



STATUTES

OF

HIS MAJESTY'S PROVINCE

OF

UPPER CANADA.

PASSED IN

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



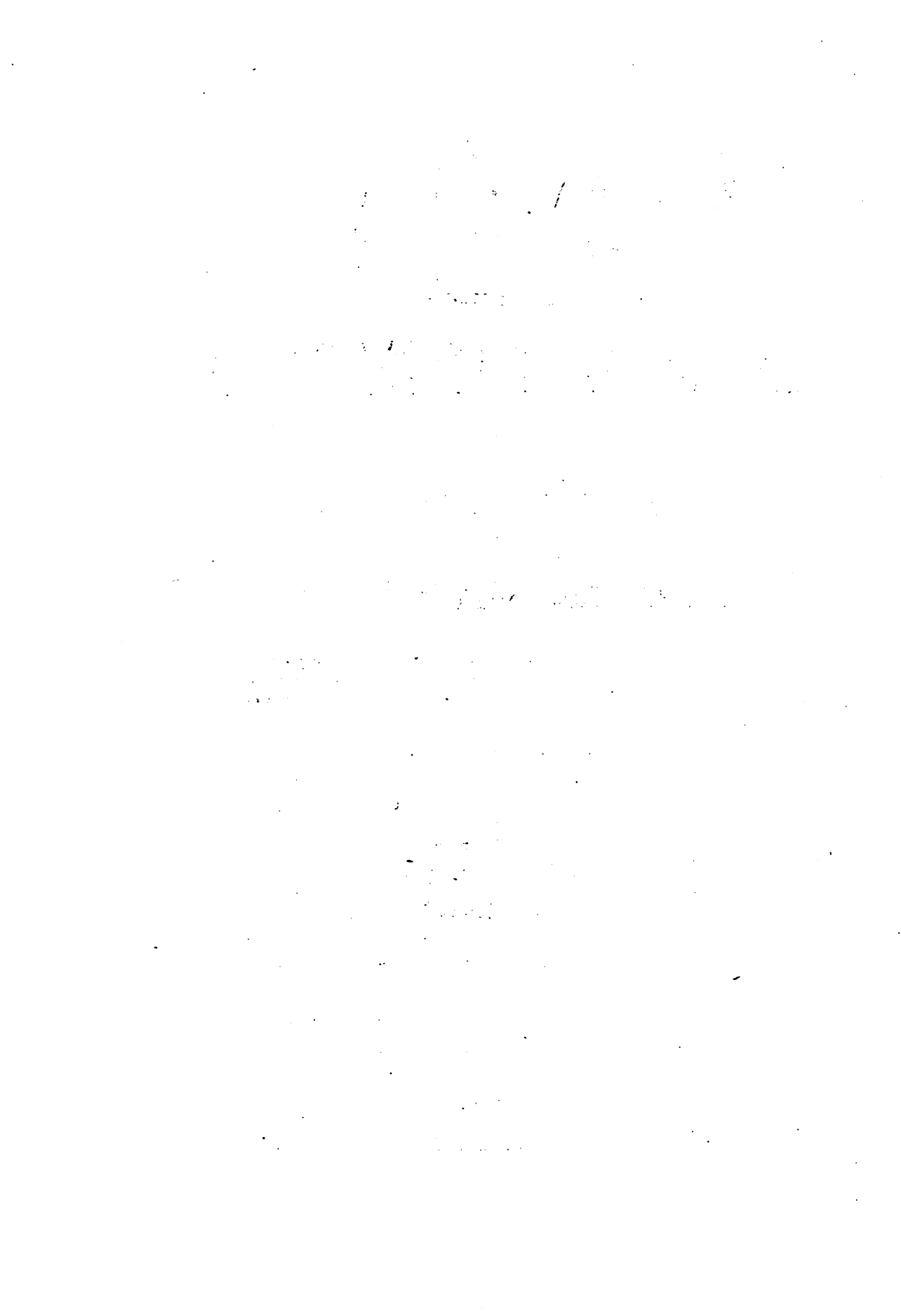
By Authority.

SIR PEREGRINE MAITLAND, K. C. B.

LIEUTENANT GOVERNOR.

York U. C.

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STATUTES

OF

Upper Canada;

PASSED IN THE THIRD SESSION OF THE NINTH PROVINCIAL PARLIAMENT.

MET AT YORK ON THE FIFTH DAY OF DECEMBER 1826, AND PROROGUED ON THE SEVENTEENTH DAY OF FEBRUARY IN THE EIGHTH YEAR OF THE REIGN OF GEORGE IV.

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

ANNO DOMINI 1827.



CHAP. I.

An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.

[Passed 17th Feb'y. 1827.]

WHEREAS, His Majesty has been most graciously pleased to direct Preamble measures to be immediately taken, under the superintendence of the proper Military Department, for constructing a Canal uniting the waters of Lake Ontario with the River Ottawa, and affording a convenient Navigation for the Transport of Naval and Military Stores; and whereas, such a Canal, when completed, will tend most essentially to the security of this Province, by facilitating measures for its defence, and will also greatly promote its Agricultural and Commercial Interests; and it is therefore expedient to provide by Law any necessary facility towards the prosecution of so desirable a Work.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Que-

bec, in North America; and to make further provision for the Government of the said Province," and by the authority of the same, That the Officer employed by His Majesty to superintend the said Work, shall have full power and authority to explore the Country lying between Lake Ontario or the waters leading therefrom, and the River Ottawa, and to enter into and upon the Lands or Grounds of, or belonging to, any person or persons, bodies politic or corporate, and to Survey and take Levels of the same or any part thereof, and set out and ascertain such parts thereof as he shall think necessary and proper for making the said Canal, Locks, Aqueducts, Tunnels, and all such other Improvements, matters, and conveniencies, as he shall think proper and necessary for making, effecting, preserving, improving, completing, and using in the said Navigation; and also, to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug or got in the making of the said Canal, Locks, Tunnels, Aqueducts, or other Improvements, or out of any Lands or Grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said Canal, or other the said Works or Improvements, or which may obstruct the making or maintaing the same; and also, to make, build, erect, and set up, in and upon the said Canal, or upon the Lands adjoining or near to the same, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Wears, Pens for water, Tanks, Reservoirs, Drains, Wharves, Quays, Landing Places, and other Works, Ways, Roads, and Conveniences, as the Officer aforesaid shall think requisite and convenient for the purposes of the said Navigation; and also, from time to time to alter the route of the said Canal, and to amend, repair, widen, or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying Goods, Commodities, Timber, and other things, to and from the said Canal, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening, or enlarging the works of, and belonging to, the said Navigation; and also, place, lay, work, and manufacture the said materials on the grounds near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done, and to build and construct the several Locks, Bridges, Works, and Erections, belonging thereto; and also, to make, maintain, repair, and alter any fences or passages over, under or through the said Canal, or the Reservoirs and Tunnels, Aqueducts, Passages, Gutters, Water Courses, and Sluices respectively, which shall communicate therewith; and also, to make, set up, and appoint Drawing Boats, Barges, Vessels, or Rafts, passing in, through, along, or upon the said Canal, as the Officer aforesaid shall think convenient, and to construct, erect, and keep in repair, any Piers, Arches, or other Works, in, upon, and across any Rivers or Brooks, for making, using, maintaining, and repairing the said Canal, and the Towing Paths on the sides thereof; and also, to construct, make,

Authority given to explore the route for the proposed Rideau Canal.

To ascertain what lands it may be necessary to occupy.

To carry away earth, stone, &c.

To erect Bridges, &c.

To alter the route of the Canal if necessary.

and do all other matters and things which he shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Canal, in pursuance and within the true meaning of this Act, doing as little damage as may be in the execution of the several powers to him hereby granted.

General powers to do what may be necessary for making and preserving the Canal.

II. *And be it further enacted by the authority aforesaid,* That after any Lands or Grounds shall be set out and ascertained to be necessary for making and completing the said Canal, and other purposes and conveniences herein before mentioned, the Officer aforesaid is hereby empowered to contract, compound, compromise, and agree with all bodies politic, communities, corporations, aggregate or sole, guardians, and all other person or persons for themselves, or as Trustees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those whom they represent, whether infants, lunatics, ideots, femmes covert, or other person or persons who shall occupy, be possessed of, or interested in, any Lands or Grounds which shall be set out, or ascertained as aforesaid, for the absolute surrender to His Majesty, His Heirs and Successors of so much of the said Land as shall be required, or for the damages which he, she, or they may reasonably claim in consequence of the said intended Canal, Locks, Towing Paths, Rail-ways, and other Constructions and Erections, being cut and constructed in and upon his, her, or their respective Lands, and that all such contracts, agreements, and surrenders, shall be valid and effectual in Law, to all intents and purposes whatsoever, any Law, Statute, or Usage, to the contrary notwithstanding.

Officersuperintending may contract for the surrender to His Majesty of any lands required

How the lands of femmes covert, infants, &c. may be transferred.

Composition may be made by contract for damages.

III. *And be it further enacted by the authority aforesaid,* That such parts and portions of Land or Lands, covered with Water, as may be so ascertained and set out by the Officer employed by His Majesty as necessary to be occupied for the purposes of the said Canal; and also, such parts and portions as may, upon any alteration or deviation from the line originally laid out for the said Canal, be ascertained and set out as necessary for the purposes thereof, shall be forever thereafter vested in His Majesty, His Heirs and Successors.

Lands ascertained and set out as required for the Canal to be vested in His Majesty.

IV. *And be it further enacted by the authority aforesaid,* That if before the completion of the Canal through the Lands of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages according to this Act, the Officer superintending the said Work shall, at any time after the completion of such portion of the Canal, upon the notice or request, in writing, of the Proprietor of such Lands, or his Agent legally authorized, appoint an Arbitrator, who at a day to be named in such notice, shall attend upon the Premises in question, to meet the Arbitrator to be appointed by such Claimant, and such two Arbitrators shall and may, before proceeding to consider the claim, appoint a third Arbitrator; which three Arbitrators, being

Arbitration.

If recompense not made by voluntary agreement for lands taken, or for damages done, an arbitration may be had.

Three Arbitrators

first sworn by some one of His Majesty's Justices of the Peace then there present, to give a just and true Award upon the claim submitted to them, shall, upon the statements of the Parties, and view of the Premises, and upon the testimony of Witnesses to be examined upon Oath or Affirmation, if either Party shall require it, (which Oath or Affirmation any one of the said Arbitrators is hereby authorized to Administer), make their Award in writing under their hands, of the amount of damages to be paid to such Claimant.

Evidence.

Award.

V. And be it further enacted by the authority aforesaid, That if either the Officer superintending the said Work, or the Party claiming damages as aforesaid, shall decline to abide by any such Award, such refusal shall be declared in writing within ten days after such Award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the Party refusing to abide by such Award.

If either party dissatisfied with the award a Jury may be summoned.

Expense how to be defrayed.

VI. And be it further enacted by the authority aforesaid, That in all cases in which Awards shall be made, to which either Party shall refuse to conform as aforesaid, it shall and may be lawful for the Party dissenting from such Award, to serve on the other Party a notice in writing, appointing a day, not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation according to this Act, assessed in the manner hereinafter provided; and that the Party giving such notice shall also specify some day therein, which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the Office of the Sheriff of the District in which the Lands lie, for the purpose of striking a Jury to assess the damages so claimed as aforesaid.

Notice of requiring an assessment by a Jury.

30 days.

Jury to be struck at Sheriff's Office.

VII. And be it further enacted by the authority aforesaid, That on the day so appointed as last aforesaid, the Parties, their Attornies or Agents, shall attend at the Sheriff's office, and that the Sheriff shall at the hour of one o'clock in the afternoon proceed in the presence of the Parties, or such of them their Attorney or Agent as may be present, to select the names of forty one persons from among those qualified to serve on special juries, and in the manner directed by law for selecting special juries, and that the names of such forty one persons so drawn being fairly written out by such Sheriff, each Party, or his Attorney or Agent attending for that purpose shall alternately strike off one, that Party beginning at whose instance such jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a jury for assessing the damages to be paid to such claimant as aforesaid. *Provided always,* That in case either Party shall omit to attend personally or by Agent at the

Jury of whom composed, and how selected.

Seven Jurors to be summoned.

time appointed, the Sheriff or his Deputy shall strike in behalf of such person not attending.

VIII. *And be it further enacted by the authority aforesaid,* That the seven persons so struck to serve as aforesaid shall be summoned by the Sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than ten days notice of such attendance, and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order in which they shall stand upon the original list the oath following, that is to say.—“I A. B. do swear that I will well and truly assess the damages upon the claim of C. D. according to the Act in that behalf,” and thereupon the said jury having viewed the premises and received the testimony upon oath, or affirmation, of such witnesses as shall be brought before them, (which oath or affirmation the said Sheriff or his Deputy is hereby authorized to administer) shall deliver their verdict by the opinion of the majority of such jury, of the amount of damages to be paid to such claimant.

Sheriff to attend with Jury on the premises, and take verdict.

Five Jurors to be sworn to try.

Verdict to be by the majority.

IX. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any individual to compensation for property taken, or for damage done under the authority of this Act, the arbitrators or jury assessing such damages shall take into their consideration the benefit likely to accrue to such individual from the construction of the said Canal by its enhancing the value of his property or producing other advantages: *Provided always nevertheless,* That it shall not be competent to any Arbitrators or Jury to direct any individual claiming as aforesaid to pay a Sum in consideration of such advantages, over and above the amount at which the damages of such individual shall be estimated.

In estimating compensation, the advantages of the Canal are to be considered.

Restriction.

X. *And be it further enacted by the authority aforesaid,* That the Party desiring such Jury to be summoned, shall pay to the Sheriff for striking and summoning the same, and for attending and taking the verdict, the Sum of Five Pounds, and to each Jurymen attending in pursuance of such Summons, the Sum of Fifteen Shillings.

Charges of Sheriff and Jury.

By whom paid.

XI. *And be it further enacted by the authority aforesaid,* That when it shall appear necessary to cut into any Highway, in order to conduct the said Canal through the same, the Officer aforesaid shall, within one month, cause to be constructed a secure, sufficient, and commodious Bridge, for the passing of Carriages, in order to re-establish the communication between the several parts of such Highways.

Bridges to be built across highways intersected.

XII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break down, damage, or destroy, any Bank, Lock, Gate, Sluice, or any Works, Machine, or De-

Punishment of malicious mischief to the Canal or other works, &c.

vice, to be erected or made by virtue of this Act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, or maintaining the said Canal, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Obstructions in the Canal how to be removed.

XIII. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber upon the said Canal, or shall suffer the overloading of any boat or vessel, or raft, navigating in or upon the said Canal so as by such overloading the same to obstruct the passage of any other boat, vessel, or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid remove the same so as to make a free passage for other boats vessels or rafts, every such owner or person floating such timber or having the care of such boat, vessel, or raft, so obstructing the passage as aforesaid shall forfeit and pay for every such offence the sum of five pounds, and if any person shall throw any ballast, gravel, stones or rubbish, into any part of the said Canal or locks, every such person shall, for every such offence forfeit a sum not exceeding Five pounds.

Punishment for obstructing the navigation of the Canal.

For throwing rubbish, &c. into the Canal.

How Boats or Rafts, placed so as to obstruct the navigation of the Canal, are to be removed.

XIV. *And be it further enacted by the authority aforesaid,* That if any boat vessel or raft, shall be placed in any part of the said Canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel or raft shall not immediately, upon the request of any of the persons employed by the officer in charge, made for that purpose, remove the same, he shall for every such offence forfeit a penalty of Ten Shillings for every hour such obstruction shall continue, and it shall be lawful for the agents, Toll-gatherers or others employed by the officer in charge, to cause any such boat, vessel or raft, to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel or raft, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal are paid, and if any boat or vessel, shall be sunk in the said Canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not without loss of time weigh or draw up the same, it shall be lawful for the agents Toll-gatherers or other persons, employed by His Majesty to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Boat and cargo may be detained until the expense paid.

Boats or vessels sunk in the Canal, may be drawn up by the Officer, &c. in charge, and detained until the charge paid.

Permission to use the Canal for certain purposes, without paying toll.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any Lands adjoining to the said Canal, to use any boats thereon for the purpose of husbandry, or for conveying cattle from one farm or part of a farm or lands, to any other farm or lands of the same owner or occupier (not pas-

sing through any lock without the consent of the officer or person in charge for the time being) without interruption, and without paying any rate or duty for the same so as the same be not made use of for the carriage of any goods wares or merchandise to Market or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said Canal or the towing paths thereof.

Restriction as to the Locks.

Exception.

XVI. And whereas it may hereafter happen from floods or from unexpected accident that wears, flood gates, dams, banks, reservoirs, trenches, or other works of the said navigation may be damaged or destroyed and the adjacent lands or the property thereon thereby damaged and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further damages, *Be it further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for any person or persons employed by His Majesty from time to time without any delay or interruption from any person or persons whomsoever to enter into any lands grounds or hereditaments adjoining or near to the said Canal or branches reservoirs or trenches or any of them (not being an orchard garden or yard) and to dig for, work, get and carry away, and use all such stones, gravel and other materials, as may be necessary or proper for the purposes aforesaid without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners of, or other persons interested in such lands, grounds property or hereditaments within the space of Six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials or any of them, which damages and the satisfaction and recompence in respect thereof shall be settled, adjusted, ascertained and determined, by the ways and means hereinbefore described, with respect to the other damage done by the making and completing the said navigation.

Power given in case of accidents to the Canal, to enter on adjacent lands, and take materials for repairs, &c.

Compensation to the owners of lands in such cases.

How to be adjusted.

XVII. *And be it further enacted by the authority aforesaid,* That the officer employed by His Majesty shall and may in such parts of the said Canal as shall not be of sufficient breadth for admitting a boat, vessel or raft, to turn about or lie, or for two boats, or other boats, vessels, or rafts to pass each other, to open or cut proper spaces or places in the lands adjoining to the said Canal at convenient distances from each other, for the turning, lying and passing of any such boat, vessel, or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the

Spaces may be made for boats to lie, or turn in.

Regulations may be made for Boats passing each other, &c.

said Canal, shall upon meeting any other boat or vessel stop at or go back to and lie in the said places or spaces in such manner as shall be publicly notified by the officer in charge of such Canal.

Tonnage of boats how to be ascertained.

XVIII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel, navigating upon the said Canal, *Be it further enacted by the authority aforesaid*, That the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or vessel, to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of forty shillings, and it shall be lawful for the toll gatherer, or such other person or persons as shall be appointed for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed on behalf of His Majesty shall have alone the power of ascertaining such tonnage.

Roads to be used for conveying Goods to and from the Canal.

All persons may use the Canal and towing paths.

Paying toll, and other dues.

XIX. *And be it further enacted by the authority aforesaid*, That all persons whatsoever shall have free liberty to use with Horses, Cattle and Carriages, the roads and ways to be made as aforesaid, (except the towing paths) for the purpose of conveying any goods, wares, merchandize, timber, and commodities, whatsoever, to and from the said Canal, and also to navigate on the said Canal with any boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber, and commodities, and also to use the said towing paths with horses for drawing and hawling such boats and vessels, upon payment of such rates and dues as shall be established by His Majesty.

How payment of tolls may be enforced.

XX. *And be it further enacted by the authority aforesaid*, That in case of refusal or neglect of payment of any such rates or dues as may be imposed by His Majesty for passing along the said Canal or of any part thereof on demand, to the person or persons appointed to receive the same, such person may in his own name sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid, may and he is and they are hereby authorized and empowered to seize and detain such boat, vessel, barge, or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Offences against this Act, how to be punished.

XXI. *And be it further enacted by the authority aforesaid*, That all penalties and forfeitures for offences against this Act or against any rule, order, or bye-law of the said Officer to be made in pursuance thereof,

shall, upon proof of the offences respectively before any two Justices of the Peace for the District in which such offence has been committed, either by confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such Justices, and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner or owners of such goods and chattels, and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the Common Gaol of such District, there to remain, without bail or mainprize, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same shall be sooner paid and satisfied.

Fines levied.

Imprisonment.

XXII. *And be it further enacted by the authority aforesaid,* That all Penalties imposed by this Act, when levied and satisfied in manner aforesaid, shall be paid to the said Officer, to be by him transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

Penalties appropriated.

XXIII. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities given by this Act to His Majesty, or to the Officer to be employed by His Majesty in superintending the construction of the said Canal, or to the Officer at any time hereafter in charge thereof, shall extend so far as may be required for the purposes of this Act, to all and every the persons employed or to be employed in the execution of any matter authorized to be done by this Act.

Powers extended to all persons employed by His Majesty.

XXIV. *And be it further enacted by the authority aforesaid,* That all and every the powers, authorities and privileges by this Act given, relating in any manner to the Canal intended to be made as aforesaid, shall extend and apply to that part of the Navigation to be made or improved, which shall lie along the Lakes or Rivers, as well as to such parts as shall require to be wholly made and excavated through Lands affording now no natural Channel.

To extend also to the improvements of the lakes and rivers along the course of the Canal.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Officers or persons employed by His Majesty, in case His Majesty shall desire to improve the Navigation of the Rivers Tay and Goodwood, which empty their waters into the River Rideau, to enter into or upon the Lands or Grounds of, or belonging to, any person or persons on the borders of the said Rivers Tay and Goodwood,

Navigation of Rivers Tay and Goodwood may be improved under the powers given by this Act, if His Majesty shall see fit.

in the same manner and for the like purposes, and subject to the same conditions as His Majesty is by this Act authorized to do with respect to the Lands bordering on the River Rideau.

XXVI. *And be it further enacted by the authority aforesaid,* That if any
 Protection in case of
 actions brought. Plaintiff shall be brought or commenced against any person or persons
 for any thing done or to be done in pursuance of this Act, or in execu-
 tion of the powers and authorities, or the orders and directions herein-
 before given or granted, every such suit shall be brought or commenced
 Limitation of suit to
 six months. within six Calendar months next after the fact committed, or in case
 there shall be a continuation of damages, then within six Calendar months
 next after the doing or committing of such damages shall cease, and
 not afterwards; and the Defendant or Defendants in such action or suit,
 shall and may plead the General Issue, and give this Act and the special
 matter in evidence at any trial to be had thereon, and that the same
 was done in pursuance and by the authority of this Act, and if it shall
 appear to be done so, or if any action or suit shall be brought after
 the time hereinbefore limited for bringing the same, then a verdict shall
 be given for the Defendant.
 General issue.

XXVII. *And be it further enacted by the authority aforesaid,* That this
 A Public Act. Act shall be deemed a Public Act, and shall be judicially noticed as
 such in the several Courts in this Province.



CHAP. II.

AN ACT to enable the President and Directors of the Welland Canal Company to accept an aid from His Majesty's Government, towards the completion of the said Canal, and to secure to His Majesty the free use thereof.

[Passed 17th Feb'y. 1827.]

Preamble. **WHEREAS** His Majesty has been most graciously pleased to intimate, through His principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor of this Province, that His Majesty would be willing to afford to the Welland Canal Company His Royal aid and assistance to the extent of Sixteen Thousand Three Hundred and Sixty Pounds Sterling, being the one-ninth part of the Sum represented to His Majesty as the estimated cost of the said Canal, upon condition of the Locks thereon being constructed of at least twenty-two feet in width; and also, upon His Majesty being secured in the use of the said Canal, for all Vessels and Boats, when engaged in conveying Government Stores, without payment of any Duty or Toll: And Whereas, His Majesty's Royal intention having been communicated by His Excellency the Lieu-

tenant Governor to the President and Directors of the said Company, they have expressed their desire to accept His Majesty's Bounty upon the terms in which His Majesty has been pleased to signify his pleasure thereon: And Whereas, for carrying His Majesty's most gracious intentions into effect, it is necessary to secure to His Majesty the free use of the said Canal for the Public Services of His Majesty by an Act of the Legislature.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Locks of the said Canal shall not be constructed of a less width than Twenty-two feet; and that in all time to come, all Vessels and Boats, the property of His Majesty, and all other Vessels and Boats, when engaged in carrying His Majesty's Stores, shall be at liberty to pass and repass upon and through the said Canal and Locks without the payment of any Duty or Toll. Provided always, That nothing herein contained shall extend, or be construed to extend, to exempt from the ordinary charges of Toll or Duty, such Goods or Commodities, the Property of Individuals, as shall be transported in any Vessel or Boat, not being the Property of His Majesty, or the Tonnage employed in the Transport thereof.

The Locks on the Welland Canal shall not be less than 22 feet in width.

His Majesty's Vessels, and Vessels employed in transporting His Majesty's stores, shall pass at all times free of Toll.

Exception as to private Vessels carrying also merchandize for individuals.



CHAP. III.

AN ACT to amend the Laws regulating the Practice of Physic, Surgery, and Midwifery in this Province.

[Passed 17th Feb'y. 1827.]

WHEREAS it is expedient to repeal part of, and amend, an Act of the Parliament of this Province, passed in the Fifty-ninth year of the Reign of His late Majesty, entitled, "An Act to Repeal an Act passed in the Fifty-fifth year of His Majesty's Reign, entitled, 'An Act to Licence Practitioners in Physic and Surgery throughout this Province, and to make further provision for Licencing such Practitioners.'" 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, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That so much of the second clause of the said recited Act as provides that no person duly authorized by any University in His Majesty's dominions, or by Commission or Warrant in His Majesty's Naval or Military Service, shall be restrained from Practicing Physic, Surgery, and Midwifery, in this Province, for want of the Licence therein mentioned, and the third clause of the said recited Act be, and the same are, hereby repealed.

The 3d clause, and part of the 2d clause of 59 Geo. 3 Chap. 13 repealed.

II. *And be it further enacted by the authority aforesaid*, That upon the application of any person exhibiting a Diploma or Licence from any University in His Majesty's Dominions, or from the Royal College of Physicians or of Surgeons in London, as Physician, or Surgeon, or a Commission or Warrant as Physician or Surgeon in His Majesty's Naval or Military Services, and producing an affidavit made before any Judge of any District Court in this Province, which such Judge is hereby authorized and, upon the payment of two shillings and sixpence. required to administer, stating that he is the person named in such Diploma, Licence, Commission or Warrant, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to grant to such applicant a Licence to Practice Physic, Surgery, and Midwifery, in this Province.

Who shall be authorized to practice Physic, Surgery, or Midwifery, and upon what proof of qualification.

Affidavit.

III. *And be it further enacted by the authority aforesaid*, That the said Affidavit shall be left by such Applicant, and remain in the Office of the Governor, Lieutenant Governor, or Person Administering the Government, of this Province, and that if any person shall be Guilty of false Swearing in such Affidavit, such person shall on conviction thereof receive and suffer, the like pains, and penalties, to which any other person convicted of wilful and corrupt Perjury, is liable by the Laws and Statutes of this Province.

Affidavit to be left in the Office of the Governor.

Perjury.

IV. *And be it further enacted by the authority aforesaid*, That upon the application of any person producing a certificate from the Magistrates of any District in this Province, in General Quarter Sessions assembled, signed by the Chairman and Clerk of the Peace, stating that such person was resident in this Province before the late war with the United States of America, practicing Physic, Surgery and Midwifery, and re-

Necessity of diploma, warrant, &c. or of a Licence from the Medical Board may be dispensed with in certain cases.

remained during the said war in this Province, and producing also a certificate from any three or more Licenced Practitioners of Physic, Surgery, and Midwifery in this Province, such three or more Licenced Practitioners having been Licenced after examination by the Medical Board, or upon the production of a Diploma, Licence, Commission, or Warrant, as hereinbefore provided, stating that they are acquainted with such applicant, and that he is, in their opinion, competent to Practice Physic, Surgery, and Midwifery, or either of them, the Governor, Lieutenant Governor, or Person Administering the Government, may grant to him a Licence to Practice Physic, Surgery, and Midwifery, or either of them, conformably to the last mentioned Certificate, in the same manner as if the said applicant had obtained a Certificate from the Board mentioned in the said second clause of the said recited Act passed in the fifty ninth year of the Reign of His late Majesty.

Licence in such cases to be obtained from the Lieut. Governor.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person who has been appointed a Member of the Board mentioned in the second clause of the said recited Act, passed in the fifty ninth year of His late Majesty's Reign, or any person while employed on actual service in His Majesty's Naval or Military service, as Physician or Surgeon, to Practice Physic, Surgery, or Midwifery, in this Province, without any Licence.

Persons who have been appointed to the Medical Board, and persons actually employed as Physicians or Surgeons in His Majesty's Forces, may practice without a Licence.

VI. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person, not being as aforesaid a Member of the Medical Board, or not being Licenced as aforesaid, or not having been heretofore Licenced by any Medical Board, or not being actually employed, as a Physician, or Surgeon, in His Majesty's Naval or Military Service, to Practice Physic, Surgery, or Midwifery, in this Province for Hire, gain, or hope of reward. Provided that nothing in this Act contained, shall be construed to prevent, or prohibit, any Female from Practicing Midwifery, in this Province, or to require such Female to take out such Licence as aforesaid.

General prohibition to practice without the proper authority.

Females may practice Midwifery.

VII. *And be it further enacted by the authority aforesaid,* That the Practice of Physic, Surgery, or Midwifery, for hire, gain, or hope of reward, by any person not Licenced as aforesaid, or not being actually employed as a Physician, or Surgeon, in His Majesty's Naval or Military service, shall be a misdemeanor and may be prosecuted and punished as any other misdemeanor can be, and that upon the Trial of any person charged with such misdemeanor the burthen of proof as to the Licence or right of the person tried to Practice Physic, Surgery, or Midwifery, in this Province, shall lie upon the Defendant, but no prosecution shall be commenced for such misdemeanor after one year from the offence committed, and no person convicted of such misdemeanor shall be sentenced

Practising without authority declared a misdemeanor.

Proof of authority lies upon the Defendant.

Limitation of prosecution—one year.

Fine and Imprisonment limited.

therefor to a longer period of imprisonment than Six Months, or to a greater fine than the Sum of Twenty-five Pounds.

Fees for Licences.

VIII. *And be it further enacted by the authority aforesaid.* That it shall be lawful for the Private Secretary of the Governor Lieutenant Governor or Person Administering the Government of this Province, to ask demand and receive for any Licence granted under the provisions of this Act, of and from the person receiving such Licence, the Sum of Twenty Shillings; and that it shall be lawful for the Clerk of the Peace, to ask, demand and receive for drawing up and Signing any Certificate, under the provisions of this Act, of and from the person receiving such Certificate, the Sum of Five Shillings.



CHAP. IV.

An Act to require the Magistrates of the several Districts of this Province, to publish a Statement of their District Accounts.

[Passed 17th Feb'y. 1827.]

Preamble.

WHEREAS it is expedient and proper for the information and satisfaction, of His Majesty's Subjects in this Province, that they should be made acquainted with the disposal of the Monies raised, levied and Collected by virtue of, and under the Authority of any Laws imposing, rates and Assessments upon the Inhabitants of the several Districts, within the same.

Justices of the Peace shall publish an annual account of receipts and expenditure of the District funds.

Be it 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 be the duty of the Justices of the Peace, acting within the several Districts of this Province at their Court of General Quarter Sessions, holden in their respective Districts next after the passing of this Act, to cause a true and correct Statement in detail of all Monies raised levied and Collected for the year preceding by virtue of, and under the authority of any Act or Acts of this Province, imposing rates and Assessments upon the Inhabitants thereof, for the public uses of the District, with a

detail of the amount of the expenditures during the said period, together with the account for which the same is paid; to be printed in some Newspaper of the District, if any Newspaper shall then be published therein, also to cause a Copy of the same to be affixed in some conspicuous place on the Court House, and in each and every year afterwards to cause a true and correct Account in detail of all Monies raised, levied and collected since the then last preceding publication, by virtue of and under the authority of any Act or Acts now, or hereafter to be made, imposing Rates and Assessments upon the Inhabitants thereof for the Public uses of the District, together with a detailed account of all the expenditures as aforesaid during such time, to be printed in some Newspaper of the District as aforesaid, and a copy thereof to be affixed in some conspicuous place on the Court House as aforesaid.

At what time accounts of the last year to be published.

Accounts of future years.

Mode of publication.

II. *And be it further enacted by the authority aforesaid, That no Treasurer of any District in this Province shall hereafter be competent to hold the office of Chairman of the Quarter Sessions of the Peace for such District, any Law, Custom, or Usage, to the contrary notwithstanding.*

No Treasurer to be Chairman of the Quarter Sessions.

III. *And be it further enacted by the authority aforesaid, That the expense of the publication of the accounts as aforesaid shall be paid out of the District Treasury, by any order of Sessions issued for that purpose.*

Expense of publication.



CHAP. V.

AN ACT to Continue and Amend the Law now in force for the Trial of Controverted Elections.

[Passed 17th, Feb. 1827.]

WHEREAS an Act passed in the Fourth Year of the Reign of His present Majesty entitled, "An Act to repeal an Act passed in the Forty-fifth Year of His late Majesty's Reign; entitled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly and to make more effectual provision for such trials,'" will expire at the end of the present Session: *And whereas* it is expedient to continue and amend the same.

Preamble

4 Geo. 4, Chap. 4: continued.

Be it 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

C.

Britain, intituled "An Act to repeal certain parts of An Act passed in the fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of 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 continued.

List of Witnesses to be delivered to the Clerk of the House.

Commissioners to examine Witnesses may issue in certain cases.

II. *And be it further enacted by the authority aforesaid,* That at the time when the day for trying any controverted Election shall be fixed, a list of the Witnesses of the Parties, with their places of residence, shall be handed to the Clerk of the House, and shall be by him read in his place, and in cases where it shall appear that the expense of bringing such Witnesses before the Committee, to be appointed under the provision of the said recited Act would be considerable, or when the Parties desire it, the House of Assembly may nominate and appoint, under the Hand and Seal of the Speaker, Three Commissioners, (one of whom shall be Chairman, who with any other one shall be a quorum,) for the purpose of examining the Witnesses of the Parties, contained in such list, at such times and in such places as shall by the House be directed.

Commissioner's Oath.

Times of sitting.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, before proceeding to business, take and subscribe the Oath in the Schedule marked A. annexed, which the Chairman is authorized to administer to the other Commissioners, having himself first taken and subscribed the same in their presence, and shall meet every day, Sundays and Holy-days excepted, and shall not adjourn for any longer time than Twenty-four hours, except in case of death, sickness, or unavoidable absence of one or more of them, or except in case of removal to another place of meeting.

Commissioners to appoint a Clerk.

His duty.

Oath.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners may from time to time appoint a Clerk, for the purpose of taking down, in writing, minutes of their proceedings, and of such evidence as shall be taken before them, with the objections to the Witnesses produced, or the matter offered in evidence. and that every such Clerk, before proceeding to the discharge of the duties of his office, shall take the Oath marked B. in the Schedule annexed, which the said Commissioners, or either of them, may administer, as well as Oaths to Witnesses, and all other Oaths required to carry into effect the provisions of this Act.

Copies of proceedings and evidence.

V. *And be it further enacted by the authority aforesaid,* That the said Clerk, or Clerks, at the request of either of the Parties, shall make out and deliver to such Party a true copy of the proceedings and evidence, for which he shall be entitled to demand and receive, from the Party re

quiring the same, the sum of six pence for every hundred words contained therein. Charge for the same.

VI. *And be it further enacted by the authority aforesaid,* That after closing the said evidence, the Commissioners shall cause a copy of the minutes of their proceedings, and of the evidence received, to be made, and shall compare the same with the said minutes, and transmit the same (certified under their Hands and Seals) to the Speaker of the House of Assembly, to be by him delivered to the Chairman of the Select Committee, to be appointed under the provisions of the said recited Act. How the evidence is to be transmitted to the House.

VII. *And be it further enacted by the authority aforesaid,* That the said Select Committee, upon the receipt of the return of the said Commissioners, shall proceed to try and determine the merits of the petition referred to them, in the same manner as if the evidence contained in such return had been delivered *viva voce* before them, without other or further testimony, having first heard the Parties, or their Counsel, if they shall request to be heard. Evidence to be read on the trial.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, by Warrant or Summons, under the Hand of the Chairman, or any two of them, at the request of either of the Parties, are hereby authorized to require the attendance of the Witness or Witnesses, in the list hereinbefore mentioned, to give evidence before them at such time and place as in the said Warrant or Summons shall be directed. Witnesses may be summoned by the Commissioners.

IX. *And be it further enacted by the authority aforesaid,* That if any person Summoned to appear and give evidence shall wilfully refuse or neglect to appear (a reasonable sum being advanced for his attendance if requested) he shall forfeit and pay a sum not exceeding Twenty Pounds. Penalty for not attending.

X. *And be it further enacted by the authority aforesaid,* That if any person shall be guilty of any contempt, or improper behaviour towards the said Commissioners, while in the execution of the duties imposed upon them by this Act, he shall forfeit and pay, for every such offence, a sum not exceeding Twenty Pounds. Punishment for contempt before the Commissioners.

XI. *And be it further enacted by the authority aforesaid,* That the penalties imposed by this Act shall be recoverable before the said Commissioners in a summary manner, before or after the execution of the said Commission, and in case of non payment thereof the same shall be levied by Distress and Sale of the Offenders Goods, with the Officer's Fees, on like proceedings from a Justice of the Peace, and in default of Goods and Chattels, such Offender shall be committed to the Common Gaol of the District, for a term not exceeding Six Months. How Penalties to be recovered.

XII. *And be it further enacted by the authority aforesaid,* That the Penalties imposed by this Act shall be paid by the said Commissioners into the hands of the Receiver General of this Province, for the use of His Majesty. to be applied towards the support of the Government of this Province, and shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall please to direct.

And applied.

XIII. *And be it further enacted by the authority aforesaid,* That upon the day appointed for the meeting of any Select Committee, when a Commission under the provisions of this Act shall have been issued and not returned, it shall be lawful for such Committee to adjourn from day to day till such return shall be made, or until the House shall dissolve the said Committee for want of such return, which they are hereby authorized to do, any Law to the contrary notwithstanding: *Provided always,* That nothing herein contained shall be construed to prevent the selection of another Committee for the trial of such Controverted Election.

What proceeding shall be had if the return of the Commissioners is delayed.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be authorized to demand and receive the sum of Fifteen Shillings per day, and the Clerk Ten Shillings per day, while employed in the execution of the said Commission, to be borne equally in the first instance by the Parties, and eventually to be borne by the person who shall by Law be subject to the Costs of such Controverted Election.

Remuneration to Commissioners and their Clerk.

By whom paid.

XV. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force for Four Years, and from thence to the end of the then next ensuing Session of Parliament.

Act to be in Force for 4 years.

A

Oath of Commissioners.

“I, A. B do Swear, that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly perform the duty of a Commissioner appointed to hear and examine the evidence which shall be brought before me, by virtue of a reference under the Hand and Seal of the Speaker of the House of Assembly, upon a Petition, (here mention the names of the Petitioners, or some of them) according to the Rules, Regulations, and Directions, contained in an Act passed in the 8th Year of the Reign of King Geo. the IV. entitled, ‘An Act to continue and amend the Law now in force for the trial of Controverted Elections.’”

B

Clerk's Oath.

“I, A. B. do Swear that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly

“ perform the duty of Clerk to the Commissioners appointed to hear and
 “ examine the evidence which shall be brought before them, by virtue
 “ of a reference under the Hand and Seal of the Speaker of the House of
 “ Assembly, upon a Petition, (here mention the names of the Petitioners,
 “ or some of them) according to the Rules, Regulations, and Directions,
 “ contained in an Act passed in the 8th Year of the Reign of King Geo.
 “ the IV. entitled ‘ An Act to continue and amend the Law now in force
 “ for the trial of Controverted Elections.’ ”



CHAP. VI.

AN ACT respecting the appointment of Guardians.

[Passed 17th Feb'y. 1827.]

WHEREAS there are in all the respective Districts of this Province Preamble.
 many Infants within the Age of Twenty-one Years, left by the decease
 of their Fathers, subject to the disabilities of Infancy and destitute of
 legal Guardians to act in their behalf, and to have the care of their per-
 sons and the charge of their Estates: And Whereas, it is expedient to
 make some further provision than now exists for the appointment of
 Guardians in such cases:

Be it 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 Go-
 vernment of the said Province; ” and by the authority of the same, That
 it shall and may be lawful for the Judge of the Provincial Court of Pro-
 bate, and the Judges of the Surrogate Courts, in their respective Dis-
 tricts, upon the written application of any Infant, or the Friend or
 Friends of such Infant, residing within the jurisdiction of the Judge to
 whom such application shall be made, and not having a Father living,
 nor a legal Guardian, and after twenty days public notice of such ap-
 plication, and after proof of twenty days notice thereof to the Mother
 of such Infant, or proof to the satisfaction of such Judge that such In-
 fant has no Mother living in this Province, to appoint some suitable and
 discreet Person or Persons to be Guardian or Guardians of such Infant,
 and to require and take from the Guardian or Guardians so appointed,
 a Bond, in the name of such Infant, in such Penal Sum and with such Security by Bond.

How Guardians of
 Infants shall be ap-
 pointed, and by whom

Securities as the Judge shall direct and approve, having regard to the circumstances of the case, conditioned that the said Guardian or Guardians will faithfully perform the said trust, and that he or they, the said Guardian or Guardians, or his or their respective Executors or Administrators, will, when the said Ward shall become of the full age of Twenty-one years, or whenever the said Guardianship shall be determined, or sooner if thereto required by the Judge of the said Court, render to his or their said Ward, or to his or her Executors or Administrators, a true and just account of all Goods, Monies, Interest, Rents, Profits, or Property of such Ward, which shall have come into the hands of such Guardian or Guardians, and will thereupon without delay deliver and pay over to the said Ward, or to his or her Executors or Administrators, the Property or the Sum or Balance of Money, which may be in the hands of the said Guardian or Guardians, belonging to such Ward, deducting therefrom and retaining a reasonable Sum for the expences and charges of the said Guardian or Guardians; which Bond shall be recorded by the Register of the said Court in the Books of his Office.

Bond to be recorded.

II. *And be it further enacted by the authority aforesaid,* That the Guardian or Guardians of any Infant so appointed as aforesaid, shall, during the continuance of his or their Guardianship, have authority to act for and in behalf of the said Ward, and to appear in any Court and Prosecute or Defend any Action in his or her name; and shall have the charge and management of his or her Estate, real and personal, and the care of his or her Person and Education, and may, with the approbation of two of His Majesty's Justices of the Peace, and the consent of such Ward, place and Bind him or her an Apprentice to any lawful Trade, Profession, or Employment; such Apprenticeship, in case of males, not to extend beyond the age of Twenty-one years, and in case of females, not beyond the age of Eighteen years, or the Marriage of the Ward within that age.

Guardian's authority.

To appear, in Actions at Law.

Bind Ward an Apprentice.

Limitation of Apprenticeship.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judge who shall have appointed any Guardian or Guardians as aforesaid, or the successor of the said Judge, upon reasonable complaint made and sustained, or cause shewn to the satisfaction of the said Judge, to remove such Guardian or Guardians from his or their said Guardianship, and if he shall judge it necessary to appoint another Guardian or Guardians of the said Infant.

How Guardian may be removed.

IV. *And be it further enacted by the authority aforesaid,* That in all such cases when the Estate, real or personal, be situate in one District, the right of appointment of Guardians shall belong to the Surrogate Court; and when such Estate, real or personal, is situate in two or more Districts, such appointment shall belong to the Court of Probate, which

In what cases the Surrogate Judge shall appoint a Guardian.

And in what cases the Judge of Probate.

Court of Probate shall be a Court of Appeal, to which any Party aggrieved or injured by any decision, decree, appointment, or other matter in the Surrogate Court, may apply.

Appeal from Court of Surrogate to Court of Probate.

V. *And be it further enacted by the authority aforesaid,* That in all cases any Party aggrieved by any decision, decree, or appointment, or other matter decided in the said Court of Probate, may appeal therefrom to the Governor, Lieutenant Governor, or Person Administering the Government of this Province in Council, who are hereby authorized to confirm or reverse any such decision, decree, appointment, or other matter, brought before them by such appeal or appeals; any Law or usage to the contrary notwithstanding.

Appeal from Court of Probate to the Governor in Council.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judges and Officers of the Probate and Surrogate Courts to demand and receive the following Fees, and no more, for the services required by this Act:—

Fees-

OFFICIAL PRINCIPAL, OR SURROGATE JUDGE

For the appointment of a Guardian, with Seals thereto—Fifteen Shillings—
For Auditing a Guardian's Account, when required so to do—Ten Shillings.

For an order for removing a Guardian from his Guardianship—Three Shillings and Four Pence.

REGISTER.

For entering the Appointment of a Guardian—Two Shillings and Six Pence.

For entering an order of the Judge—Two Shillings and Six Pence.

For Drawing and Recording a Bond of Guardianship—Six Shillings and Eight Pence.

For Copies given out of his Office—the same as in cases of Probate.



CHAP. VII.

AN ACT to declare what Fees shall be received by Justices of the Peace for the Duties therein mentioned.

[Passed 17th Feb'y. 1827.]

WHEREAS it is expedient that the Fees to be taken by Justices of the Peace, for the Services hereinafter mentioned, should be ascertained and authorized by Law.

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, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the First day of November next, the following Fees, and no more, shall be taken from the Parties Prosecuting by Justices of the Peace in this Province, or by their Clerks, for the Duties and Services herein-after mentioned, that is to say:—

Fees to be taken by Justices in Criminal cases.

For an Information and Warrant for Apprehension for an Assault, or other Misdemeanor—Three Shillings and Nine Pence.

For Discharge of the Defendant—One Shilling and Three Pence.

For Information and Warrant for Surety of the Peace—Three Shillings and Nine Pence.

For Discharge of the Defendant—One Shilling and Three Pence.

For every Recognizance—Two Shillings and Six Pence.

For each Information besides that of the Complainant—One Shilling and Three Pence.

For Warrant of Commitment—Two Shillings and Six Pence.

In convictions upon Penal Statutes.

II. *And be it further enacted by the authority aforesaid, That the costs to be charged in cases of Convictions under Penal Statutes, when the Fees are not expressly prescribed by any Statute, shall be as follows, that is to say:—*

For Information and Warrant of Summons—Three Shillings and Nine Pence.

For every Subpœna to a Witness—Six Pence.

For every Conviction under a Penal Statute—Seven Shillings and Six Pence.

For Warrant to levy a Penalty—Two Shillings and Six Pence.

For making up every Record of Conviction, when the same is required to be returned to the Sessions, or on Certiorari—Ten Shillings.

On Conviction before a single Justice where the Penalty does not exceed Three Pounds,

Provided also nevertheless, That in such cases as admit of a Summary Proceeding before a single Justice of the Peace, and wherein no higher Penalty than Three Pounds can be imposed, the Sum of Two Shillings and Six Pence only shall be charged for the Conviction, and Two Shillings and Six Pence for the Warrant to levy the Penalty.

III. *And be it further enacted by the authority aforesaid, That this Act shall be and remain in Force for Four Years from the First day of November next, and from thence to the end of the next ensuing Session of Parliament, and no longer.*

To continue for 4 years.

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CHAP. VIII.

AN ACT for the further Relief of Insolvent Debtors.

[Passed 17th Feb'y. 1827.]

WHEREAS by the Third Section of an Act entitled, “An Act to make further Regulation respecting the Weekly Maintenance of Insolvent Debtors.” it is enacted, “that in default of payment of the sum of Five Shillings, weekly allowance, pursuant to any Rule or Rules of Court, under the provisions of an Act passed in the Forty-fifth Year of His late Majesty’s Reign, entitled ‘An Act for the Relief of Insolvent Debtors,’ the first payment of which said sum of Five Shillings is declared by the said clause to become due and payable on Monday next after the service of such Rule on the Plaintiff, or his Attorney, within the District where such Defendant shall be imprisoned, the Prisoner, upon application to the Court from which such Execution issued, in Term time, or a Judge thereof in vacation, shall, by order of the said Court or Judge, be discharged out of Custody. *Provided nevertheless, That such discharge shall not be construed as a release or satisfaction of the subsisting Judgment, or to deprive the Plaintiff or Plaintiffs of his, her, or their remedy thereafter against the Goods and Chattels, Lands and Tenements, of such Prisoner so discharged; And whereas it is expedient that Prisoners in execution for Debt should be enabled to take the benefit of the said Act, although the Plaintiff or his Attorney should not be residing within the District where such Defendant shall be imprisoned.*”

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, intituled, “An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, intituled, ‘An Act for making more effectual Provision for the Government of the Province of 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 clause be Repealed; and that in default of payment of the sum

3d Clause of 2 Geo. 4. Chap. 18, repealed.

D.

Court in Term time, or Judge in vacation, may order prisoners to be discharged on non-payment of their weekly allowance.

Such discharge not to operate as a release of the debt.

of Five Shillings weekly allowance, pursuant to any Rule or Rules of Court under the provisions of an Act passed in the Forty-fifth Year of His late Majesty's Reign, entitled, "An Act for the Relief of Insolvent Debtors," the first payment of which said sum of Five Shillings is hereby directed to become due and payable on the Third Monday next after the service of such Rule upon the Plaintiff or his Attorney, the Prisoner, upon application to the said Court, from which such execution issued in Term time, or a Judge thereof, in vacation, shall, by order of the said Court, or Judge, be discharged out of custody: *Provided nevertheless*, that such discharge shall not be construed as a release or satisfaction of the subsisting judgment, or to deprive the Plaintiff or Plaintiffs of his, her, or their remedy thereafter against the Goods and Chattels, Lands and Tenements of such Prisoner so discharged.



CHAP. IX.

AN ACT to Repeal part of and Amend the Law now in force assigning Limits to Gaols in this Province.

[Passed 17th Feb'y. 1827.]

Preamble.

WHREAS it is desirable to extend the Limits assigned to the Gaol in the district of Niagara beyond those at present allowed by Law.

2 Geo. 4 Chap. 6 repealed, so far as it restrains the Limits to six acres in the District of Niagara.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of an Act passed in the Second Year of His Majesty's Reign, entitled, "An Act for assigning Limits to the respective Gaols within this Province, as enacts that from and after the passing of the said Act it shall and may be lawful for His Majesty's Justices of the Peace, in Quarter Sessions assembled, from time to time, in each and every District within this Province, to order, determine, and appoint, certain Limits of ground, not exceeding Six Acres, to each and every Gaol within the said Province," be, and the same is hereby Repealed, so far as respects the District of Niagara.

II. *And be it further enacted by the authority faoresaid, That from and after the passing of this Act it shall and may be lawful for His Majesty's Justices of the Peace for the District of Niagara, in Quarter Sessions assembled, from time to time, to order, determine, and appoint, certain limits of ground for the Gaol in that District, not exceedieg Sixteen Acres.*

The Gaol Limits in that District may extend to sixteen acres:



CHAP. X.

AN ACT to continue the Laws now in force, providing a Salary for certain Sheriffs in this Province.

[Passed 17th Feb'y. 1827.]

WHEREAS an Act passed in the second year of His present Majesty's Reign, entitled, "An Act to continue an Act passed in the forty-sixth year of His late Majesty's Reign, entitled, 'An Act to make Provision for certain Sheriff's in this Province;'" and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's Reign, entitled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled, 'An Act to make Provision for certain Sheriff's in this Province,' and also to extend the Provisions of the said Act, and to protect the interests of Suitors in certain cases;" and also, a certain other Act passed in the fourth year of His present Majesty's Reign, entitled, "An Act granting to His Majesty a Sum of Money to be applied in the payment of a Salary to the Sheriff of the Bathurst District," will shortly expire, and it is expedient to continue the same:

Preamble.

Certain Acts relating to Sheriff's Salaries, and to the regulation of the Office of Sheriff, continued.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of An Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of An Act passed in the fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That the said Act passed in the second year of His present Majesty's Reign, and also the said Act passed in the fourth year of the Reign of His present Majesty, shall be, and the same are hereby continued, and shall be in force for four years, and from thence to the end of the then ensuing Session of Parliament.

For four years.

CHAP. XI.

AN ACT to amend the Law now in force in respect to granting Licences for keeping Ale Houses.

[Passed 17th, Feb. 1827.]

WHEREAS the Law now in force relative to the granting of Ale and Beer Licences is defective, as regards the time of granting the same :

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That the fourth clause of an Act passed in the fourth year of His present Majesty's Reign, entitled, "An Act to restrain the selling of Beer, Ale, Cider, and other Liquors not Spirituous, in certain Towns and Villages in this Province, and to regulate the manner of Licencing Ale Houses within the same," be, and the same is, hereby repealed.

4th Clause of 4 Geo. 4,
Chap. 15, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Justices of the Peace of the several Districts of this Province, or the majority of them, in their General Quarter Sessions assembled, shall have full power and authority to grant Licences to such person or persons as may apply for the same, under the Hand and Seal of the Chairman, in order to carry into effect the Provisions of the said recited Act.

Justices in Quarter
Sessions may grant
Licence to sell Ale,
Beer, &c.



CHAP. XII.

AN ACT to Incorporate certain Persons therein mentioned, under the Style and Title of "the Cataraqui Bridge Company."

[Passed 17th Feb'y. 1827]

WHEREAS John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber,

Preamble.

George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, and Edward Forsyth, have Petitioned to be Incorporated for the purposes of this Act; And whereas, they have represented, by their Agent that they have made arrangements with His Majesty's Government, in case the object above recited shall be carried into effect, for the passage of Military and Naval Stores, and of the Officers and men belonging or attached to the various Military and Naval Departments, for a certain consideration to be annually paid by the Government, and that for the purposes of their Incorporation, they have subscribed Stock to the amount of Six Thousand Pounds:

£6000 Stock subscribed.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That the said John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, Edward Forsyth, and their Successors, who shall become Stockholders of the Company hereinafter mentioned, shall be, and are, hereby ordained, constituted, and declared to be a body corporate and politic in fact, and by the name of "The Cataraqui Bridge Company;" and that by that name they and their Successors shall and may have continued succession, and by such name shall be capable of Contracting and being Contracted with, of Suing and being Sued, Pleading and being Impleaded, Answering and being Answered unto, in all Courts or places whatsoever, in all manner of Actions, Suits, Complaints, Matters, and Causes whatsoever; and that they and their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure;

Certain persons incorporated under the name of the "Cataraqui Bridge Company."

Common Seal.

and also, that they and their Successors, by the same name of "The Catarauqui Bridge Company," shall be in Law capable of Purchasing, Having, and Holding, to them and their Successors, any Estate, Real, Personal, or Mixed, to and for the use of the said Company, and of Letting, Conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient. *Provided always nevertheless*, That the Company shall not be allowed to hold Real Estate, exclusive of the said Bridge, and its immediate Dependencies, of a greater annual value than Five Hundred Pounds, and that nothing herein contained shall be considered to authorize the said Company to transact the business of Banking.

To hold real and personal Estate.

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

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

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

The Company to build a Bridge over the River Catarauqui—from Kingston to Point Frederick.

III. *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 Erect and Build a Good and Substantial Bridge over the great River Catarauqui, near the Town of Kingston in the Midland District of this Province, from the present Scow Landing on the Military Reserve opposite to the North East end of the continuation of Front-Street in the said Town, to the opposite shore on Point Frederick at the present Scow Landing on the Military Reserve, adjoining the Western addition of the Township of Pittsburgh in the said District, with convenient access thereto at both ends of the said Bridge, to and from the adjacent Highways at present in use; that the said Bridge shall be at least Twenty-five Feet in width, and of sufficient strength for the passage of Artillery Carriages, and Cattle of every description, having sufficient Side Rails for the security of Passengers, and a convenient Foot-way for Passengers, separated from the Carriage-way by secure Railings; that the said Company shall also be at liberty to Erect and Build Toll Houses and Toll Bars, and to construct Turnpikes and other necessary dependencies on or near the said Bridge, and also from time to time to alter, repair, amend, widen, or enlarge the same; and that for the purpose of erecting, building, and keeping in repair the said Bridge, the said Company shall have full power and authority to take from time to time and use such land on either side of the said River, at the places aforesaid belonging to His Majesty, as may be necessary, and there to lay Timber, Boards, Lumber, Stone, Gravel, Sand and all other materi-

Description of the Bridge.

Toll Houses and Turnpikes.

Power given to occupy land for the purpose of placing and

als which may be requisite for building, maintaining, or repairing the said Bridge, and there to make work up and finish the same, doing no unnecessary damage, and also to construct, make, perform, and do all other matters and things which they shall think necessary and convenient for the making, preserving, improving, completing and using the said Bridge, in pursuance of, and within the true meaning of this Act. *Provided always,* That the said Company shall make, or cause and procure to be made, in some part of the said Bridge a Draw Bridge, or moveable part, not less than eighteen feet in length, for the passage of all Vessels, Boats, and Crafts, of every description, and shall cause the same to be opened for their passage at all hours during the season of navigation, without exacting any Toll or Reward, and that if from any improvement which shall hereafter be made, it shall become desirable to have a passage for Vessels or Boats of larger dimensions, through or under the said Bridge, it shall be incumbent upon the said Company, so soon as may be practicable, to increase the dimensions of their Draw Bridge, so that the navigation shall not be obstructed by the said Bridge.

working up materials, &c.

General powers given to the Company.

Drawbridge to be made to admit the passing of vessels and crafts.

And to admit of Steam Boats if necessary.

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

Bridge, &c. vested in the Company.

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

Publication of such certificate.

Tolls permitted to be taken.

For every Waggon or Carriage of any description, on four wheels, (laden or unladen) drawn by two Horses Oxen, or other beasts of draught, Seven Pence Halfpenny, Provincial Currency.

For every Carriage with four wheels and drawn by one Horse, Six Pence.

For every additional Horse, Ox, or other beast of draught, Two Pence Halfpenny.

For every Chaise, Cart, or other Vehicle on two wheels (laden or unladen) drawn by one Horse, Ox, or other beast of draught, Six Pence.

For every additional Horse, Ox, or other beast of draught, One Penny Halfpenny.

For every Carriole, Sleigh, or other Vehicle, without wheels, drawn by one Horse or other beast of draught, Six Pence.

For every additional Horse or other beast of draught, Two Pence Halfpenny.

For every Horse and his rider, Five Pence.

For every Horse, Mule, Ass, Ox, Bull, or Cow, Two Pence Halfpenny.

For every Hog, Pig, Goat, Calf, Sheep, or Lamb, One Penny.

For every person who shall pass the said Bridge, except children under two years of age, and except the driver of any Chaise, Carriage, Cart, Waggon, Train, Carriole, Sleigh, or other Vehicle, Two Pence.

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

Provided also, that the said Company, and their Successors, shall affix, or cause to be affixed, and kept affixed, at or near the Toll House or Gate, a Table of the Rates of Toll payable for passing over the said Bridge, Painted or Written in plain and conspicuous characters.

Tolls vested in the Company.

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

Penalty on persons attempting to evade the payment of Toll.

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

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

VII. *And be it further enacted by the authority aforesaid*, That if the said Company shall contract with His Majesty's Government, or with any Public Naval or Military Department of His Majesty's Service, for a consideration to be paid to the said Company, to allow Officers and Men belonging or attached to the various Military and Naval Departments, and Carriages of all descriptions, and Horses, or other beasts of draught or

burthen, belonging to, or used in the employment of any Military or Naval Department of His Majesty's Service, to pass Free of all Toll, or Impost, over the said Bridge and its dependencies, then and in such case it shall not be lawful to receive or exact any Toll or Impost, contrary to the said agreement, but all Persons, Carriages, and beasts of burthen, or draught, which it shall be agreed by any such contract to allow to pass Free of Toll or Impost, shall be permitted to pass freely according to such agreement, without interference or obstruction on the part of the said Company or their Assigns.

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

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

IX. *And be it further enacted by the authority aforesaid,* That if any person shall maliciously pull down or destroy any part of the said Bridge, or any Toll House, or other Work to be erected or made by virtue of this Act, or any part thereof, every such person or persons shall forfeit and pay, for every such offence, to the said Company, a Sum not exceeding Forty Shillings, nor less than Two Shillings and Six Pence, and that the same may be recovered (upon the Oath of one or more credible Witness or Witnesses, or upon confession of the Party) before any one or more of His Majesty's Justices of the Peace in and for the said District, and the said Penalty shall be levied by Distress and Sale of the Goods and Chattels of such offender or offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, and the overplus, if any after deducting the charges of such Distress and Sale, shall, upon demand, be returned to the owner or owners of such Goods and Chattels; and in case no such Distress shall be found, such offender or offenders shall be committed to the Common Gaol of the District for a time not exceeding Fourteen Days, at the discretion of such Justice or Justices. *Provided,* That nothing herein contained shall prevent or be construed to prevent the said Company from commencing or maintaining any Action or Actions at Law against any person or persons.

Punishment for maliciously injuring the Bridge, &c.

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

X. *And be it further enacted by the authority aforesaid,* That the Stock, Property, Affairs, and Concerns of the said Corporation, shall be managed and conducted by Five Directors, one of whom shall be chosen President, who shall hold their Offices for one year; which said Directors shall be Stockholders and inhabitants of this Province, and be elected on the last Monday in January in every year, in the Town of Kingston, at such time of the day as a majority of the Directors for the time being

President and Directors—how to be chosen.

To be one year in office.

Qualifications.

E.

shall appoint, and Public Notice thereof shall be given in the several Public Newspapers of the said Town, at least ten days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper person or by Proxy, and all Elections for such Directors shall be by Ballot, and the Five persons who shall have the greatest number of votes at any Election shall be Directors; and if it should happen at any such Election, that two or more have an equal number of votes in such manner that a greater number of persons than Five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorized to hold such Election, shall proceed to Elect by Ballot until it is determined, by plurality of votes, which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of Five; and the said Directors, so soon as may be after the said Election, shall proceed in like manner to Elect by Ballot one of their number to be President; and if any Director shall absent himself from this Province, and cease to be an inhabitant thereof for the space of Six Months, his Office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the said Directors. *Provided always,* That no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least four Shares.

Notice of Election.

Five Directors.

President.

Vacancies, how supplied.

Ratio of votes.

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

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

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

Dividends of profits.

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

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

XIV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duty and conduct of the Officers, Clerks, and Servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks, and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet. *Provided,* that such rules and regulations be not repugnant to the Laws of this Province.

Power and duty of Directors.

Clerks, Servants, &c.

Salaries.

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

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

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, and they are hereby authorized to Let and Farm the said Tolls, (authorized to be taken by this Act) to such person or persons as may be willing and desirous of taking and farming the same; and all such person or persons shall receive the like Tolls, and may recover the same penalties for non payment thereof as the said Company can or might do, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Tolls may be farmed.

XVII. *And be it further enacted by the authority aforesaid,* That each share in the said Company shall be Twenty five Pounds, Provincial Currency, and that the number of shares shall not exceed two hundred and forty. *Provided always nevertheless,* That in case the sum of Six thousand Pounds already subscribed by the Stockholders of the said Company shall not be sufficient for the building and erecting the said Bridge agreeably to the provisions of this Act, it shall and may be lawful for the Directors, and they are hereby authorized to declare the same by a resolution passed for that purpose, and published in the several Newspapers of the Town of Kingston, and that in such case additional Stock may be subscribed and held under the provisions of this Act, so that the whole number of shares do not exceed Three hundred and Twenty, and

Shares, number and amount.

Shares may be increased to 320.

all persons thus becoming Stockholders shall be entitled to all the privileges and benefits of this Act, in as full and ample a manner as if they had been original Subscribers.

Calling in Instalments.

XVIII. *And be it further enacted by the authority aforesaid,* That so soon as the Directors shall be Elected after the passing of this Act, it shall and may be lawful for them to call in, by instalments of not more than ten per cent on each share, the amount of the shares subscribed, which are hereby declared to be due and payable to the said Company as above mentioned. *Provided,* That no instalment shall be called for in less than thirty days after public notice shall be given in one or more of the public Newspapers of the Town of Kingston. *Provided always,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the instalment due on any share or shares held by him, her, or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such share or shares as aforesaid, with the amount previously paid thereon, and the share or shares shall be sold by the Directors at public auction, after having given thirty days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said Company. *Provided always,* that such purchaser or purchasers shall pay to the said Company the amount of the instalment required, over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

Forfeiture of Shares by non-payment.

Shares may be transferred.

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

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

When first Directors shall be chosen.

Their continuance in office.

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

XXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors, for the time being, to diminish the rate of Toll or Duty on passing the said Bridge as hereinbefore mentioned, to such standard as to them, or a major part of them, shall seem necessary. *Provided always,* that no such diminution shall be construed to prevent them from again increasing the same as they shall think expedient, so that such increase shall not exceed the rate of Toll hereinbefore established by the Fourth Clause of this Act.

Directors may at any time diminish the rates of Tolls.

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

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

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

XXIII. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to, Erect and Complete the said Bridge, Toll Houses, Turnpike, and Dependencies, within Three Years from the day of the passing of this Act, and if the same shall not be completed within the time last mentioned so as to afford a convenient and safe passage over the said Bridge, the said Company and their Successors shall cease to have any right, title, or claim of in or to the Tolls hereby imposed, which shall from thenceforward belong to His Majesty, and the said Company shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expences they may have incurred in and about the Building of the said Bridge; and in case the said Bridge, after it shall have been Erected and Completed, shall at any time become impassable or unsafe for Travellers, Carriages, or Cattle, the said Company and their Successors shall, and they are hereby required, within Twelve Months from the time at which the said Bridge, by Presentment of a Grand Jury at any General Quarter Sessions of the Peace, in and for the Midland District, be declared to be impassable or unsafe, and notice thereof to the Directors by the said Court given, to cause the same to be re-built or repaired and made safe and commodious for the passage of Travellers, Carriages, and Cattle, and if within the time last mentioned the said Bridge be not so repaired or re-built, as the case may require, then the said Bridge, and all its Dependencies shall be taken and considered to be the Property of His Majesty, and the right of the said Company and their Successors in the premises shall be wholly and forever determined. *Provided always,* That before the said default is incurred and during the interval hereby allowed for the repairing or re-building of the said Bridge, it shall and may be Lawful for the said Company and their Successors, and they are hereby authorized and obliged to provide proper and convenient Ferry Boats or Scows for the passage of Travellers, Car-

Bridge must be completed in three years.

Or the Tolls shall go to His Majesty, and the Company shall not be reimbursed their expences.

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

Forfeiture if neglect to repair after presentment.

Company to provide Ferry Boats while the

Bridge is being re-built or repaired.

riages, and Cattle, over the said River, as near to the said Bridge as conveniently may be, and to demand, collect, and receive, for the passage of such Travellers, Carriages, and Cattle, in the said Ferry Boats and Scows, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge, any thing hereinbefore contained to the contrary notwithstanding.

Tolls for such Ferry.

There shall be no ferries to interfere with the Bridge.

Nor Bridge erected.

Penalty.

Exception as to boats hired.

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

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

XXV. *And be it further enacted by the authority aforesaid,* That if any action shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders or directions hereinbefore given or granted, every such suit shall be brought or commenced within Six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within Six calendar months next after the doing or committing of such damages shall cease, and not afterwards.

▲ Public Act.

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

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

XXVII. *And be it further enacted by the authority aforesaid,* That after the expiration of Fifty Years, to be accounted from the passing of this Act, it shall and may be lawful for His Majesty, His Heirs, and Successors under the authority, and upon the conditions, and subject to the provi-

sions of any Act of the Legislature of this Province, to assume the possession and property of the said Bridge, Toll Houses, Turnpikes and Dependencies, and the approaches thereto, upon paying to the said Company the full and entire value thereof at the time of such assumption, which value shall be ascertained by three Arbitrators, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said Company, and a third shall be chosen by such two Arbitrators; And if His Majesty shall, in the manner hereinbefore mentioned, assume the possession and property of the said Bridge, Toll Houses, Turnpikes and dependencies, and the approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to His Majesty, His Heirs, and Successors, to and for the uses to be declared in any such Act, who shall from thenceforth be substituted in the place and stead of the said Company for all and every the purposes of this Act.

Compensation to be paid to the Company.

Arbitration.



CHAP. XIII.

AN ACT to provide for the Erection of a Gaol and Court House in the District of Gore.

[Passed 17th Feb'y. 1827.]

WHEREAS it appears by the Petitions of the Magistrates and Inhabitants of the Gore District, that the Magistrates thereof have Contracted for the Erection of a Gaol and Court House at Hamilton, in the said District, but the legal Assessments, although rapidly increasing, not enabling them to discharge the amount for which they have contracted with suitable promptness, provision by Law is required to aid them in carrying the said contract into effect.

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, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That it shall, and may be lawful for the Justices of the Peace, in and for the

Justices of the Peace for the District of Gore may apply the District rates towards building a Gaol and Court House.

said District, in General Quarter Sessions assembled, and they are hereby authorized and required to apply towards the expense of building such Gaol and Court House, all such monies arising from such Rates and Assessments as now are, or may come into the hands of the Treasurer of the said District, and applicable to the uses of the same, not required for the ordinary and incidental expenses of the said District.—*Provided always*, that nothing in this Act contained shall authorize the expenditure of a greater sum than Four Thousand Pounds in the erecting and completing the said Gaol and Court House.

The charge shall not exceed £4000.

The Justices at the Quarter Sessions in April next, may authorize a loan on the credit of the District Funds.

II. *And whereas* from the present state of the Building used as a Gaol and Court House in the said District, it is highly expedient that the provisions of this Act should be carried into effect without delay; *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace, in and for the said District, in General Quarter Sessions assembled, in April next, and they are hereby required by an order of the said Court, to authorize and direct the Treasurer of the said District to raise, by Loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the District, a sum not exceeding Four Thousand Pounds, to be applied in the building of the said Gaol and Court House.

Not exceeding £4000.

The Loan shall not bear a greater interest than Six per Cent.

III. *Provided always, and be it further enacted by the authority aforesaid*, That the money so borrowed under the authority of this Act shall not bear a greater interest than Six per Centum per Annum, and that the Treasurer of the said District, for the time being, shall annually, until the Loan so raised with the Interest accruing thereon shall be paid and discharged, apply towards the payment of the same, a sum not less than Three Hundred Pounds, from and out of the Rates and Assessments so coming into his hands for the use of the District as aforesaid, together with all such monies as may remain in his hands after the payment of the ordinary and incidental charges of the year.

Not less than £300 shall be applied annually to the repayment of the Loan.

Treasurer to have no percentage on the Money borrowed.

IV. *And be it further enacted by the authority aforesaid*, That the Treasurer of the District of Gore shall not receive any percentage for any sum or sums of money which may be Loaned under the authority of this Act, and which may come into his hands, or for paying out the same.

CHAP. XIV.

AN ACT to Amend the Laws now in force for the Appointment of Street Surveyors, so far as relates to the several Towns in this Province other than those in which the General Quarter Sessions of the Peace are by law holden.

[Passed 17th Feb'y. 1827]

WHEREAS the Fourth and Fifth Sections of an Act passed in the Fourth Year of His present Majesty's Reign entitled, "An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's Reign entitled, 'An Act to Repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair, the public Highways and Roads in this Province,'" and also to amend an Act passed in the fiftieth year of His late Majesty's Reign entitled, "An Act to provide for the laying out, amending, and keeping in repair, the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," it is enacted that the Justices of the Peace in and for the several Districts of this Province shall have power, at any General or Adjourned Sessions of the Peace in and for the said District, to appoint a Surveyor of Streets in and for each Town within their respective Districts, and to remove such Officer so appointed at their will and pleasure; and that such Surveyor of Streets shall, before entering upon his office, take an oath, in open Court before such Justices, that he will well and faithfully execute the duties thereof, and shall, with two securities to be approved of by such Justices, enter into a Bond to His Majesty, His Heirs and Successors, in such sum as to the Justices may seem meet, to account well and truly for all such monies as shall come into his hands by virtue of his said office. *And whereas* it has been found impracticable in Towns remote from that in which the General Quarter Sessions of the Peace are holden to find persons willing to undertake the duties of the said office, from the inconvenience attending their taking the oath of office and giving the required security. For remedy whereof,

Preamble.

4 Geo. 4, Chap. 9, recited.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of An Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of An Act passed in the fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That so much of the said recited Act as requires that the oath of the Street Surveyors

So much of 4 Geo. 4, Chap. 9, repealed, as

F.

requires the oath of Street Surveyors for Towns to be taken in open Court, except as respects those Towns in which the Court is holden.

Street Surveyors for Towns in which the Quarter Sessions is not holden, shall take the oath of Office before a Justice of Peace for the District.

And give security.

Oath and security to be transmitted to the Clerk of the Peace.

appointed for Towns other than those in which the General Quarter Sessions of the Peace shall be holden, shall be taken in open Court, be and the same is hereby Repealed.

II. *And be it further enacted by the authority aforesaid,* That any Street Surveyor appointed under the provisions of the said Act for any Town in this Province, other than those in which the General Quarter Sessions of the Peace shall be holden, shall not proceed to the discharge of the duties of his office until he shall have taken and subscribed the oath of office required by the said Act, before any Justice of the Peace in the District in which such Towns shall be situated, and given security pursuant to the provisions of the said Act.

III. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace before whom the said oath shall be taken, and the securities entered into, shall forthwith transmit the same to the Clerk of the Peace of the District in which the said Surveyor of Streets shall be appointed.



CHAP. XV.

AN ACT to provide for the Erection of a Gaol and Court House in the Eastern District.

[Passed 17th Feb'y. 1827.]

Preamble.

WHEREAS the Gaol and Court House for the Eastern District have been recently destroyed by fire, and it is necessary to provide for the safe custody of prisoners, and the accommodation of the several Courts of Justice.

Commissioners appointed for superintending the erection of a Gaol and Court

Be it 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 Donald McDonell Esquire, Sheriff of the said District, James Pringle Esquire, and Noah Dickenson Esquire, shall be Commissioners for the

purpose of superintending the erection of a Gaol and Court House in the Town of Cornwall, in and for the said District. House at Cornwall, in the Eastern District.

II. *And be it further enacted by the authority aforesaid,* That a majority of the said Commissioners shall decide in all matters relating to the erection and completion of the said Gaol and Court House *Provided never theless,* that the said Gaol and Court House shall not be erected on any other site than that on which the original Gaol and Court House for the said District was erected. A majority of the Commissioners shall decide in all matters entrusted to them. The buildings shall be built on the site of the former Gaol and Court House.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners so to be appointed as aforesaid shall have power to raise by Loan, at a rate of Interest not exceeding Six per Cent, from such person or persons, bodies politic or corporate, as may be willing to lend the same on the credit of the District, a sum of money not exceeding Four Thousand Pounds, to be applied for the purposes hereinbefore mentioned, and not otherwise; and the Treasurer of the District, for the time being shall enter into a Bond to the person or persons, bodies politic or corporate, from whom the same may be loaned, for the due payment of the said Sum of Money and the interest thereon at such time, and times as may be agreed upon, and such Bond shall constitute a debt and charge, binding upon the Treasury, but not upon the said Treasurer in his individual and personal capacity. Authority to raise £4000 by Loan on the credit of the District funds. Treasurer to give his bond for the same.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said District, shall annually until the said loan shall be paid and discharged with interest, apply towards the payment thereof, not less than Three Hundred Pounds, from and out of the rates and Assessments of the said District. Not less than £300 shall be annually applied towards extinguishing the debt.

V. *And be it further enacted by the authority aforesaid,* That in case the Commissioners for the building of the said Gaol and Court House, shall not within three Months from the passing of this Act, be enabled to effect or obtain a Loan for the said sum of Four Thousand Pounds, to be repaid in manner aforesaid, then and in such case it shall and may be lawful for the Magistrates of the said District, in General Sessions assembled to levy by Assessment, to be made on each and every Inhabitant house holder in the said District, in the same manner and form as by Law any Assessment may now or hereafter be levied for any public purposes in the said District, annually for such term of years as may be necessary to repay the said sum of money and interest, and no longer, an additional Rate, not exceeding one Half Penny in the Pound, to be applied for the purposes hereinbefore mentioned, and not otherwise. An additional rate of one half penny in the pound allowed to be imposed for the purpose of this Act, if found to be necessary.

CHAP. XVI.

AN ACT granting to Chauncey Beadle the exclusive privilege of Establishing and Running a Line of Public Stages between the Village of Ancaster in the Gore District, and the Town of Sandwich in the Western District.

[Passed 17th Feb. 1827.]

Preamble.

WHEREAS it is desirable for the accommodation of His Majesty's Subjects, Travelling from the Village of Ancaster in the Gore District, to the Town of Sandwich in the Western District, that a Public Stage or Conveyance by Land Carriage, from Ancaster aforesaid, passing through the Village of Brantford in the said Gore District, by the present high road, through Burford, Oxford, and the Tract of Land called the Long Woods, crossing the River Thames at Delaware, to Sandwich aforesaid. *And whereas*, it would greatly conduce to the general interests of the Province, to afford an inducement by particular encouragement to the establishment of such a Line of Public Stages at an earlier period than the state of the Roads and Settlements, through which such Stages must pass, would otherwise admit. *And whereas*, Chauncey Beadle of St. Catharines, in the Niagara District, is willing to Establish and Support a line of Public Stages upon the above Route, as hereinafter specified, provided the exclusive right of a Public Stage, upon such Route, shall be secured to him, his Executors, Administrators, and Assigns, for the period of Twenty-one years.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if the said Chauncey Beadle, his Executors, Administrators, or Assigns, do, and shall, at or before the expiration of One Year from the First day of July next, establish a Land Conveyance, or Line of Public Stages, for the conveyance of Travellers from Ancaster aforesaid, to Sandwich aforesaid, and from Sandwich to Ancaster by the Route aforesaid, and do and shall, from thenceforth, furnish safe, convenient, and comfortable, Covered Carriages with Springs, during all Seasons when Carriages shall be required; and also, safe, commodious, and comfortable Sleighs, when requisite for the accommodation of the Passengers, and shall and do also furnish and provide good Horses, with proper Relays at conve-

Chauncey Beadle and his Assigns to have an exclusive privilege of running a Public Stage from Ancaster to Sandwich for 21 years on certain conditions.

nient distances, and also, careful, experienced, and civil Drivers; and do and shall Run such Stages from thenceforward, at all Seasons of the Year, with regularity and diligence, leaving each of the said extreme points of departure, Ancaster and Sandwich, at least once in each week, at a stated day and from a stated place, and perform the whole journey from Ancaster to Sandwich, and from Sandwich to Ancaster alternately by the Route aforesaid, within the space of Four Days each time, unless prevented by inevitable accidents or unavoidable delays, and shall not exact from each grown Passenger, with Thirty pounds weight of Baggage, a greater price than Three Pence Currency per Mile, for each Mile he may be conveyed by such Stage, nor exact from each Child under Twelve Years of age, with half the quantity of Baggage, more than half the said price or fare of Three Pence per Mile, nor any thing for Infants under Two Years of age; then and in such case and so long, not exceeding the period of Twenty one Years from the day of the passing of this Act, as such Line of Public Stages shall be maintained, and be properly conducted according to the purport, true intent, and meaning of this Act, and all the conditions aforesaid be observed and fulfilled, but no longer; it is hereby enacted and declared, that the said Chauncey Beadle, his Executors, Administrators, or Assigns, shall and may have and enjoy the exclusive right, privilege, advantage, and profit of a line of Public Stages from Ancaster to Sandwich, and from Sandwich to Ancaster as aforesaid, by the Route aforesaid, and that it shall not be lawful for any other person or persons whatsoever, so long as the privileges hereby granted shall continue by the Terms and Provisions of this Act, to Establish, Maintain, Run, or Keep any Public Stage, or Line of Stages, from Ancaster to Sandwich, or from Sandwich to Ancaster aforesaid, or upon any part of the Route aforesaid, and that any person or persons Establishing, Maintaining, Running, or Keeping any Public Stage contrary to this Act, shall be liable to be prosecuted by the said Chauncey Beadle, his Executors, Administrators, or Assigns, and he or they shall be entitled to recover from any person or persons infringing the Provisions of this Act as aforesaid. *Provided always nevertheless*, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person travelling the whole or any part of the aforesaid Route in any private Carriage or Conveyance, whether owned by the Party or hired for the purpose of travelling therein.

Periods of departure.

Time occupied on the Route.

Baggage.

Rates of Fare.

Right to be enjoyed only so long as all the conditions are observed.

Persons may hire Carriages for their own use.

Stage shall commence running within a year and a half.

II. *And be it further enacted by the authority aforesaid*, That none of the privileges hereby granted to the said Chauncey Beadle, his Executors, Administrators, or Assigns, shall be enjoyed by him or them, unless the said Line of Stages shall be by him or them Established and in operation within the period of One and a half Years from the passing of this Act, nor for a longer period than Twenty-one Years from the passing hereof; and that unless the said Line of Stages shall, from their first

Casual detentions.

Establishment, continually to the end of the said period of Twenty-one years, be maintained and kept in regular operation according to the true intent and meaning of this Act, then and in such case, and in default thereof, the privileges hereby granted shall cease and determine to all intents and purposes whatsoever. *Provided always*, that no casual suspension of the running of the said Stages for a period not exceeding at one time Two Weeks, owing to inevitable accidents or unavoidable obstacles, shall be construed or considered as cancelling, repealing, or making void the said privileges hereby granted.

Remedy, if the privileges hereby given shall be abused.

III. *And be it further enacted by the authority aforesaid*, That if at any time or times during the continuance of this Act, it shall appear that the conditions upon which the privileges aforesaid are by this Act granted to the said Chauncey Beadle, his Executors, Administrators, and Assigns, or any of the said conditions, shall be disregarded or not be complied with, or if it shall appear that any of the privileges hereby granted, have been or are abused or misapplied, or that the regular and convenient Public Accommodation hereby contemplated, shall not be provided and furnished according to the purport, true intent, and meaning of this Act, it shall and may be Lawful for the Parliament of this Province, by any future Act or Acts, as occasion may require, to repeal, alter, or amend this Act, as shall seem expedient and just, and to the furtherance of the Public good; and it is hereby expressly declared, that the privileges hereinbefore mentioned, are granted to the said Chauncey Beadle, his Executors, Administrators, and Assigns, upon this express condition, and not otherwise.



CHAP. XVII.

AN ACT for affording Public Aid towards the Completion of the Welland Canal.

[Passed 17th Feb'y. 1827.]

Preamble.

WHEREAS it is necessary to afford public aid in furtherance of the great undertaking now in progress for uniting the waters of Lakes Erie and Ontario by a Canal, navigable for such Vessels as are ordinarily used for transport on the Lakes.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed

in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;' and by the authority of the same, That at any time before the first day of April next it shall be in the power of the Governor, Lieutenant Governor or Person Administering the Government, of this Province to direct His Majesty's Receiver General to subscribe Stock in the Welland Canal Company to the amount of Fifty Thousand Pounds, which Stock shall from thenceforth be held as, and deemed to be, public Stock, and that the Government of this Province shall, as the holders of such Stock be subject to the same conditions and have the same powers, advantages, and privileges as other Stockholders in the said Company.

£50,000 Public Stock may be taken in the Welland Canal Company.

II. *And whereas* it will afford great relief to the said Company to be enabled to avail themselves of the whole funds thus subscribed by the Government, without the delay of calling in instalments, and such advance will further enable the said Company to resume and continue their operations without the necessity of exacting from individual Stockholders such rapid advances of capital as they have hitherto, at great inconvenience, been compelled to furnish; *And whereas* it is reasonable that, in consideration of such facility to be afforded to the Company, the Government should be relieved from the immediate payment of interest on the sum to be advanced by them, *Be it therefore enacted by the authority aforesaid,* That before such sum of Fifty Thousand Pounds shall be advanced by the Government to the said Company, a written assent, under the seal of the said Company, shall be deposited with His Majesty's Receiver General for the time being, signifying that they are willing to accept the said subscription of Stock and the payment of the same in full, upon the condition that the said Company shall pay to the Government, half yearly, the interest upon the said sum of Fifty Thousand Pounds, from the time of the same being advanced until the expiration of one year from and after the completion of the Welland Canal from the Grand River to Lake Ontario: *Provided always nevertheless,* that so soon as the proceeds of the said Canal shall afford to the Company a clear dividend of Six per Centum upon the Capital advanced, such interest so paid to the Government shall be equitably adjusted as between the Government and the other Stockholders, in any dividends to be thereafter made.

Stock shall not be subscribed, unless the Company shall agree to allow interest upon the amount paid in, until the expiration of one year from the completion of the whole Canal.

Such interest to be hereafter adjusted in account.

III. *And be it further enacted by the authority aforesaid,* That the Welland Canal Company shall, before receiving the payment of the Stock to be taken under the authority of this Act, deposit with His Majesty's Receiver General a Bond under their Seal, in the penalty of Twenty Thousand Pounds, binding themselves to pay annually to His Majesty the legal interest upon such payment, until the expiration of one year after the whole Canal shall be finished.

Bond to be given for payment of such interest.

Government may transfer the Stock, but not for a price below its nominal value.

IV. *And be it further enacted by the authority aforesaid,* That it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, at any time in his discretion, to direct the Receiver General, for the time being, to sell and transfer the Stock so subscribed, or any portion thereof, so soon as its nominal value can be obtained, and that the sum to be received for the same shall be paid to and remain in the hands of His Majesty's Receiver General for the time being, subject to the disposition of the Legislature thereof.

Application of interest.

V. *And be it further enacted by the authority aforesaid,* That the interest to be paid by the said Company within the period aforesaid, shall be applicable by His Majesty's Receiver General to the payment of interest on any Loan that may be contracted by the Government for the purposes of this Act, and that all such payments and dividends as may thereafter be paid to the Government on account of the said Stock shall and may be applicable to the public uses of this Province as the Legislature thereof may direct.

No deduction for percentage to Receiver General.

VI. *And be it further enacted by the authority aforesaid,* That the sum of money herein authorized to be raised by Loan and paid on account of Stock to be held in the said Company, shall not be subject to any deduction of poundage for the Receiver General of this Province.

Authority to raise £50,000 by Loan upon Debenture.

VII. *And whereas,* to provide for the payment of the Stock to be subscribed as aforesaid, it is necessary to authorize the raising upon Debenture, the Sum of Fifty Thousand Pounds, in manner hereinafter mentioned: *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorize and direct His Majesty's Receiver General of this Province, to raise by Loan, at a rate of Interest not exceeding Six Pounds per Centum, and as much lower as can be obtained from any Person or Persons, bodies Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorized to be issued as hereinafter mentioned, such Sum not exceeding in the whole, Fifty Thousand Pounds, as may be required for the purposes of this Act.

Debentures how prepared and issued.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to cause or direct any number of Debentures to be made out for such Sum or Sums of Money, not exceeding in the whole the said Sum of Fifty Thousand Pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and

shall be signed by him, and that for each Loan or Advance, three several Debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the Sum so advanced, at the expiration of periods not shorter than Two, Four, and Six Years respectively, with Interest according to the rate at which such Loan shall be negotiated, from the date of such Debenture until the same shall be discharged.

IX. *And be it further enacted by the authority aforesaid,* That all such Debentures with the Interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the Monies that shall come into the hands of the Receiver General to and for the Public uses of this Province, and at the disposal of the Legislature thereof.

Upon what fund charged.

X. *And be it further enacted by the authority aforesaid,* That the Loan authorized by this Act shall be contracted for upon the express condition, that at any time either before or after the said Debentures, or any of them, which are by this Act directed to be issued, shall become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he shall think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures, to present the same for payment; and if, after insertion of the said Notice for Three Months, any Debenture shall remain out more than Six Months from the first publication of such Notice, all Interest on such Debentures, after the expiration of the said Six Months, shall cease and be no further payable, in respect to the time which may elapse between the expiration of the said Six Months, and their presentment for payment.

Conditions of Loan, in regard to its redemption.

XI. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the Seventh Year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain Sum of Money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures, authorized by the said Act passing current, with certain Public Accountants, the payment of Interest upon the same by such Accountants, and the suspension of interest in certain cases, the submitting to the Legislature accounts of such Debentures, and the Interest paid thereon and the expenses attending the same, the payment of Interest to holders of such Debentures, the remuneration to the Receiver General for the services required by the said Act, paying off and cancelling the said Debentures; and also, the provision made in

General provisions respecting the Debentures to be issued under this Act.

the Seventh Section of the said Act, for punishing the Forging of any Debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such Forged Debenture, or other matter as aforesaid, shall apply to, and be in force in respect to the Debentures which shall be issued according to this Act.



CHAP. XVIII.

AN ACT to Provide for the Construction of a Harbour at the Mouth of Kettle-Creek, in the London District.

[Passed 17th Feb'y. 1827.]

Preamble.

WHEREAS it is expedient and desirable to Construct a Harbour at the Mouth of Kettle-Creek, on the Shores of Lake Erie, in the County of Middlesex in the London District, and for that purpose to provide for the raising of the Sum of Three Thousand Pounds by Debenture, and for the appointment of Commissioners to Contract for and superintend the same.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That it shall and may be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorize and direct His Majesty's Receiver General of this Province to raise by Loan, from any Person or Persons, Bodies Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorized to be issued under this Act, a Sum of Money, not exceeding Three Thousand Pounds, at a rate of Interest not exceeding Six per Centum, to make and complete the said Harbour.

£3000 to be raised by Debenture, and applied to constructing a Harbour at the mouth of Kettle-Creek, in the District of London.

Debentures how to be prepared and issued.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver General for the time being, to cause any number of Debentures to be made out, for any such Sum or Sums of Money, not exceeding in the whole, the said Sum of Three Thousand Pounds, at a rate of Interest not exceeding Six per Centum, as any Per-

son or Persons, Bodies Politic or Corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each Loan or Advance, a Debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said Sum of Three Thousand Pounds, or such part thereof as may be actually received, and redeemed at a period not exceeding Twenty Years, and shall and may be signed by the said Receiver General of this Province, for the time being.

To be redeemable within twenty years.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, for the time being, shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a correct account of the numbers, amount, and dates of the different Debentures, which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the Interest paid thereon respectively; and also, of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing of the same, to be laid before the Legislature of this Province.

Accounts to be rendered by the Receiver General, for the information of the Legislature, of the Debentures issued, payments of Interest, &c. &c. &c.

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

Payment of Interest.

Warrants to issue.

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

Payment and cancelling of Debentures.

General provisions
respecting the Debentures
to be issued under
this Act.

VI. *And be it further enacted by the authority aforesaid,* That all and every the Provisions contained in a certain Act of the Parliament of this Province, passed in the Seventh Year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain Sum of Money upon Debentures, to be Loaned to the Welland Canal Company," respecting the Debentures authorized by the said Act passing current, with certain Public Accountants, the payment of Interest on the same by such Accountants, and the suspension of Interest in certain cases, the submitting to the Legislature accounts of such Debentures and the Interest paid thereon, and the expenses attending the same, the payment of Interest to the holders of such Debentures, the remuneration to the Receiver General for the services required by the Act, the paying off and cancelling the said Debentures, and the punishment awarded for Forging any of the said Debentures, or for any thing relating thereto, shall apply to, and be in force in respect to the Debentures which shall be issued under the authority of this Act.

Forgery.

Debentures and Interest
charged upon the
Provincial Revenue.

VII. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the Interest thereon, and all the charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the said Receiver General, to and for the Public uses of this Province, and at the disposal of the Legislature thereof.

No deduction to be
made for Poundage to
the Receiver General.

VIII. *And be it further enacted by the authority aforesaid,* That the Sum of Money herein authorized to be raised by Loan, shall not be subject to any deduction of Poundage for the Receiver General of this Province, any Law, Usage, or Custom, to the contrary notwithstanding.

Calling in Debentures.

IX. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he thinks proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of said Debentures to present the same for payment, according to this Act; and if, after the insertion of the said Notice for Three Months, any Debentures then payable, shall remain out more than Six Months from the first publication of such Notice, all Interest on such Debentures, after the expiration of the said Six Months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said Six Months and their presentment for payment.

X. *And be it further enacted by the authority aforesaid,* That so soon after the passing of this Act as he may deem proper, it shall and may

be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, from time to time, to nominate and appoint, under his Seal at Arms, not more than Five Commissioners, any Three of whom shall be a quorum, who may appoint two of their body to be a President and a Vice President, one of whom shall preside at all Meetings of the Board; which Commissioners duty it shall be to Contract with such person or persons as shall, after Public Notice being given for that purpose, undertake to make the said Harbour, and all works therewith connected, or any part thereof, at the cheapest and lowest rate, in the shortest time, and most convenient terms, and giving Security to the satisfaction of the said Commissioners, or a majority of them, for the due performance of the Contract to be entered into for that purpose, and shall and may do and perform all and whatsoever act and acts, thing and things, are necessary and proper to carry the intention of this Act into full effect, and shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, once in Three Months, during the progress of the work, all matters by them done or performed by virtue of the authority so vested in them, to be laid before the Legislature at its next Meeting.

Commissioners to be appointed for making Contracts, and superintending the work.

Contractors to give Security.

Report to be made once in three months of the progress of the work.

XI. *And be it further enacted by the authority aforesaid, That so soon as the said Harbour shall be completed, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the Province, to nominate and appoint a careful and discreet person to collect the Toll and dues imposed by this Act, who shall account to His Majesty's Inspector General of this Province on the thirtieth day of June, and the thirty first day of December in each and every year, which account shall be rendered in detail on oath, and specify the number of Barrels, Packages, and all other articles passing through the said Harbour, together with the number of Vessels, Boats, and other Craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen, and shall retain to his own use Five per Cent on all monies to be collected and paid by him.*

Toll keeper to be appointed.

To account to the Inspector General on Oath.

Remuneration.

XII. *And be it further enacted by the authority aforesaid, That the Toll and dues mentioned in the following Schedule, and no other, shall be exacted and paid on all Goods, Wares, Merchandize, Produce, Lumber, Vessels, Boats, Raft, or Craft, previous to their passing through or into the said Harbour; and the said Money so to be raised, and collected shall be paid by the said Collector into the hands of the Receiver General of this Province, to be by him applied to and for the redemption of the said Debentures, and the interest thereon annually accruing.*

Tolls authorized to be paid to the Receiver General.

XIII. *And be it further enacted by the authority aforesaid, That it shall*

Warrants to be issued in favor of the Commissioners for the monies granted by this Act.

and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, from time to time, during the continuation of this Act, to issue his Warrants to the Receiver General of this Province in favor of the said Commissioners, for such sum or sums of money, not exceeding Three Thousand Pounds, to enable them to carry the provisions of this Act into effect, which sums shall be paid out of any monies which may have been advanced to him upon Debentures by virtue of this Act.

Monies how to be paid and accounted for.

XIV. *And be it further enacted by the authority aforesaid,* That all monies required to be paid by the authority of this Act, shall be paid by the Receiver General in discharge of such Warrant or Warrants as shall, for that purpose, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Limits of the Harbour.

XV. *And be it further enacted by the authority aforesaid,* That the limits of the said Harbour shall extend from the centre of the mouth of the said Creek, Half a Mile East and West, along the shores of the said Lake.

Remedy to enforce payment of the Tolls.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the Tolls or dues to be collected under this Act, it shall and may be lawful for the Collector, to be appointed to receive such Tolls or dues, to seize and detain such Vessel or Boat, or the Goods on which the same were due and payable, until such dues and Tolls shall be paid; and if the same shall remain unpaid for the space of Thirty Days after such seizure, the said Collector shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said Toll or dues, by Public Auction, after Ten Days Public Notice.

Survey and Estimate to be made before Commissioners are appointed.

XVII. *And be it further enacted by the authority aforesaid,* That before any Commissioners shall be appointed, or other measures taken in pursuance of this Act, a Survey shall be made by a competent Civil Engineer, employed for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government, and estimates made by such Engineer in detail of the expense of completing the said Work; and that unless it shall satisfactorily appear, upon the report of such Engineer, that the whole work can be completed for a sum not exceeding Three Thousand Pounds, no further measures shall be taken under the provisions of this Act.

Rates of Toll.

XVIII. *And be it further enacted by the authority aforesaid,* That the Tolls

or dues to be collected at the Mouth of Kettle Creek aforesaid, as soon as the intended Pier or Breakwater shall be so far completed as to afford shelter for Vessels, shall be in accordance with the following Scale:—

Pot and Pearl Ashes, per Barrel, One Shilling,
 Salt, Pork, Whiskey, or Oil, per Barrel, Seven Pence Half-Penny,
 Flour, per Barrel, Six Pence,
 Ditto per Cwt. Three Pence.
 Lard and Butter, per Keg, Five Pence,
 Sugar per Cwt. Five Pence,
 Hollow Ware per Cwt. Seven Pence Half-penny,
 Boards and Lumber, per thousand Feet, of Board measurement, One Shilling and Three Pence,
 Boats, under Twelve Tons, Two Shillings and Six Pence,
 Boats and Vessels, from Twelve Tons and upwards, per Ton Measurement, Two Pence Halfpenny,
 Wheat, per Sixty Pounds, Two Pence.

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

No return Tolls to be charged.



CHAP. XIX.

AN ACT to provide for a further Survey of the Works done at the Burlington Bay Canal, and also to afford further aid to complete the same.

[Passed 17, Feb. 1827.]

WHEREAS it appears from the report of the Commissioners for the Canal at Burlington Bay, and the Survey of a Civil Engineer, accompanying the said Report, that the said Work cannot be completed with the funds at the disposal of the Commissioners, but that a great additional expenditure will be necessary for that purpose; *And whereas* it also appears that a large sum of money has been expended upon the said Work, and that from the nature of the undertaking no public benefit will accrue from such expenditure, if the Canal and the Works necessary for its protection are left unfinished; *And whereas* the interests and convenience of a great portion of the surrounding Country, as well as the general safety of navigation upon Lake Ontario, hold forth strong inducements to persevere in the Work till it is completed, more especi-

Preamble.

ally as there are good grounds for believing that the Tolls which the Canal will yield, will ultimately reimburse whatever advance it may be necessary to make from the public revenue.

Certain Surveys and Estimates required to be made of the work in progress at Burlington Bay.

A Sum not exceeding £8000 to be raised by Loan, upon Debenture, for completing the work.

Be it 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 Reigu, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to procure a minute inspection and particular survey and report of the work done at the said Canal by two competent Civil Engineers, and if it shall be ascertained that the portion which has been completed is substantially and judiciously executed, so that it may be properly proceeded in and finished according to the present design, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorize and direct His Majesty's Receiver General of this Province to raise by Loan, at a rate of interest not exceeding six per centum, and as much lower as can be obtained, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorized to be issued as hereinafter mentioned, such sums (not exceeding in the whole Eight Thousand Pounds) as may be required for the purposes of this Act.

Debentures how to be made and issued.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Receiver General to cause or direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Eight Thousand Pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by him, and that for each loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced at the expiration of Three, Six, and Nine Years respectively, with interest according to the rate at which such loan shall be negotiated, from the date of such Debenture until the same shall be discharged.

III. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the said Receiver General to and for the public uses of this Province and at the disposal of the Legislature thereof.

Debentures charged on the Provincial Revenues.

IV. *And be it further enacted by the authority aforesaid,* That the loan authorized by this Act shall be contracted for upon the express condition, that at any time either before or after the said Debentures, or any of them, which are by this Act directed to be issued, shall become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, and if after the insertion of the said notice for Three Months, any Debenture shall remain out more than Six Months from the first publication of such notice, all interest on the said Debentures, after the expiration of the said Six Months, shall cease, and be no further payable in respect to the time which may elapse between the expiration of the said Six Months and their presentment for payment.

Debentures may be called in upon Six Months' Notice.

And if not presented, Interest shall cease thenceforward to accrue.

V. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain sum of money upon Debentures to be Loaned to the Welland Canal Company," respecting the Debentures authorized by the said Act passing current, with certain public accountants, the payment of interest on the same by such accountants, and the suspension of interest in certain cases, the submitting to the Legislature accounts of such Debentures, and the interest paid thereon, and the expenses attending the same, the payment of interest to the holders of such Debentures, the remuneration to the Receiver General for the services required by the Act, the paying off and cancelling the said Debentures, and the punishment awarded for Forging any of the said Debentures, or for any thing relating thereto, shall apply to, and be in force in respect to the Debentures which shall be issued under the authority of this Act.

General provisions respecting Debentures.

Forgery.

VI. *And be it further enacted by the authority aforesaid,* That the Sum of Money herein authorized to be raised by Loan, shall not be subject to any deduction of Poundage for the Receiver General of this Province, any Law, Usage, or Custom, to the contrary notwithstanding.

No deduction to be made for Poundage to the Receiver General.

H.

The Governor to appoint a competent Civil Engineer to superintend the work.

VII. *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, if the said Sum of Eight Thousand Pounds shall be raised as aforesaid, to appoint a competent Civil Engineer of established reputation, to superintend the said Work, to whom such allowance shall be made for his services as to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall seem just.*

Monies appropriated by this Act, shall be paid into the Bank of Upper Canada, on account of the Commissioners, and paid by them to the Contractor, upon the Engineer's Estimate of work done.

VIII. *And be it further enacted by the authority aforesaid, That the said Sum of Money to be raised as aforesaid, shall be paid into the Bank of Upper Canada, to the Account of the Commissioners appointed by Law for superintending the said Work, upon any Warrant or Warrants which may be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favour of the said Commissioners, and shall be paid out Monthly, upon the order of any Three of the said Commissioners, Countersigned by the Engineer to be appointed as aforesaid, and upon the Estimate of the Work done in each Month, as certified by such Engineer, and attested by him upon Oath, to be a just and true Estimate to the best of his knowledge and belief, which Oath any Justice of the Peace is hereby authorized to Administer.*

Estimate of the work now done to be made on Oath, and also of the cost of completing the work.

IX. *And be it further enacted by the authority aforesaid, That the Engineers employed to Survey and Inspect the said Work as aforesaid, shall make an accurate Estimate in detail, upon Oath, of the value of the Work which shall have been done at the time of such Survey, as well as of the Cost of Completing the said Canal; and that in Estimating the Work already done to the said Canal, the Engineers to be employed as aforesaid, shall receive the information of the Commissioners heretofore appointed for superintending the said Work, in addition to such other information as may appear to them desirable, and having reference to the Contracts under which the Work was done, shall allow for no damage or accidents, which, according to such Contracts, ought in justice to be borne by the Contractor, and that if the said Estimate shall exceed the amount of compensation which has been paid to the person who has Contracted for the said Work, Two thirds of such excess shall be paid to such person within One Month after it shall be so ascertained, and the remainder when the Canal, and the Works and Erections appertaining to the same, shall be completed. *Provided nevertheless, that it shall and may be Lawful for the Commissioners, and they are hereby required immediately after the passing of this Act, to pay to the Contractor for making the said Canal, all such Sum and Sums of Money as are now in their hands and applicable to the Construction of the said Canal.**

Contractor to be remunerated for any excess of that Estimate above the Sum received.

Sums now in the hands of the Commissioners, to be paid over immediately to the Contractor.

X. *And be it further enacted by the authority aforesaid,* That no Monies shall be paid by the Commissioners for the said Canal, to any Contractor employed, or to be employed on the same, on account of Work remaining to be executed after such Survey and Estimates shall have been made as aforesaid, until such Contractor shall have given a Bond to His Majesty, His Heirs and Successors, in the Sum of Two Thousand Pounds, with good Securities, conditioned to repay such Money to His Majesty, His Heirs and Successors, in case the said Canal and Erections, and Works appertaining thereto, shall not be completed in a sufficient and workmanlike manner, on or before the first day of August, in the Year of our Lord One Thousand Eight Hundred and Twenty-eight.

Security to be taken from the Contractor, before further monies are to be paid for work remaining to be done.

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

Monies paid under this Act, how to be accounted for.



CHAP. XX.

AN ACT for the Relief of James Radcliffe.

[Passed 17th Feb. 1827.]

WHEREAS the provisions of an Act, passed in the Seventh Year of His Majesty's Reign, entitled, "An Act to encourage the progress of Useful Arts within this Province," are confined to the sole Inventors of any new and useful Art, Machine, Manufacture, or Composition of Matter, not known or used before the application, being Subjects of His Majesty, and Inhabitants of this Province: *And whereas,* James Radcliffe, of Niagara, Gentleman, claims to be a Co-inventor with one George Deming, a Foreigner, of an improved mode of Propelling Boats by the application of the power of the Steam Engine acting on the water passing through Trunks under or through the Boat; and also, claims to be a Co-proprietor with the said George Deming, the Inventor of a certain Wheel, capable of great Power, when immersed in running water without head: *And whereas,* the said James Radcliffe hath been at considerable expense, and hath bestowed great pains and ingenuity in bringing the said Inventions into Public Notice, and is therefore entitled to Public protection.

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

James Radcliffe to be entitled to receive Patents for certain Inventions made by him jointly with one George Deming, a Foreigner.

of, and under the authority of An Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of An Act passed in the fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That upon the said James Radcliffe substantiating his respective claims aforesaid, to be Co-inventor of the first mentioned improvement, and of joint Proprietor of the other as aforesaid, in the manner pointed out in the before-in-part recited Act for Original Inventors, he the said James Radcliffe, shall be entitled to a Patent or Patents, according to the provisions of the said Act, for the said Inventions, in the same manner as he would or might be entitled were he the Original Inventor of the said improvements respectively.



CHAP. XXI.

AN ACT to authorize James Atkinson to convey to Trustees a Lot of Land, for purposes therein mentioned.

[Passed 17th Feb'y. 1827.]

Preamble.

WHEREAS James Atkinson, of the Town of Kingston, in the Township of Kingston, in the Midland District, Esquire, hath, by Petition, requested Legislative authority to convey a certain Piece or Parcel of Land adjoining the Village of Waterloo, in the said Midland District, being part of Lot Number Sixteen, in the Third Concession of the said Township of Kingston, containing One-fifth of an Acre, upon which a Brick School House has been Erected, to Trustees, for the purpose of having a School taught in the said Building.

James Atkinson, Esq. empowered to convey

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That it shall and may be lawful for the said James Atkinson, to convey the said Parcel of Land, by Metes and Bounds, for the purpose of having a School

taught in such Building, to such Person or Persons as he may think proper, which Person or Persons, and their Successors, to be appointed in such manner as may be provided in any such Deed, shall have power and capacity to hold the said Estate for the purposes aforesaid, any Law or Statute to the contrary notwithstanding. *Provided nevertheless*, that such Person or Persons, and their Successors as aforesaid, as well as the Master and Teachers employed in such School as aforesaid, shall be British Subjects.

certain real Estate in the Township of Kingston, to Trustees, in perpetual succession, for the purpose of a School.

Trustees to be British Subjects.



CHAP. XXII.

AN ACT to authorize the Reverend John M'Laurin to convey to the Ottawa District School Trustees a Lot of Land, for the purposes therein mentioned.

[Passed 17th Feb'y. 1827.]

WHEREAS the Reverend John M'Laurin of the Township of Longueuil, in the Ottawa District, hath, by his Petition, prayed to be authorized by Law, to convey a certain Piece of Land in the said Township of Longueuil, whereon a Stone School House is erected, to the Trustees of the District School of the said Ottawa District, and their Successors, for the use of the said District School forever.

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, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said John M'Laurin, by Deed, under his Hand and Seal, to convey the said Piece or Parcel of Land, to be described by Metes and Bounds, and to contain not more than One Acre, to the Trustees of the District School of the Ottawa District, and their Successors, to be held by the said Trustees, and their Successors, to and for the use of the said District School forever.

Rev. John M'Laurin, empowered to convey certain real Estate to the Trustees for the time being of the District School, for the District of Ottawa.

CHAP.

CHAP. XXIII.

AN ACT granting a Sum of Money to aid in the Erection of a Bridge across the Otanibee River, in the District of Newcastle.

[*Passed 17th Feb'y. 1827*]

MOST GRACIOUS SOVEREIGN.

Preamble.

£100 granted in aid of the Erection of a Bridge over the River Otanibee.

Monies how to be paid and accounted for.

WHEREAS Your Majesty's faithful Commons at the last Session of Parliament resolved; That in reference to the Petition of Thomas Alexander Stewart and others, praying for a grant of money in aid to build a Bridge over the Otanibee River, at the Town plot in Monaghan, this House is of opinion that the building of such Bridge is required, and if means are raised by the Petitioners or others to carry the object into effect, with a grant of money from the Provincial Funds, equal to one-third of the whole sum required, such grant should be made. *And whereas* it appears that the sum of Three Hundred Pounds has been raised by the Petitioners and others for the said purpose; We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, beseech Your Majesty that it may be enacted. *And be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;" and by the authority of the same, That from and out of the Rates and Duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, and in the hands of the Receiver General unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of One Hundred Pounds, which shall be appropriated, applied, and disposed of for the purpose aforesaid, and shall be paid to such person as His Excellency the Governor, Lieutenant Governor, or Person Administering the Government of this Province shall appoint, in discharge of such Warrant as shall for that purpose be issued, and shall be accounted for to His Majesty by the Receiver General of this Province, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

CHAP.

CHAP. XXIV.

AN ACT to make good certain Monies advanced by His Excellency the Lieutenant Governor, pursuant to the Addresses of the House of Assembly at the last Session of Parliament.

[Passed 17th Feb'y. 1827.]

MOST GRACIOUS SOVEREIGN.

WHEREAS in pursuance of several Addresses of Your Commons House of Assembly at its last Session to His Excellency Sir Peregrine Maitland, Lieutenant Governor of Your Province of Upper Canada, the sum of Three Thousand One Hundred and Seventy Eight Pounds, Five Shillings and Eleven Pence, has been issued and advanced by Your Majesty, through Your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent expenses of the last Session of the Provincial Legislature, and also to defray the expense of a Survey of the River Saint Lawrence, May it therefore please Your Majesty that it may be enacted, *And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province:"*" and by the authority of the same, That out of the Fund or Funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of Three Thousand One Hundred and Seventy Eight Pounds, Five Shillings and Eleven Pence, to make good the said sum which has been issued and advanced in pursuance of the aforesaid Addresses.

Preamble.

£3178 5 11, granted to make good certain monies paid upon several addresses of the House of Assembly, in their last Session.

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 paid and accounted for.

CHAP.

CHAP. XXV.

AN ACT for granting to His Majesty a Supply for the support of the Civil Government for the Year One Thousand Eight Hundred and Twenty-seven.

[Passed 17th Feb'y. 1827.]

MOST GRACIOUS SOVEREIGN,

Preamble

WHEREAS your Majesty's faithful Commons have voluntarily and freely resolved to grant your Majesty a Supply to defray certain charges for the Administration of Justice and support of the Civil Government of this Province: We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament Assembled, beseech your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That from and out of the Rates and Duties, raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the Public uses of this Province, and in the hands of the Receiver General unappropriated, there be appropriated the Sum of Seven Thousand Four Hundred and Seventy Pounds, which said Sum of Seven Thousand Four Hundred and Seventy Pounds shall be applied in aid of the Funds already appropriated by an Act of the Parliament of Great Britain, passed in the Fourteenth Year of His late Majesty's Reign, entitled, "An Act to establish a Fund towards further defraying the charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec, in America," towards the following Services, for the Year One Thousand Eight Hundred and Twenty-Seven:—

£7470 granted for the Civil Service of the Province.

Appropriation.

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

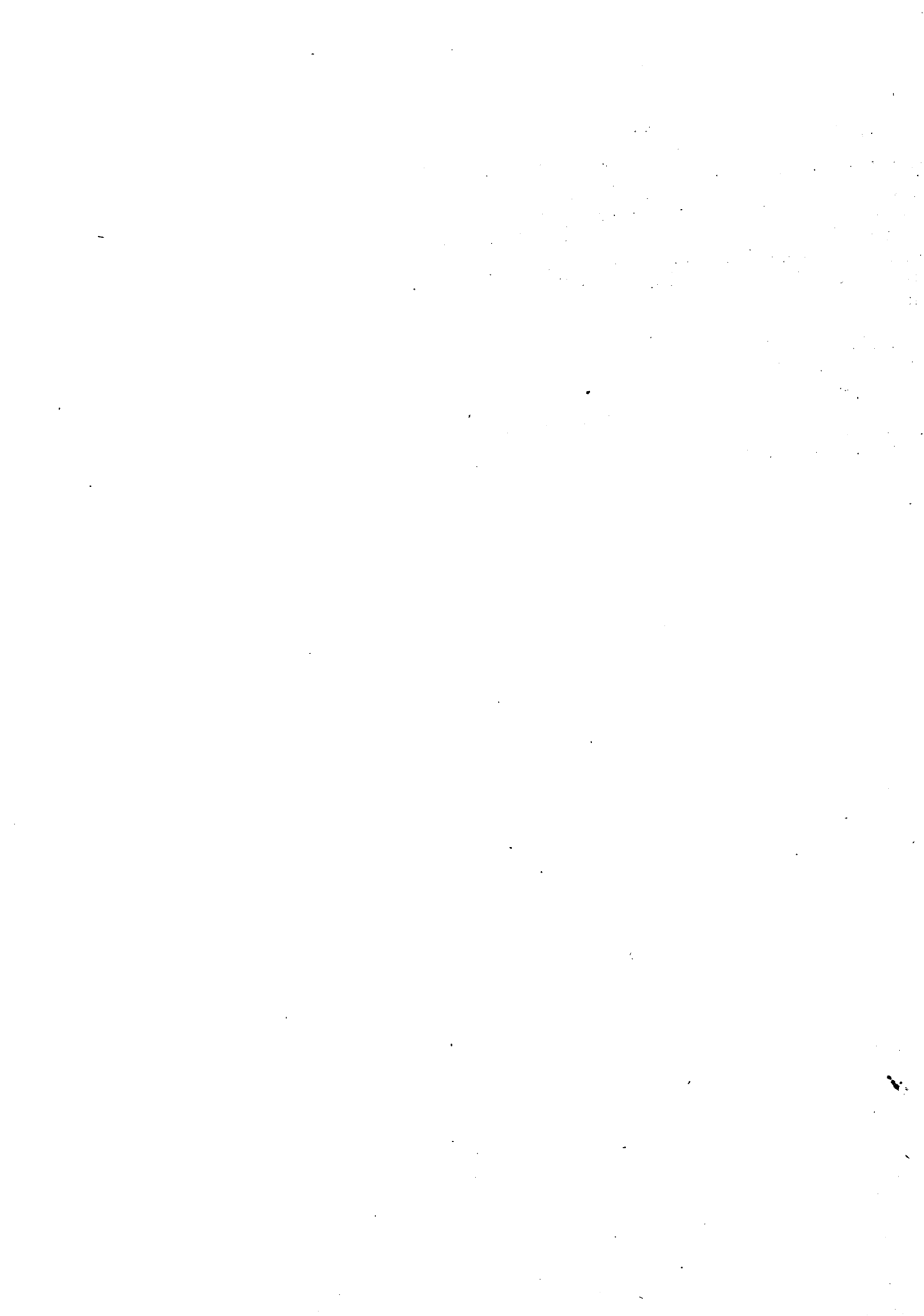
And shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

How the monies are to be paid and accounted for.

II. *Provided always, and it is hereby enacted by the authority aforesaid,* That an Account in Detail of all Monies paid under the authority of this Act be transmitted to be laid before the Commons House of Assembly at the then next ensuing Session of Parliament: *And Provided also,* That so much of the said Sum as may remain unexpended, shall be subject to the future disposition of Parliament.

Accounts in detail shall be submitted to the Commons House of Assembly in their next Session.

Monies unexpended shall remain subject to the future disposition of Parliament.





ACTS

OF THE IMPERIAL PARLIAMENT,

ANNEXED TO THE STATUTES OF UPPER CANADA.



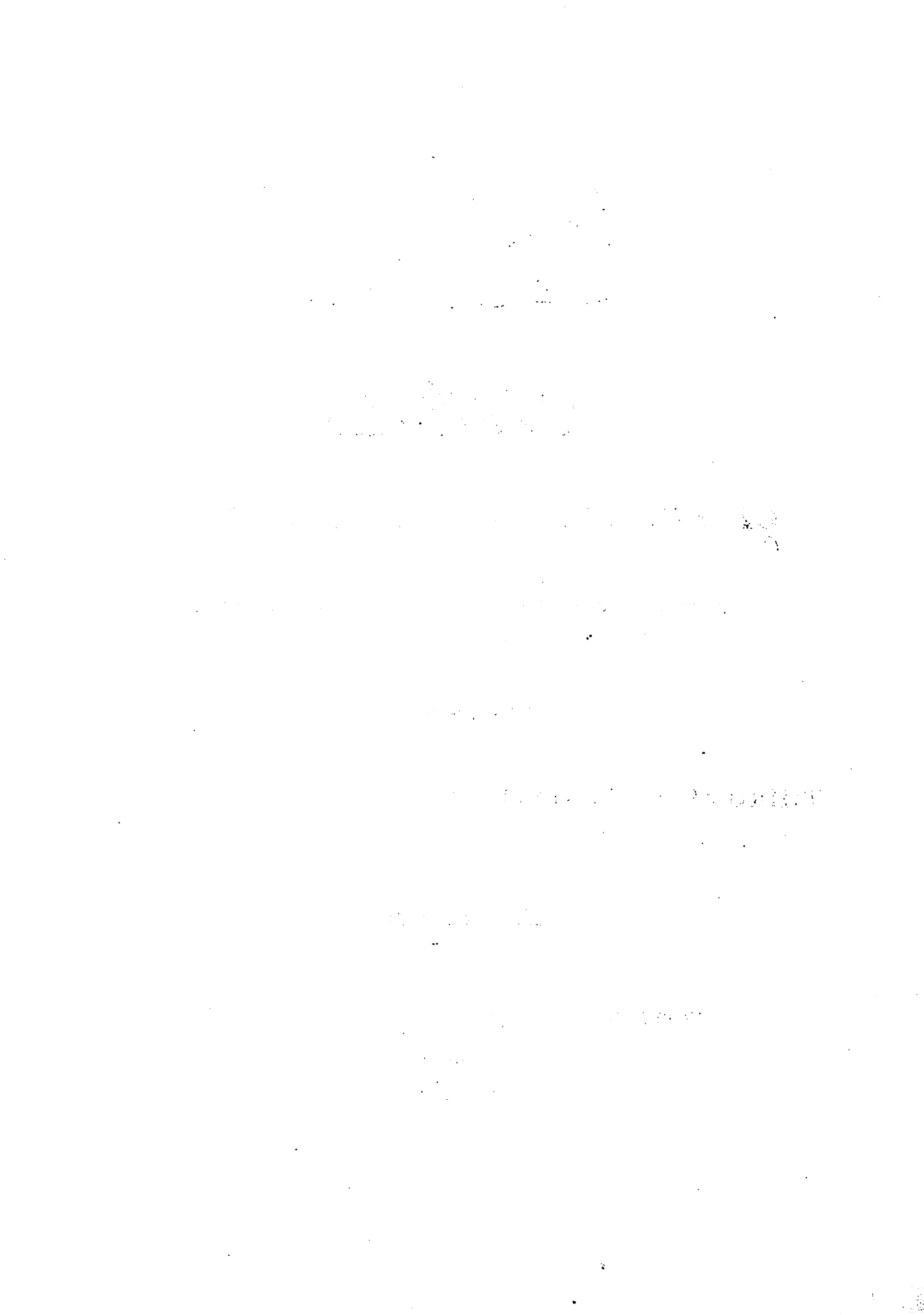
THIRD SESSION, NINTH PROVINCIAL PARLIAMENT.

By Authority.

SIR PEREGRINE MAITLAND, K. C. B. *Lieutenant Governor.*



A. D. 1827.





ANNO SEPTIMO

GEORGE IV. REGIS.

CHAP. XLVIII.

AN ACT to alter and amend the several Laws relating to the Customs.

[26th May, 1826.]

XLIII. And Whereas another Act was passed in the last Session of Parliament, intituled, "An Act to regulate the Trade of the British Possessions Abroad;" and it is expedient to alter and amend the same in manner hereinafter provided: And whereas by the said Act certain Goods are prohibited to be imported into any Port or Place in the British Possessions in America, except into some of the Ports in such Possessions called Free Ports, and enumerated, or described in a Table contained in such Act; be it therefore enacted, That if any Goods shall be imported into any Port or Place in the said Possessions, contrary to such Prohibition, such Goods shall be forfeited.

Possessions Abroad.
Free Ports.

XLIV. And be it further enacted, That Rum or other Spirits, the Produce of any British Possession in South America or the West Indies, when imported from any British Possession in America into Canada, shall not be deemed to be Foreign, nor be charged with duty as such; and that the Duty of Sixpence the Gallon, imposed by the said Act to regulate the Trade of the British Possessions Abroad, upon such Rum or other Spirits, when imported into Canada from the United Kingdom, shall be payable over and above any Duty thereon there payable under any Colonial Law, anything in the said Act or this Act to the contrary notwithstanding.

Rum from West Indies to Canada.

XLV. And be it further enacted, That all Masts, Timber, and Ashes, brought by Land or Inland Navigation into Canada, and duly shipped, and exported from thence, shall, upon Importation into the United Kingdom, be deemed to be and be imported as the Produce of some British

Certain Goods brought Inland into Canada for Exportation.

Possession; and that it shall be lawful to bring into Canada, by Land or Inland Navigation, any Beef or Pork, to be there warehoused for the purpose only of being exported to Newfoundland: *Provided always*, that Security shall be given to the satisfaction of the Commissioners of His Majesty's Customs, upon the first entry of such Beef and Pork, that the same shall be duly conveyed to and warehoused in some warehousing Port, to be from thence exported direct to Newfoundland.

OMISSIS CXXX

Duty on Wheat Flour
imported from a
Warehouse.

XLVI. *And be it further enacted*, That Wheat Flour which shall have been warehoused at any free warehousing Port in the British Possessions in North America, and which shall be imported direct from the warehouse at such Port into any British Possession in the West Indies or in South America, shall upon such Importation be liable only to a Duty of One Shilling for every Barrel of such Flour, instead of the Duty of Five Shillings, now payable on the same under the said Act for regulating the Trade of the British Possessions abroad,



ANNO SEPTIMO

GEORGH IV. REGIS.

CHAP. LXVIII.

AN ACT to amend so much of an Act of the Thirty-first Year of His late Majesty, as relates to the Election of Members to serve in the Legislative Assembly of the Province of Upper Canada.

[26th May, 1826.]

WHEREAS by an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual 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 is amongst other things enacted, that no person shall be Summoned to the Legislative Council, in either of the Provinces of Upper Canada and Lower Canada, who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the British Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of Canada; and it is thereby further provided, that no person shall be capable of voting at any Election

of a Member to serve in the Legislative Assembly in either of the said Provinces of Upper Canada or Lower Canada, or of being Elected at any such Election, who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the British Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of Canada: And whereas, it is expedient that Persons naturalized by any Act of the Legislative Council and Assembly of the Province of Upper Canada, assented to by His Majesty, His Heirs or Successors, should be enabled to be summoned to the Legislative Council of the said Province of Upper Canada, and of voting at the Elections of Members to serve in the Legislative Assembly of the said Province, or of being elected at any such Election; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That all Persons naturalized by any Act of the Legislative Council and Assembly of the Province of Upper Canada, assented to by His Majesty, His Heirs or Successors, shall henceforth be and be deemed competent in the Law to be summoned to the Legislative Council of the said Province of Upper Canada, and to vote at the Elections of Members to serve in the Legislative Assembly of the said Province, and to be Elected at any such Election.

Persons Naturalized in Upper Canada may be summoned to the Legislative Council, and vote at Elections.

II. *Provided nevertheless, and be it further enacted,* That whenever any Bill which has been passed by the Legislative Council and by the House of Assembly in the said Province of Upper Canada, for the Naturalization of any Person or Persons, shall be presented for His Majesty's Assent to the Governor or Lieutenant Governor of the said Province, or to the Person Administering His Majesty's Government therein, such Governor or Lieutenant Governor, or Person Administering the Government, shall, and he is hereby required to reserve every such Bill for the Signification of His Majesty's Pleasure thereon; and no such Bill shall have any Force or Authority within the said Province of Upper Canada until the Governor or Lieutenant Governor, or Person Administering the Government, shall Signify, either by Speech or Message to the Legislative Council and Assembly of the said Province, or by Proclamation, that such Bill has been laid before his Majesty in Council, and that His Majesty has been pleased to Assent to the same; and no such Bill shall have any Force or Authority within the said Province unless His Majesty's Assent thereto shall have been so Signified as aforesaid, within the space of Two Years from the Day on which such Bill shall have been presented for His Majesty's Assent to the Governor, Lieutenant Governor, or Person Administering the Government.

Naturalization Bills not to have effect till they have received His Majesty's Assent.