newcastle, for an Instalment of Ten per cent. upon each Share which they, or any of them respectively may subscribe, and that the residue of the sum or Shares of the Stockholders shall be payable by Instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such Instalments shall exceed Ten per cent., nor become payable in less than Thirty days after public notice in the Gazette, or other Paper or Papers as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Instalments how to be
called in.

For non-payment of
Instalments shares to
be forfeited.

XIV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company. *Provided always* that the purchaser or purchasers shall pay the said Company the amount of the Instalment required over and above the purchase money of the Share or Shares so purchased by him, her, or them as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such Shares so purchased as aforesaid. *Provided always,* that Thirty days notice of the sale of such Forfeited Shares shall be given in the Upper Canada Gazette, and in any Newspaper or Newspapers that may be published in the District of Newcastle, and that the Instal-

Regulations respect-
ing the sale of for-
feited Shares.

ment due may be received in redemption of any such Forfeited Share, at any time before the day appointed for the sale thereof.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make Annual Dividends of so much of the profits of the said Company, as to them, or the majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

Dividends of profits to be made annually.
Accounts to be exhibited.

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

Public Act.

XVII. *And be it further enacted by the authority aforesaid,* That at any time after Fifty years, after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the sums furnished and advanced by each subscriber, towards the making and completing the said Harbour, together with such further sum as will amount to Twenty-five per cent, upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption, in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to the provisions of any Act of the Legislature of this Province, that may be passed of or respecting the same. *Provided always* that it shall not be lawful for His Majesty, His Heirs or Successors at any time after the expiration of the said Fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of Twelve Pounds Ten Shillings, for every Hundred Pounds they shall be possessed of in the said concern.

After fifty years His Majesty may assume the Harbour, &c.
On what conditions.

XVIII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest, and property, in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as hereinbefore authorized, all Tolls

How the tolls, &c. shall be appropriated in case His Majesty shall assume the Harbour.

and Profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct. *Provided always*, that the said Harbour shall be commenced within One Year, and completed within Seven Years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void.

Time for commencing and completing the Harbour.

CHAP. XIII.

AN ACT to provide for the guiding line in the Township of Lancaster, in the Eastern District.

[*Passed 20th March, 1829.*]

Preamble.

59th Geo. 3, ch. 14 recited.

Side Lines in the Township of Lancaster were not originally run parallel to the Eastern Boundary of the Township from whence the lots are numbered.

WHEREAS by the third clause of an Act passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, '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, entitled, 'An Act to ascertain and establish on a permanent footing, the Boundary Lines of the different Townships of this Province, and further to regulate the manner in which Lands are hereafter to be surveyed,'" it is enacted, that the Boundary Line of each and every Township, on that side from which the Lots are numbered, shall be the course or courses of the respective division or side lines throughout the several Townships and Concessions of this Province, respectively: *And whereas* the side Lines of Lots in the Township of Lancaster, in the Eastern District, were not originally run parallel to the Eastern Boundary of the said Townships from which the Lots are numbered, and great difficulty and inconvenience would arise to the Inhabitants of the said Townships by having their side lines or limits between lots, run pursuant to the said Act.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of

the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, that from and after the passing of this Act, the Western Limit or Side Line of the said Township shall be taken as the Governing Boundary, and that the Side Lines of Lots in the said Township shall and may be run parallel thereto, anything in the said recited Act to the contrary notwithstanding.

The Western side line of the Township to be taken as the governing boundary.



CHAP. XIV.

AN ACT to provide for the Survey of a part of the Township of Oxford, in the Johnstown District.

[Passed 20th March, 1829.]

WHEREAS the Inhabitants of the tenth Concession of the Township of Oxford, in the District of Johnstown, have by Petition set forth that the division line between the said Concession and the ninth Concession of the said Township hath never been Surveyed and ascertained, and have prayed that an Act may be passed to authorise the Survey of the said Line: *And whereas* it is expedient, in order to prevent disputes and litigation, that the prayer of the said Petition should be granted.

Preamble.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, that it shall and may be lawful for the Surveyor General of the Province, or person acting in that

Surveyor General to order a Survey to be made of the line between the ninth and

H

tenth concessions of Oxford, in the District of Johnstown.

capacity, for the time being, to cause such line to be duly Surveyed, and a plan and report thereof, to be returned to his Office by some competent, and disinterested Surveyor, and that such line, when Surveyed and ascertained, under the authority of this Act, shall be deemed and considered as the true and unalterable boundary between the said Concessions.

Parties requiring such survey shall first give security for the expense.

II. *Provided always, however, and be it further enacted by the authority aforesaid*, that no such line shall be run or ascertained by the authority of this Act until the parties or persons requiring the same shall have given proper security for the payment of all reasonable expenses attending the same.

CHAP. XV.

AN ACT to Incorporate certain persons for the purpose of making a Turnpike Road in the County of Halton, under the name of the "Dundas and Waterloo Turnpike Company."

[Passed 20th March, 1829.]

Preamble.

Road to be improved from Dundas through Beverly and Dumfries.

Absalom Shade, Abraham Erb, and others, Petitioners for an Act of Incorporation.

WHEREAS the Inhabitants of the Village of Dundas and of the Townships of Waterloo, Woolwich and Dumfries, and those who reside in the Country thereto adjacent within the District of Gore, will be much benefited by the improvement and further opening of the public road now leading from the village of Dundas, in Flamborough West, through the Township of Beverly and Dumfries, commonly called the Swamp Road, by which a safe and easy communication with the Head Waters of the Desjardins Canal, leading into Burlington Bay, may be had for carrying the produce of the said Townships and the neighbouring Country to a market:—*And whereas*, Absalom Shade, Abraham Erb, and others, of the Townships of Waterloo, Dumfries and Beverly, have petitioned to be incorporated for the purpose of making, completing, and maintaining the said road as a Turnpike road:—*And whereas* the purposes aforesaid cannot be effected without the aid of the Legislature.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of,

and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that the said Absalom Shade, Abraham Erb, and such other persons as may be admitted as their associates in the aforesaid undertaking, their Heirs, Executors, Administrators and Assigns, be and they are hereby constituted a Corporation by the name of the Dundas and Waterloo Turnpike Company, with a Capital of Twenty-five Thousand Pounds, and shall by that name sue and be sued, and have a common Seal, and shall enjoy all the privileges and powers incident to a Corporation for the sole purpose of improving, opening, making and keeping in repair, a Turnpike road from the extremity of the village of Dundas to the Western extremity of Waterloo, following the present established and travelled road through what it commonly called the Swamp Road.

"Dundas and Waterloo Turnpike Company."

Capital £25,000.

Route of the intended Road.

II. *And be it further enacted by the authority aforesaid,* That so soon as the said Road shall be Turnpiked, made fit and proper for the passage of Travellers, Cattle and Carriages, a regular plan thereof shall be made by a sworn Surveyor, at the expense of the said Corporation, and by the said Surveyor certified on oath to be correct, and shall be Registered in the Office of the Clerk of the Peace for the said District of Gore; and it shall thereupon be lawful for the said Corporation to erect Gates on the said Road.—*Provided* the same be not at a less average distance than Nine Miles apart.—And the said Corporation shall be, and are hereby entitled to receive at each of such Gates, as tolls, the following sums for the proper use of the said Corporation, that is to say, for every sixteen miles of Turnpike Road so made as aforesaid, the following fees:

A plan of the road to be deposited in the Clerk of the Peace's Office, in the District of Gore.

Gates to be erected.

For one pair of Horses and Waggon,—one shilling and ten pence half penny.

Rates of Toll.

For every additional pair of Horses,—one shilling and three pence.

For one pair of Oxen and Waggon, or Cart,—one shilling and six pence.

Every additional pair of Oxen,—one shilling.

For one pair of Horses and Carriage on Steel or Iron Springs,—three shillings and nine pence.

For every additional pair of Horses,—one shilling and three pence.

For one pair of Horses, or Oxen, and Sleigh,—one shilling.

For one Horse and Sleigh,—seven pence half-penny.

For one Horse and Waggon or Carriage,—one shilling and three pence.

For one Horse and Rider,—seven pence half-penny.

For any Waggon conveying exhibitions or carravans of any description,—double in proportion to the aforesaid rates.

For every Horse, Ox, Bull or Cow,—three pence.

For Cattle under two years old, Sheep or Swine,—three half-pence.

Tolls may be commuted for, in certain cases.

Rates to be affixed at the Toll-Gate.

III. *And be it further enacted by the authority aforesaid,* That the said Corporation may, if they see proper, commute the Toll with any person or persons by taking of him or them a certain sum monthly or annually in lieu of such Tolls. And the said Corporation at all such places where the said Tolls shall be collected shall affix, or cause to be affixed, in some conspicuous place at or near each Toll Gate a Table of the Rates of Toll, plainly and legibly printed.

Description of Road to be made.

Dimension of bridges.

IV. *And be it further enacted by the authority aforesaid,* That the whole of the said road shall be thirty feet wide; and the cuts in each side to be of sufficient depth to draw off the water; and no hill to be of a greater ascent than Sixteen Inches to the Rod; and any or all bridges so to be erected shall be made fit and proper for the passage of travellers, horses, cattle and carriages, and so wide as to permit teams and carriages freely and conveniently to pass each other over and above the room necessary on each side for foot passengers.

Woods growing on Lands of absentees adjoining the Road, may be cut down.

V. *And whereas,* The present Road passes for a great part through the lands of absentees whereon Pines of great length and magnitude, particularly in the Swamp, exclude the rays of the Sun,—*Be it therefore enacted by the authority aforesaid,* That it shall be lawful for the said Corporation whenever such may be the case to cause the trees to be felled or slashed, to the distance of one chain on each side of the road.

Evasions of the Toll prohibited.

Penalty.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road with any of the articles liable to toll, turn out of the same into any other Road, or being on any other road, shall enter the said Road beyond a Turnpike Gate, whereby such payment shall be avoided, or shall take off or cause to be taken off, any Horse or other beast of draught from any Carriage liable to toll, at or before the same shall come to any Turnpike Gate erected by virtue of this Act, with an intent to avoid paying any toll or rate hereby imposed, or shall put or leave in any house or place, any Horse or beast of draught, or any Carriage liable to Toll, with such intent as aforesaid, every person so offending shall, for every such offence, forfeit and pay to the said Corporation, or to their Treasurer or Collector, a sum not exceeding ten shillings, Currency:—*Provided al-*

ways, That any person or persons in any of the cases aforesaid, who shall proceed no further upon the Road than the extent of three miles, shall not be adjudged liable to toll unless he, she, or they shall pass a Turnpike Gate.

Persons may travel three miles on the Turnpike, (not passing any gate) without paying toll.

VII. *And be it further enacted by the authority aforesaid*, That the Corporation, at a General Meeting assembled, may make Tickets or Checks, under such regulations as they may see fit, for prevention of fraud, or abuses, in the said tolls, or rates, or compositions, as hereinbefore mentioned; and the Collector, and every person receiving such a Ticket or Check, who shall give, lend, or dispose of the same to any person or for any purposes not authorised by the Corporation in their said regulations; and every person who shall wrongfully and knowingly receive, borrow, purchase, or use the same; and every person who by any false pretext shall obtain an exemption from any toll to which he or she is liable, being thereof convicted, shall for each offence, respectively, forfeit and pay a sum not exceeding twenty shillings, Currency.

Tickets, or Checks, to be used.

Penalty for selling, lending, &c. such Tickets.

Or fraudulently procuring exemption.

VIII. *And be it further enacted by the authority aforesaid*, That no person shall leave any Waggon, Cart, or other Carriage, nor shall lay, or cause to be laid, or left, any matter or thing creating an obstruction of any kind, or nuisance upon the said Road, or the ditches, or drains thereof. And every person so offending, shall, for every such offence, forfeit and pay a sum not exceeding ten shillings.

Punishment for obstructions, or nuisances in the road.

IX. *And be it further enacted by the authority aforesaid*, That if any person or persons, occupying enclosed Lands near to any Turnpike or Gate which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such Lands, or through any Gate, passage, or way thereon, with any Carriage, or with any Horse, Mare, Gelding, or other animal liable to the payment of the toll, whereby such payment shall be avoided; every person so offending, and also the persons riding or driving the animal or Carriage whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay to the Corporation, their Treasurer or Collector, any sum not exceeding ten shillings, Currency.

Evading tolls how punished.

Owners of adjacent Lands not to permit persons to pass through their lands to avoid toll.

X. *Provided always, and be it enacted by the authority aforesaid*, That no person, with his Horse or Carriage, going to or returning from Public Worship, nor if attending or returning from the funeral of any person who shall die within the same Township, nor if going from one part to another part of the same Farm occupied by the same person, be chargeable with any rate of toll whatever.

Exemptions from tolls, in certain cases.

Punishment for delaying travellers at the Toll-gates.

Or for overcharging

Remedy, if the road is not kept in repair.

XI. *And be it further enacted by the authority aforesaid,* That if the said Collectors or Toll-gatherers, or any other person in their employment, shall unreasonably hinder or delay any passenger at either of the Gates aforesaid, or shall demand or receive more Toll than is by law allowed, the said Corporation shall forfeit and pay a sum not exceeding five pounds, current money of this Province, besides the reimbursement of what they shall have taken above the said Toll; and the said Corporation shall be liable to pay all damages which may happen to any person, and which may arise from neglect or want of repair, on the same Road, after the same has been made, completed, and certified as aforesaid. And it shall be lawful for any person or persons having paid Toll thereon, to prosecute the Corporation in His Majesty's Court of King's Bench of this Province, and upon the finding of a Jury, that the said Road, or any part thereof is not in proper repair, the said Corporation may and shall be obliged to have the same amended and repaired in a proper manner, within the space to be limited by the Court, who shall adjudge full costs and expences of suit to the Prosecutor or Prosecutors, against such Corporation, who shall pay the same at their own private cost—but if such Prosecution shall upon trial, be found to be vexatious and groundless, the Prosecutor or Prosecutors shall be liable to costs to be taxed.

Punishment for injuring the road, gates, &c. &c.

Attempting forcibly to pass the gates without paying toll.

How the penalty to be recovered.

XII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down, or otherwise destroy any of the Turnpike Gates, or any Toll-house to be erected by virtue of this Act, every person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor and punished by fine and imprisonment, and if any person or persons shall remove any earth, stone, or timber on the said road to the damage of the same, or shall forcibly pass or attempt to pass by force any of the said Gates, without first having paid the legal Toll at such Gate, such person or persons shall pay all damages sustained by the said Corporation, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings Currency, to be recovered before two Magistrates holding a Court of Requests within the District of Gore.

Corporation may hold lands for Toll-houses, &c.

XIII. *And be it further enacted by the authority aforesaid,* That the said Corporation be, and they are hereby enabled, to purchase, receive, and hold Lands sufficient for the accommodation of their respective Toll-gatherers, and the same to transfer in such manner as by their By-laws they may direct.

Company to meet within three months after passing of the Act.
At Dundas.

XIV. *And be it further enacted by the authority aforesaid,* That there shall be a meeting of the said Corporation, holden at some convenient place in the Village of Dundas, or Township of Dumfries, or Waterloo,

as the majority of the Petitioners and Subscribers shall agree, within the space or three calendar months from the day of the commencement of this Act, as hereinafter directed, of which one months notice shall be given in four or more of the most public places in the District, for the choosing of a Clerk, and such other Officers as may be deemed necessary by the said Corporation, and they may at that, or any future meeting, make, repeal and alter, such Bye-laws, Rules and Regulations, not repugnant to Law, as they may deem necessary for carrying into effect this Act, and to regulate the interests of said Corporation.

Notice of meeting.

Making Bye-laws.

XV. *And be it further enacted by the authority aforesaid,* That when any Stockholder shall neglect or refuse to pay any Instalment duly required by the said Corporation, in the manner by their Bye-laws directed, to the Treasurer, for the space of ninety days after the time for the payment thereof, the Treasurer is hereby authorized to Sell at Public Auction the Share or Shares of such delinquent, under such regulations as the said Corporation, by their Bye-laws, may direct, and the purchaser on producing a Certificate of such Sale from the Treasurer to the Clerk of the said Corporation, in the name of such purchaser, with the number of the Share or Shares so sold, and the same being recorded by the Clerk, at the expense of such purchaser, the said purchaser shall thereupon be deemed to all intents and purposes the proprietor thereof.

Forfeiture of Stock by neglect to pay instalments.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for each and every of the members of the said Corporation, for the time being, his and her Executors, Administrators and Assigns, to give, sell, alien, assign, devise, or dispose of his, her, or their respective share or shares, and interest in the said Corporation, to any person or persons; and the said person or persons, and their respective assigns, shall be members of the said Corporation, and shall be entitled to all and every of the rights and privileges thereof, and to the profits and advantages thereupon arising.

Stock may be transferred.

XVII. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall be construed to extend to deprive the public, or any individual, of the opening any front or bye road, according to the laws of the Province, across the said Turnpike Road, to be made by virtue of this Act—nor to deprive the public, or any individual, of making any other road conformable to the laws of this Province.

This Act not to hinder the making of other roads crossing the Turnpike.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Toll Houses and conveniences, and the said Tolls, shall be, and the same are hereby vested in the said Corporation forever. *Provided al-*

Tolls, Toll-houses, &c. vested in the Corporation.

His Majesty, on certain terms may assume the Turnpike, and all things held therewith.

ways, that after the completion of Turnpiking and establishing the said Road, as fit and proper for travelling, agreeable to this Act, it shall and may be lawful for His Majesty, His Heirs and Successors, in any Act of the Legislature of this Province, assented to by His Majesty, His Heirs and Successors, to assume the possession and property of the said Road, Bridges, Toll Houses, Turnpikes and conveniences, and dissolve the said Corporation, upon paying to the said Corporation the full and entire value which the same may, at the time of such assumption, be worth, and six per cent. over and above the valuation; and thereupon the said Tolls shall from the time of such assumption, appertain and belong to His Majesty, His Heirs and Successors, and the Governor, Lieutenant Governor, or person administering the Government, shall account from time to time to the Legislature of this Province, for all Tolls and duties arising therefrom.

Time limited for completing the road.

XIX. *And be it further enacted by the authority aforesaid,* That to entitle the said Corporation to the benefits and advantages of this Act, granted to the said Corporation, they shall, and are hereby required, within the period of three years from the passing of this Act, to Turnpike sixteen miles of the said Swamp Road, from the East line of Beverly to Andrew Groff's, near or at the line of Waterloo—and such part or parts of said Road, hereinbefore mentioned, West of Andrew Groff's, as shall not have been Turnpiked, within the space of five years after the passing of this Act, shall be considered to have been forfeited by the said Company, and the said Corporation shall cease to have any right, title, or claim to the said forfeited part of the said Road.

Penalties under this Act how to be levied.

XX. *And be it further enacted by the authority aforesaid,* That the penalties hereby inflicted (where otherwise not particularly directed by this Act,) shall, on proof of the offences respectively, before any two or more of the Justices of the Peace for the District of Gore, either by confession of the offender, or by the oath of one or more credible witness or witnesses, (other than the prosecutor) which oath such Justices are hereby empowered and required to administer, be levied, together with the costs of prosecution, by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justices, and the overplus, after such penalties, and the costs of such prosecution, and charges of such distress and sale are deducted, shall be delivered, on demand, to the owner of such goods and chattels; and for want of such sufficient distress, the offender shall be sent by such Justices to the Gaol of the District, for any time not exceeding one month, nor less than four days, as such Justices shall think most proper, One moiety of which penalties respectively, when paid and levied, shall belong to the person suing for the same, and the other moiety to His Majesty, to be paid into the hands

Costs.
Charges of distress and sale.

Imprisonment for want of goods.

Appropriation of penalties.

of the Receiver General of this Province, and the same shall be accounted for to His Majesty, His Heirs and Successors; through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct, and at the disposal of the Legislature of this Province.

XXI. *And whereas*, in undertakings of great expense, when the returns are uncertain, it is reasonable and proper to encourage the prosecution of the same, by securing to the persons concerned therein, their successors and assigns, the possibility of a considerable eventual benefit. *Be it therefore enacted by the authority aforesaid*, That the clear profits to be received from the said Turnpike Road, shall not, from and after seven years from the time this Act shall have operation, exceed twelve pounds per centum, per annum, upon the Capital Stock as hereinbefore mentioned, unless it shall be found at the said period of seven years, that the said Corporation or Society, successors or assigns, have not divided a clear profit of twelve pounds per centum, per annum, on the said capital stock, in which case the Tolls shall be continued and be collected, by and for the use of the said Corporation or Society, their Successors and Assigns, at the rates allowed by this Act, until such clear profit shall be divided as above said, and from and after the said term of seven years from the time this Act shall have operation, but after the time that the said rates of profits shall have been made up, if more than such rates of profits shall have been so divided upon the said capital, then the aforesaid tolls shall be reduced in manner following, that is to say:—if on making up and balancing of the year immediately proceeding such time, (comprehending therein all receipts of Tolls and all disbursements for repairs and expences of management,) it shall appear that the balance or clear profits of the said Road within such year, shall have exceeded the said rate of twelve pounds per centum, on the said capital, then and in such case, the Tolls to be taken during the course of one entire year, after the first day of January then next following, shall be lower than the respective Tolls hereinbefore established, in the proportion of one twelfth part as nearly as may be to avoid fractional parts of a halfpenny, for every twenty shillings per centum, which such clear profits shall have exceeded the rate thereof by this Act allowed to be divided; and from time to time thereafter the Corporation shall in their January term, fix and ascertain by the same rate and standard, an augmentation or reduction of such Tolls to be taken during the course of one entire year, after the first day of February following, in proportion as the Tolls during the course of twelve months immediately proceeding shall appear by the accounts of such twelve months so made up and balanced, to have exceeded or fallen short of the said clear profit of twelve pounds per centum—but in no

Limitation of the profits to be derived from the Turnpike.

Tolls not to exceed the rates herein specified.

case shall the tolls so augmented exceed the rates of Toll authorised to be taken by this Act—and the said Corporation or Society, their Successors and Assigns, shall not demand or take, or be entitled to receive after the time aforesaid, any greater or higher rates of Toll than in the said reduced or augmented proportions is fixed by the Corporation aforesaid, any thing in this Act contained to the contrary notwithstanding.

Accounts of the whole expenditure in making the Turnpike and appendages to be made out and attested and deposited among the records of the Quarter Sessions.

XXII. And in order to ascertain from time to time the clear profits arising from the said Road.—*Be it further enacted by the authority aforesaid,* That so soon as the road shall be made and completed, a true and exact account shall be made out of all monies which shall have been expended in making and completing said Road; as also the Toll-Houses and Turnpike Gates and land thereunto belonging; and of all expenses of management which to that time shall have been incurred on account of the same, and in which account shall be charged interest on such monies respectively, from the time of payment thereof to the time of so making up the account, at the rate of six per centum per annum—which accounts so made out shall be dated and there certified by at least three of the proprietors, who shall have been appointed by the Corporation to direct or superintend the making of the Road; and also by their Clerk, who respectively shall make oath before one of His Majesty's Justices of the Peace for the District of Gore, that such an account is faithfully extracted from the Books of the Corporation, and to the best of their belief is just and true, which oath the said Justice, as well as in the cases aftermentioned, is hereby authorized and required to administer to each of them—and such accounts when so made out, certified and sworn to, shall respectively be deposited and recorded amongst the Records of the Quarter Sessions for the District of Gore, and the amount thereof shall be considered as the capital stock of the said Corporation, and on which, the profits allowed to the same, are to be estimated as hereinbefore mentioned; and there shall afterwards, at the end of every year after the completion of the said Road, be made out a true and exact account of the monies expended in repairing the same, and the Toll Houses and Gates with the charges of management; and also, a true and exact account of all the monies collected or received from the said Tolls by virtue of this Act, which annual account shall be dated, certified, sworn to, and deposited as above—and if such account shall not be made out, dated, certified, sworn to, and deposited as above said, the said Corporation shall forfeit and pay the sum of one hundred pounds, for every month the same shall be refused or neglected, after being thereunto required by any of His Majesty's subjects, to be recovered by action of debt in any Court competent to decide thereon, and paid to the person who shall sue for the same—and if any person sworn as aforesaid, shall wilfully or corruptly swear falsely, every such person being thereof duly convicted, shall suffer the punishment inflicted by law for perjury.

And in each year accounts shall be in like manner rendered and deposited, of expenditure and receipts.

Penalty for neglecting to make such accounts.

Swearing falsely to accounts perjury.

XXIII. *And be it enacted by the authority aforesaid,* That no suit or action shall be commenced or brought against any person offending against this Act, unless the same shall be commenced or brought within three Calendar months next after the offence committed, and not afterwards. Actions not to be brought after three months, for offences against this Act.

XXIV. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons whomsoever, without being specially pleaded. A Public Act.

CHAP XVI.

AN Act to amend part of an Act, passed in the Eighth Year of the Reign of His present Majesty, entitled, "An Act to Incorporate certain persons therein mentioned, under the style and title of "The Cataraqui Bridge Company."

[*Passed 20th March, 1829.*]

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

A Public Act.

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

CHAP. XVII.

AN Act to Incorporate certain persons for the purpose of holding Lands for a Free Church in Dundas, in the District of Gore.

[*Passed 20th March, 1829.*]

Preamble

WHEREAS David Oliphant, John Lesslie, John Ross, William Binkley, John Gamble, and others, on behalf of themselves and others, Inhabitants of the village of Dundas, have, by petition, set forth, that they the subscribers to such petition, have erected a place of Public Worship, free for all denominations of Christians, on part of Lot, Number Seventeen, in the First Concession of the Township of Flamborough West, in the County of Halton, and District of Gore. *And whereas* the said petitioners are desirous of obtaining an Act of Incorporation, to the effect that the said piece or parcel of Land on which said Free Church is erected, purchased by them from Edward Lesslie, one of the petitioners, and containing One Acre of Land, or thereabouts, may be conveyed to Manuel Overfield, Esquire, John Paterson, David Oliphant, and Thomas Hilton, and their Successors in Office, in trust for the purposes of the said Free Church, and a Public Burial Ground: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that it shall and may be lawful for the said Manuel Overfield, Esquire, John Paterson, David Oliphant, and Thomas Hilton, to have, hold, receive, and take a conveyance of the said piece or parcel of Ground already purchased, or which may be hereafter contracted for, not exceeding, in the whole, Five Acres, for the purposes

Certain persons empowered to hold land (not exceeding five acres) for the purposes of a place of Worship, common to all denominations of Christians.

aforesaid; and that it shall and may be lawful for the said Trustees, and their Successors, to be appointed as hereinafter mentioned, to have and to hold the same for the purposes aforesaid, in perpetuity forever.

II. And in order to prevent the failure of such Estate in Succession: *Be it therefore further enacted by the authority aforesaid,* That whenever it shall happen that more than two of the Trustees herein named, shall die, or shall become resident abroad, or become incapable of acting in the said Trust, it shall be in the power of the Inhabitant Householders of the said village of Dundas, upon public notice being put up on the door of the Church beforementioned, 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 Village or Town of Dundas, to complete the number of Five Trustees; and that immediately upon such Election, the Five Acres of Land so purchased, or to be purchased as aforesaid, shall become legally vested in such Trustees.

Provision for succession of Trustees.

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

Trustees may make regulations respecting the land.

CHAP. XVIII.

AN Act to enable the Trustees of the Methodist Episcopal Church in York, to exchange certain Real Estate now holden by them, for other Real Estate in or near the said Town of York.

[Passed 20th March, 1829.]

WHEREAS Thomas Stoyell, William Poyntz Patrick, John Doel, Matthew Walton, and James Rogers Armstrong, Trustees to the Methodist Episcopal Church in York, and others, official members signing in behalf of said Church, have, by their petition, set forth, that the Ground on which the Chapel belonging to the Methodist Society in York afore-

Preamble.

said, stands, is too small for the purposes and conveniences of the said Church, and pray that the aforementioned Trustees may be allowed to dispose of the said Chapel and Ground, should an opportunity be afforded them, and apply the proceeds thereof towards the purchasing of such other Land and Premises as may be suitable for the conveniences of the said Church, and for the purposes for which the present Land and Premises are now by them holden. *And whereas* it is desirable and proper that such relief, by Law, should be granted as to enable the said Trustees, or a majority of them, or their Successors in Office, nominated and appointed according to the rules and regulations of the said Church, to sell and dispose of said Land and Premises, and purchase such other as may be suitable, not exceeding the quantity limited by Law for such purposes: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, that at any time after the passing of this Act, the said Trustees, or their Successors in Office, or a majority of them, shall have full power and authority, and are hereby empowered and authorized by Deed of Conveyance, under their hands and seals, to grant, bargain, sell and convey, in fee simple, the Ground on which the Methodist Chapel now stands, in York aforesaid, and the appurtenances appertaining thereto, which Ground and Premises is described in the Deed of Trust, now held by the petitioning Trustees, as follows, that is to say, Being about the one-sixth of an Acre, and composed of part of Lot, Number Three, on the South side of King's-street, in that part of the said Town of York, called the "New Town," which is bounded, or may be known as follows, that is to say, commencing at a Post four chains and seven links from the North-east angle of Lot, Number Two, on the South side of King's-street, then South sixteen degrees east, one hundred and thirty-two feet; then South seventy-four degrees west, fifty-two feet and a-half; then North sixteen degrees west, one hundred and thirty-two feet; then North seventy-four degrees east, fifty-two feet and a-half, to the place of beginning, to such person or persons as may be disposed to purchase the same.

Certain Trustees of the Methodist Episcopal Church in York empowered to convey away certain land in York,

II. *And be it further enacted by the authority aforesaid*, That the Trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest the money accruing from the

And to invest the monies arising from the sale thereof, in the

sale of the abovementioned Land and Premises, in the purchase of such other Lot or Tract of Land, in or near the Town of York aforesaid, and for the Erection of a Chapel or Meeting House thereon, as well as such other Buildings as may be required for the residence of a Minister, and his necessary purposes in such capacity, and for the necessary conveniences of the Congregation which may attend such Chapel or Meeting House as they the said Trustees shall, in their discretion, deem to be proper and convenient for the use and accommodation of the Methodist Congregation in York aforesaid, and its vicinity; and the said Trustees, or their Successors in Office, or a majority of them, are hereby empowered to receive, and take a Conveyance of the Land so to be by them purchased as aforesaid, with the money as aforesaid, and such further sum as may be required for that purpose, in Trust, for the use and purposes aforesaid, and with such succession and limitation of the said Trust as may be deemed expedient to secure the same in perpetuity, for the uses and purposes aforesaid. *Provided always* that nothing in this Act contained, shall extend, or be construed to extend, to allow the said Trustees, or their Successors in Office, or a majority of them, to hold for the use and accommodation of any one Congregation, a greater quantity of Land than Five Acres.

purchase of other lands for the use of the said Church.

May accept deed of such lands to be purchased, upon the Trusts to be therein declared.

No one Congregation to be allowed to hold more than five acres under this Act.

CHAP. XIX.

AN ACT to provide for a Commission of Lunacy and Idiocy, in the case of Peter Vanalstine.

[*Passed 20th March, 1829.*]

WHEREAS it hath been represented that Ursula M. Wharter, (formerly Ursula Vanalstine, and lately widow of the late Alexander Vanalstine, deceased,) Allan Vanalstine, Maria Vanalstine, and Peter Vanalstine, the three children of the late Alexander Vanalstine, mentioned in his last Will and Testament, are, by virtue of the said last Will and Testament of the said Alexander Vanalstine, jointly seised of certain Lands and Tenements in this Province, particularly in the Township of Marysburgh, in the Midland District; and that for the benefit of the said parties, it is desirable and necessary to sell the same, and that a fair and advantageous offer has been made for a certain Parcel or Tract thereof, containing

Preamble.

the Mills commonly called the Stone Mills, in the Township aforesaid. Also that the aforesaid Peter Vanalstine has been, from his infancy, so deficient in understanding as to be wholly incapable of transacting business for himself, and cannot therefore execute a valid Conveyance of his undivided share and interest in the Premises aforesaid, although it would be for his benefit and advantage that the same should be sold and alienated, and the monies arising therefrom secured for his use.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for any Judge or Judges of the District Court of the Midland District, or any District Court to be holden within the said District, to impanel Twelve Jurors of the Jury summoned to attend such District Court, to inquire whether the said Peter Vanalstine be Idiot or Lunatic, and their verdict in the premises then and there to minute and record on the proceedings of such Court, and the same to certify to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, under the hand and seal, or hands and seals of such Judge or Judges, countersigned by the Clerk of the said Court.

Judge of the District Court for the Midland District to inquire by a Jury whether Peter Vanalstine be an Idiot or Lunatic.

Proceedings to be certified to the Lieutenant Governor.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for such Judge or Judges as aforesaid, to swear each of the Jurors aforesaid, to be impanelled as aforesaid, well and truly to inquire whether the said Peter Vanalstine be Idiot or Lunatic, and if so, from what period of his life, and a true verdict to give according to the evidence; and also, to swear and examine upon oath, before such Jury, all witnesses produced before the said Court, which oaths the said Court is hereby authorized to administer; and that it shall and may be lawful for the said Court and Jury to require the presence, and inspect the person of the said Peter Vanalstine, should they desire so to do.

Jury and witnesses to be sworn.

The attendance of Peter Vanalstine may be required.

III. *And be it further enacted by the authority aforesaid*, That if any person or persons shall at any time forswear him, her, or themselves, before the said Court, upon the prosecution of the inquiry by this Act authorized to be made as aforesaid, he, she, or they shall incur, and be liable to the same penalties as would have been incurred, upon conviction

Punishment of false swearing.

tion, for wilful and corrupt perjury, in any evidence given in His Majesty's Court of King's Bench in this Province, in any case therein depending.

IV. *And be it further enacted by the authority aforesaid,* That if upon such inquiry so to be made as aforesaid, the said Peter Vanalstine shall be found an Idiot or Lunatic, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, from time to time, by an Instrument or Instruments, under his hand or seal of office, to appoint a committee of two or more persons to take charge of the Person, Lands, Tenements, Hereditaments, Goods, Chattels, and Effects whatsoever of the said Peter Vanalstine, and for such committee to bargain for the leasing or absolute sale of any of the lands, hereditaments, goods or chattels of the said Peter Vanalstine, and to execute all and every Leases, Deeds, and Conveyances necessary to Lease, or absolutely in fee simple to convey all or any of the Lands, Tenements, Hereditaments or Estates of the said Peter Vanalstine, or to transfer any of his Goods, Chattels or Personal Effects, and that every such Lease or Leases, and Deed or Deeds of conveyance in fee simple, of the premises aforesaid, or any part thereof, shall be good and valid in Law to all intents and purposes, as if actually executed by the said Peter Vanalstine in sound mind, memory and understanding.

If found to be an Idiot or Lunatic, a committee may be appointed.

Powers and duties of committee.

May sell or lease lands.

Transfer personal estate.

V. *And be it further enacted by the authority aforesaid,* That the said Committee for the time being, shall and may sell all and every, the Lands and Estates of the said Peter Vanalstine at such price or prices as they shall deem just, and that upon payment thereof to the said Committee for the time being, the purchaser or purchasers thereof shall be exonerated and forever discharged therefrom, and not be held or bound to answer for the application thereof.

Their receipts shall discharge purchasers.

VI. *And be it further enacted by the authority aforesaid,* That the said Committee shall forthwith, upon receipt of any monies arising from the sale of any of the Lands, Tenements, Goods or Effects of the said Peter Vanalstine, after deducting and retaining thereout all costs and charges necessarily and bona fide incurred in the Selling, Leasing, or otherwise disposing thereof or any part thereof, invest the same in Stock in the Bank of Upper Canada, or other approved Institution of a like kind, or loan the same upon approved real securities in this Province, or otherwise dispose of the same as shall be directed or required by the Governor, Lieutenant Governor, or person administering the Government of the Province, by any instrument or instruments under his hand, addressed to the said Committee for the time being.

How the committee shall dispose of any funds coming into their hands.

How the interest of any such funds shall be applied.

Disposition of monies remaining at the death of Peter Vanalstine in the hands of his committee.

Committee may be changed and vacancies supplied.

Powers and responsibility of the committee.

May be controlled by the Lieutenant Governor in the exercise of the Royal Prerogative.

A Public Act.

VII. *And be it further enacted by the authority aforesaid,* That the interest on, or the profits accruing from any monies to be vested or lent, as aforesaid, shall by the said Committee be received, and who, after deducting and retaining thereout all such charges and expences, as shall be necessarily and bona fide incurred in the collection and receipt thereof, shall apply the residue to the maintenance, comfort, support and use of the said Peter Vanalstine so long as he shall live; and that all and every of the said monies undisposed of at the death of the said Peter Vanalstine shall be distributed according to Law amongst the legal representatives of the said Peter Vanalstine.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to superintend, and from time to time change any such Committee, or to remove any member or members thereof, and appoint others in their place and stead.

IX. *And be it further enacted by the authority aforesaid,* That any such Committee shall enjoy all the powers and authorities, and be liable to the same responsibilities, under this Act, that Committees of Idiots or Lunatics, in England enjoy or are liable to, and that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province to exercise in regard to the said Peter Vanalstine, if found an Idiot or Lunatic, and as respects the said Committee or Committees, or as respects the Estate real or personal of the said Peter Vanalstine, the Royal Prerogative, in the and on the behalf of His Majesty, His Heirs and Successors, according to the Laws of England, as amply and as fully as shall be practicable by this Act, the Laws of the Province, and the nature of the case.

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

CHAP. XX.

AN ACT to provide for the erection of a Light House on Long Point, in Lake Erie.

[*Passed 20th March, 1829.*]

WHEREAS it would tend greatly to the safety and convenience of Navigation upon Lake Erie if a Light House were constructed upon Long Point, in the County of Norfolk, in the said Lake.

Preamble.
Necessity of a Light House on Long Point in Lake Erie.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, that it shall and may be lawful, immediately after the passing of this Act, for the Commissioners hereinafter named, to erect a good and sufficient Light House upon such part of Long Point, in Lake Erie, as they shall judge the most proper, and for procuring the necessary apparatus for lighting the same.

Commissioners to erect a Light House on Long Point.

II. *And be it further enacted by the authority aforesaid*, That Francis L. Walsh, Duncan McCall, and Thomas Cross, of Charlotteville, in the District of London, Esquires, be Commissioners for the purposes of this Act.

Commissioners named.

III. *And be it further enacted by the authority aforesaid*, That from and out of the rates and duties now raised, levied and collected, or which may hereafter be raised, levied and collected, and remaining in the hands of the Receiver General unappropriated, there be granted to His Majesty the sum of One Thousand Pounds, to enable His Majesty to defray the expense of erecting the said Light House and furnishing the same; and that such sum shall be paid by Warrant of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to be issued in favor of the aforesaid Commissioners, or any of them, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

£1000 granted for defraying the expense of Building and furnishing the Light House.

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

Commissioners to account.

And to report for the information of the Legislature.

No Contract shall be made for a sum exceeding £1000.

Tenders to be called for.

Sureties required.

Charge of Superintendent limited to 3 per cent.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall not in any Contract or Contracts, exceed the sum hereby granted for the erection and completion of the said Light House; and that Public Notice, by Advertisement, shall be given for the Tender of Contracts, accompanied with two good and sufficient sureties for the due performance of the same: *And further,* that the said Commissioners shall Contract with the person or persons who shall submit the lowest Tender or Tenders, with such two good and sufficient sureties. And also, that no further sum shall be allowed any Superintendent than three per Cent upon the amount expended, over and above his absolute and reasonable expenses.



CHAP. XXI.

AN ACT to provide for the completing the Light House on the False Ducks Island, and for the keeping and maintaining the same during the present year.

[Passed 20th March, 1829.]

WHEREAS a further sum of money is found to be necessary for completing and furnishing the Light House upon the False Ducks Islands, in Lake Ontario. 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

Preamble.

Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, that from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the Receiver General of this Province, unappropriated, there be granted to your Majesty the sum of Seven Hundred and Fifty Pounds; which sum of Seven Hundred and Fifty Pounds shall be applied in aid of the monies heretofore granted for erecting and furnishing the said Light House, and providing all necessary equipments and appendages to the same; and shall be paid by the Receiver General of this Province, to the Commissioners appointed for superintending the erection of the said Light House, or to any of them, in discharge of such warrant or warrants as may be issued for that purpose, by the Governor, Lieutenant Governor, or person administering the Government of this Province.

£750 granted in addition, for completing and equipping the Light House on the False Ducks Island.

How to be paid.

II. *And be it further enacted by the authority aforesaid,* That the monies granted by this Act, shall be accounted for to 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 accounted for.

III. *And whereas* it is necessary to make provision for the support of the said Light House during present year: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Collector of the Port of Kingston, to advance from and out of the monies now remaining in his hands, or which may come into his hands, for duties during the present year, such sum and sums of money as may be necessary for maintaining the Light in the said Light House during the present year, and for bearing the charge of a Keeper of the said Light House, and all expenses necessarily attending the same, which monies so advanced, shall be allowed him in his account with the Government.

Provision for support of the Light House during the present year.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed for superintending the erection of the said Light House, are hereby empowered and authorized to make all proper arrangements for maintaining and keeping the said Light during the present year; and to receive from the said Collector, and expend, such monies as may be required for that purpose; and that a detailed account of all monies expended by them under this Act; shall be by them transmitted on or before the first day of January next, to the Governor, Lieutenant Governor, or person administering the Government of this Province, to be laid before the Legislature at their next Session.

Commissioners to make the necessary arrangements.

And to render detailed accounts for the information of the Legislature.

CHAP. XXII.

AN ACT to make good certain Monies issued and advanced in pursuance of the Addresses of the Commons House of Assembly, at the last and present Sessions of Parliament.

[Passed 20th March, 1829.]

MOST GRACIOUS SOVERIGN,

Preamble.

WHEREAS in pursuance of an Address of your Commons House of Assembly, at its last Session, to His Excellency Sir Peregrine Maitland, then Lieutenant Governor of your Province of Upper Canada, the sum of Three Thousand, Three Hundred, and Seventy Eight Pounds, Eighteen Shillings, and Nine-pence Half-penny, has been issued and advanced by your Majesty, through your then Lieutenant Governor, to the Clerks, and other Officers of the Two Houses of Parliament, to enable them to pay the contingent expenses of the last Session of the Provincial Legislature. *And whereas*, in pursuance of an Address of your Commons House of Assembly at its present Session, to His Excellency Sir John Colborne, Lieutenant Governor of your said Province, the sum of Eight Hundred Pounds has been issued and advanced by your Majesty, through your Lieutenant Governor, to Marshall S. Bidwell, Esq. Speaker of said House of Assembly, to be placed at the order of said House, and to be employed towards discharging the contingent expenses of the said House during the present Session. May it therefore please your Majesty, that it may be enacted: *And be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, and unappropriated, their shall be issued and applied the sum of Four Thousand, One Hundred, and Seventy-eight Pounds, Eighteen Shillings and Nine-pence Half-penny, to make good the said sum of Three Thousand, Three Hundred and Seventy-eight Pounds,

£4178 81s. 94d.
granted to make good
certain monies ad-
vanced by His Excel-
lency in pursuance of
an Address.

Eighteen Shillings and Nine-pence Half-penny, and the said sum of Eight Hundred Pounds, which have been issued and advanced in pursuance of the aforesaid Addresses.

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

YORK, U. C.

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