

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1860, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

**Received and read, 1st time, Wednesday, 16th
May, 1860.**

Second reading, Wednesday, 16th May, 1860

HON. MR. GALT.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1860, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

MOST GRACIOUS SOVEREIGN :

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and sixty: May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

1. From and out the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two million five hundred and seventy thousand two hundred and two dollars, and thirty cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and sixty, and other purposes set forth in the Schedule to this Act.

2. It shall be lawful for the Governor in Council to authorize the raising, by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding one million dollars, to be placed to the credit of the said Consolidated Revenue Fund towards making good the sums charged upon the said Fund by this Act, for the Public Service.

3. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the sale of Provincial Stock, or the issuing of Debentures or both, to an amount not exceeding in the whole the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest not exceeding five per centum per annum, and the principal and interest thereon may be made payable at such periods and at such places, as to the Governor in Council shall seem most expedient, the said principal and interest being hereby made chargeable upon the said Consolidated Revenue Fund of this Province.

PREFACE.

The difficulty of ascertaining what the Practice of the Court of Equity now is in this Province, has induced me to offer to the Profession the following collection of the Rules of Court and Statutes relating thereto, in Pamphlet form. The extensive field of enquiry left open by the second Section of Sub-Chapter 1, of 17 Vic. c. 18, precludes my attempting an analysis; and I have therefore given the Rules in extenso, as made from time to time, together with the Acts of Assembly establishing the "Supreme Court in Equity," and regulating its Practice. I have also, for the convenience of reference, included portions of the repealed Acts of Assembly.

As the enactments of the 17th Vic. c. 18, were principally taken from, and are similar in terms to, the Imperial Statutes 15 and 16 Vic. c. 80, "The Master in Chancery abolition Act;" and 15 and 16 Vic. c. 86, "The improvement of Jurisdiction of Equity Act," I have added some decisions of the English Courts under these Statutes, and the consolidated Orders of 1860 where they have appeared to me to be applicable.

In reference to the construction of the 17th Vic. c. 18, by which a Judge may be called upon in any part of the Province where he may chance to be, to entertain or decide matters connected with suits in Court, I have ventured to note doubts entertained by some of the Profession.

I must express my full conviction to the opinion which seems to be gaining ground with the Profession, that the abolition of the Court of Chancery, transferring its jurisdiction to the Supreme Court, and fastening its duties upon the Common Law Judges, was not only a mistake, but inexpedient and prejudicial to the interests alike of suitors and the public at large, and not compatible with the increasing duties and labours of the Common Law Judges.

In 1841, when the Equity jurisdiction of the Court of Exchequer was transferred to the Court of Chancery in England, two additional Vice Chancellors were appointed, and since that time two more Equity Judges, Lords Justices, have been created.

I have included in this collection the Rules of the Supreme Court made since the publication in 1847 by Mr. Allen, now His Honor Mr. Justice Allen.

G. BOTSFORD.

Fredericton, November, 1865.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.		Total.	
	\$	cts.		cts.
<i>Civil Government.</i>				
Governor General's Secretary's Office	810	00		
Provincial Secretary's Office.....	13246	76		
Provincial Registrar's Office.....	4817	50		
Receiver General's Office.....	11125	00		
Finance Minister's Department	14100	90		
Do Customs Branch	11975	00		
Do Audit Branch.....	5400	00		
Executive Council Office.....	9244	00		
Department of Public Works	18075	10		
Bureau of Agriculture.....	6100	00		
Post Office Department	22580	00		
Crown Land do	40570	50		
Attorney and Solicitor General, East.....	2110	00		
Do West.....	3550	00		
Contingencies of Public Department.....	45000	00	208703	80
<i>Administration of Justice, East.</i>				
To meet the deficit of Law Fee Fund, L. C.....	10863	30		
Do additional Salaries, Vice Admiralty Court...	1111	14		
Do Contingent Expenses of the Administration of Justice in L. C., not otherwise provided for.	115400	00	127374	44
<i>Administration of Justice, West.</i>				
Salaries, Court of Chancery.....	4108	88		
Do Court of Queen's Bench and Common Pleas..	5060	00		
Salary, Clerk of the Surrogate Court.....	1600	00		
To meet the deficit of the Fee Fund, U. C.....	5566	32		
Do Contingent Expenses of the Administration of Justice, U. C., not otherwise provided for.	26700	00	43335	20
<i>Police.</i>				
Amount required to meet the expenses of the Water Police, Quebec, for the present year.....	3000	00		
Do For the expenses of the River Police, Mont- real, for 1860, \$11200, of which to be borne by the Harbour Commissioners \$3700, balance required.....	7500	00		
Do To meet the Pay and Contingencies of the Montreal Police Force, for December, 1859.	1000	00	11500	00
<i>Carried over</i>			390913	50

GENERAL RULES
OF THE
COURT OF CHANCERY.

8th JULY, 1826.

Clerks in Court.

WHEREAS the appointment of persons to be Clerks in the Court, who reside in different parts of the Province, and are remote from the place where the Sittings of the Court are held, has been the occasion of great inconvenience, and has exposed the records and papers of the Court to accident and loss; It is therefore ordered, That all the appointments heretofore made of persons as Clerks of this Court, be and the same are hereby revoked and vacated: And it is further Ordered, that the Register of this Court be the officer in lieu of the Clerks, to transact and file all proceedings by Bill and Answer, and to have the custody of all records, papers and proceedings relating to causes in equity, and to make and sign all office copies thereof, and to enroll the decrees of the Court, and to sign and seal all writs and processes on the Equity side of the Court, and to perform all other such like services which appertained to the office of Clerks of this Court.

29th JUNE, 1827.

Clerks in Court.

IT IS ORDERED, That all the former Clerks of this Court do forthwith deposit with the Register, all Bills, Answers, Pleas, Demurrers and other papers filed and remaining with them as such Clerks, in order to the same being filed gratis with the said Register, in furtherance of the order of this Court of the eighth day of July last.

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	160000	00	804898	63
Aid towards Superior Education Income Fund, Lower Canada.....	\$20000	00		
Do do Upper Canada...	20000	00	200000	00
<i>Distributed as follows: in 1859</i>				
Victoria College, Cobourg.....	\$5000	00		
Queen's College, Kingston.....	5000	00		
Regiopolis College, do.....	3000	00		
St. Michael's College, Toronto.....	2000	00		
Bytown College, Ottawa.....	1400	00		
Grammar School Fund, Upper Canada.....	3200	00		
L'Assomption College, Sandwich.....	400	00		
	\$20000	00		
<i>Literary and Scientific Institutions.</i>				
Aid to Medical Faculty, McGill College, Montreal...	1000	00		
Do do Victoria College.....	1000	00		
Do School of Medicine, Montreal.....	1000	00		
Do do Kingston.....	1000	00		
Do do Toronto.....	1000	00		
Do Canadian Institute, do.....	1000	00		
Do Natural History Society, Montreal.....	1000	00		
Do Historical Society, Quebec.....	1000	00		
Do Canadian Institute, Ottawa.....	400	00		
Do Athenæum do.....	400	00		
Observatory, Quebec, to defray expenses of.....	2400	00		
Do to enable Director to proceed to the coast of Labrador to observe Eclipse of the Sun.....	500	00		
Observatory, Toronto, to defray expenses of.....	4800	00		
Do Kingston, do.....	500	00		
Do Isle Jesus, do.....	500	00		
Do do for purchase of instruments..	500	00	18000	00
<i>Hospitals and Charities.</i>				
Aid to the Toronto Hospital.....	8000	00		
Do do for County Patients.....	6000	00		
Do Toronto House of Industry.....	2800	00		
Do Protestant Orphans' Home and Female aid So- ciety, Toronto.....	800	00		
Do Roman Catholic Orphan Asylum, Toronto.....	800	00		
Do Lying-in-Hospital, Toronto.....	600	00		
Do Deaf and Dumb Institution, Toronto.....	1000	00		
Do Public Nursery for Children of the Poor, Toronto.	400	00		
Do House of Providence, Toronto.....	400	00		
<i>Carried over</i>	20800	00	1022898	63

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	20800	00	1022898	63
<i>Hospitals and Charities.—Continued.</i>				
Aid to Marine and Emigrant Hospital, Quebec,.....	6000	00		
Do Indigent Sick at Quebec,.....	4000	00		
Do Asylum of the Good Shepherd, Quebec,.....	600	00		
Do Hospice de la Maternité, do.....	600	00		
Do Roman Catholic Orphan Asylum, do.....	600	00		
Do Managers of Protestant Female Orphan Asylum, Quebec,.....	400	00		
Do Finlay Asylum, Quebec.....	400	00		
Do Male Orphan Asylum, Quebec,.....	400	00		
Do Destitute Emigrant Institution, Quebec,.....	400	00		
Do Protestant Orphan Asylum, do.....	400	00		
Do Canada Military Asylum for Widows and Orphans, Quebec,.....	200	00		
Do Indigent Sick, Montreal,.....	4000	00		
Do Corporation of General Hospital, Montreal,.....	5000	00		
Do St. Patrick's Hospital, Montreal,.....	2000	00		
Do Sœurs de la Providence, do.....	1400	00		
Do General Hospital des Sœurs de la Charité, Montreal,.....	1000	00		
Do Bonaventure Street Asylum, Montreal,.....	1000	00		
Do St. Patrick's Roman Catholic Orphan Asylum, Montreal,.....	800	00		
Do Protestant Orphan Asylum, Montreal,.....	800	00		
Do House of Refuge, Montreal,.....	600	00		
Do University Lying-in Hospital, Montreal,.....	600	00		
Do Lying-in Hospital under care of Sœurs de la Miséricorde, Montreal,.....	600	00		
Do Deaf and Dumb Institution, Montreal,.....	1000	00		
Do Ladies Benevolent Society for Widows and Orphans, Montreal,.....	400	00		
Do Charitable Association of the Ladies of the Roman Catholic Asylum, Montreal,.....	400	00		
Do Magdalen Asylum, (L. of Bon Pasteur,) Montreal,.....	400	00		
Do Eye and Ear Institution, Montreal,.....	400	00		
Do Montreal Dispensary.....	400	00		
Do Montreal Home and School of Industry,.....	400	00		
Do Kingston General Hospital.....	6000	00		
Do Indigent sick at Kingston.....	3000	00		
Do Hôtel-Dieu Hospital, do.....	1000	00		
Do Orphan Asylum, do.....	800	00		
Do Hamilton Hospital.....	6000	00		
Do Orphan Asylum, Hamilton,.....	800	00		
Do Roman Catholic, do do.....	800	00		
Do Indigent sick, Three-Rivers.....	2800	00		
Do London Hospital.....	3000	00		
Do Protestant Hospital at Ottawa.....	1500	00		
Do R. C., do do.....	1500	00		
Do St. Hyacinthe Hospital.....	400	00		
<i>Carried over</i>	83600	00	1022898	63

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	83000	00	1022598	63
<i>Hospitals and Charities—Continued.</i>				
Aid to Lunatic Asylum, Toronto, for 1860.....	70000	00		
Do do Malden, for 1860.....	23050	00		
Do Lunatic Asylum, Malden, to meet balance of Expenditure, for 1859.....	14306	94		
Do Beauport do Quebec.....	60000	00	250906	94
<i>Militia and Enrolled Force.</i>				
Salaries of two Deputy Adjutants General U. and L. C., at \$2240, each.....	\$4480	00		
Salary of Chief Clerk and Accountant.....	1800	00		
Salaries of two Clerks, at \$1200, each.....	2400	00		
Do three do at \$1000, each.....	3000	00		
Do House Keeper and Messenger... ..	500	00		
	12180	00		
Salaries of two Inspecting Field Officers, U. and L. C., at \$1600, each.....	3200	00		
Do 8 Storekeepers of Armouries, at \$300 each..	2400	00		
Care of Arms, rent of Armouries, Drill Rooms, Gun Sheds and Magazines, and pay of Storemen and Care-takers of Armouries of the Active Force..	5000	00		
Fuel for established Armouries and harness rooms throughout the Province during Winter.....	500	00		
Maintenance and Drill of the Active Volunteer Force:				
10 Troops of Cavalry, 6 days drill for 30 men per Troop, including pay of Drill In- structors.....	\$ 1890	00		
7 Field Batteries, 12 days drill for 70 men, and 36 horses per Battery, including pay of Sergeant Majors	10304	00		
50 Foot Artillery and Rifle Corps, 6 days drill for 30 men per Corps, including the pay of the Drill Instructors	9450	00		
	21641	00		
Contingent Expenses for Postages, Stationery, Printing, Ammunition for Field Batteries, repairs of Arms and Accoutrements, Transport of Arms and Stores, travelling expenses of Inspecting Field Officers and all other expenses incidental to the Active Force.....	8000	00		
Salary of Provincial Aid-de-Camp	1840	00		
Compensation to Pensioners in lieu of land.....	12410	00		
For the purchase of 4000 new great coats, at \$3 each.	12000	00		
To assist in providing new clothing for Volunteer Force.	12260	00		
For Musketry Instruction.....	2500	00		
Extraordinary Expenses of the Militia in connection with the visit of H. R. H. The Prince of Wales.	12500	00	106734	00
<i>Carried over</i>			1380539	57

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1380539	57
<i>Arts, Agriculture and Statistics.</i>				
Aid to the Board of Arts and Manufactures, Upper and Lower Canada, \$2000 each	4000	00		
Towards the holding of a Great Exhibition of the Products of Canadian Industry in 1860.	20000	00	24000	00
<i>Agricultural Societies.</i>				
Aid to Board of Agriculture, Upper and Lower Canada, at \$4000 each.....			8000	00
<i>Emigration</i>				
Aid towards Emigration Expenses for the present year.....			10000	00
<i>Pensions.</i>				
William Ginger, as late Sergeant at Arms to the Legislative Council, Lower Canada.....	\$266	66		
Samuel Waller, as late Clerk of Committees, to do do	400	00		
John Bright, as late Messenger of do.....	80	00		
Louis Gagné, do Legislative Assembly, do do.....	72	00	816	66
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly.....	\$1600	00		
Mrs. Widow Antrobus	800	00		
Mrs. Widow McCormick	400	00		
Pierre Bouchard, for wounds received in the Public Service	100	00		
Jacques Brien, do do.....	80	00	2980	00
<i>Indian Annuities.</i>				
New Indian Annuities.....	4100	00		
Aid to Indians, Lower Canada, in addition to the Parliamentary Grant under Act 14 & 15 Vic., Cap. 106	400	00	4800	00
<i>Roads and Bridges.</i>				
Colonisation Roads, U. C.....	12500	00		
Do L. C.....	12500	00	25000	00
<i>Ocean and River Steam Service.</i>				
Tug Service, between Montreal and Kingston.....			24000	00
<i>Carried over</i>			1480136	23

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1480136	23
<i>Light-houses and Coast Service.</i>				
Salaries of two Keepers of Depots for provisions at Anticosti, for the relief of Ship-wrecked persons for 1860, at \$200 each.....	400	00		
Do do for half year ended 31st December, 1859.....	200	00	600	00
For providing provisions for such Depots.....			1400	00
Allowance to Pierre Brochu, for residing at Lake Mèrapiac, on the Kempt Road, to assist travellers thereon.....	100	00		
Do to Marcel Brochu, do at Petit Lac, do.	100	00		
Do to Jonathan Noble, do at La Fourche, do.	100	00		
Do to Thomas Evans, do at Assametquagan, do.	100	00	400	00
Proportion of the expenses of keeping up Light-houses, on Isles of St. Paul and Scatterie, in the Gulf.....			3000	00
<i>Fisheries.</i>				
Expenses of protecting the Fisheries, in the Gulf.....	5000	00	5000	00
<i>Miscellaneous Items.</i>				
For subscription to, and advertising in the Official Gazette.....	5000	00		
For miscellaneous printing.....	5000	00		
To pay claims arising out of boundary line as determined by Ashburton Treaty.....	2400	00		
For expenses of Speaker of Legislative Assembly, on his visit to England.....	2000	00		
To meet miscellaneous petty expenses of the Public Service.....	6000	00		
Expenses of Commissioners appointed to enquire into matters connected with the Public Service, under Act 9 Vict., Cap. 38.....	6000	00		
Towards expenses of Indian Department.....	3000	00	29400	00
To make good various incidental expenses incurred during the year 1859, as detailed in Statement, No. 57, part 2nd of the Public Accounts, laid before the Legislature.....			1519936	23
			281122	07
Total.....		\$	1801058	30

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
DEPARTMENT OF PUBLIC WORKS.		
<i>Welland Canal.</i>		
Continuation of Contract for deepening to Lake Erie level and constructing Guard Lock at Thorold and to cover Balance of expenditure in excess of last year's Estimate.....	90000	00
Raising Piers at Ports Colborne and Maitland, and facing and Strengthening Banks of Canal.....	12500	00
<i>St. Lawrence Navigation.</i>		
For nine pairs of new Lock Gates partly under contract; stone and materials for protecting Banks: construction of Head Gates for supply of water power: Breakwater off Grosse Point: completing Pier, Booms and Basin Store for Canal property, Lock Keepers Houses and towards deepening and enlarging rock cut at Lachine and St. Gabriel basin.....	110000	00
<i>Chambly Canal.</i>		
By Wash at Woods Creek.....	4000	00
<i>St. Ours Lock and Dam.</i>		
Building protection Wall.....	2800	00
<i>Ordnance Canals.</i>		
Rebuilding Lock at Lower Brewers—Building Bridge at New Boro. Taking down and rebuilding Lock No. 1. Carillon and Grenville.....	9025	00
<i>Union Suspension Bridge.</i>		
Reconstructing Roadway.....	3500	00
<i>Ottawa Survey.</i>		
To close final accounts of three surveying parties under Messrs. Clark, Gallwey and Perry, and balance due Mr. Clark on completing Report.....	12,850	
To cover Balance due since 1857 on Mr. Shanly's Report.....	2,150	00

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
<i>Ottawa Works.</i>		
For construction of Boom at the Chenaux Rapides.....	4500	00
<i>Inland Lake and River Lights.</i>		
Houses for Keepers at Cole's Shoal, Lindoe Island, Point Peter, Burnt Island, and Port Maitland. Rebuilding and securing works at Spectacle Shoal, Point Peter, Pelee Island, Gull Island, and Port Maitland, and constructing Light Houses at Michipicoten Island and Thunder Bay, and balance due on Light-Houses, Lake Huron.....	20765	00
<i>Light Houses, Lower St. Lawrence.</i>		
Towards erection of two first class Lights and second class Lights at Brandy Pots, Pilgrims, Island of Kamouraska, Bellechasse, and Father Point.....	40000	00
<i>Burlington Bay Canal.</i>		
Balance to cover cost of reconstruction of Piers.....	15447	00
<i>Tug service, Lower St. Lawrence.</i>		
To cover advance to Contractor on transfer of Steamers in August last.....	60,000	
Do. payment to discharge mortgage on Vessels..	93,544	
	153544	00
To cover performance of service of Trinity House. Taking up and laying down Buoys, and supplying the Light Houses in Gulf and River St. Lawrence. Postal service to Lower Ports. Protection of Fisheries and services connected with the new Light Houses proposed to be erected.....	40000	00
<i>Trent Works.</i>		
Securing Dam.....	1000	00
<i>Roads.</i>		
Metapedia, North and South.....	12,000	
Matane and Cap Chats.....	4,000	
Grande Baie and St. Agnes.....	2,000	
	18000	00

SCHEDULE—Continued.

SERVICES.	AMOUNT.	
	\$	cts.
<i>Toronto Mechanics Institute.</i>		
Completing Building under Contract of 1854	13863	00
<i>Public Buildings.</i>		
Rents and Repairs thereof and charges connected with maintenance and protection of Public Property.....	45000	00
<i>Parliamentary Buildings Quebec.</i>		
Additions thereto.....	5000	00
<i>Governor General's Residence.</i>		
Required in consequence of burning of Spencer Wood..	10000	00
<i>Beauharnois Canal.</i>		
To meet awards in respect of damages.....	20000	00
<i>District of Algoma.</i>		
Erection of Buildings in new judicial District of Algoma.	4000	00
<i>Arbitrations and Awards.</i>		
Surveys and Inspections: and to make good damages occasioned by Public Works, and towards keeping up and repairs of existing works.....	30000	00
<i>St. Lawrence Navigation.</i>		
To meet interest and expenditure in improving Navigation, by deepening Ship Channel between Quebec and Montreal, and for the completion of this Work...	64000	00
<i>Communication with Red River.</i>		
Aid towards opening communication with Red River, and for conveyance of Mails.....	20000	00
	751944	00

SCHEDULE—Continued.

S E R V I C E.	A M O U N T.	
	\$	cts.
To George Benjamin, Esquire, for Supervision of Public Printing and Contracts for 1859... \$2000 00		
Printing Patents of Bureau of Agriculture... \$1200 00		
Red River communications—		
To close final accounts for Red River Expe- dition,..... \$14000 00	17200	00
	\$ 769144	00