





**S T A T U T E S,**  
**OF HIS MAJESTY'S PROVINCE**  
**OF**  
**UPPER CANADA,**  
**PASSED IN THE**  
**SECOND SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT**  
**OF UPPER CANADA ;**  
**BEING RESERVED ACTS,**  
**TO WHICH THE ROYAL ASSENT WAS SUBSEQUENTLY PROMULGATED.**

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**By Authority.**

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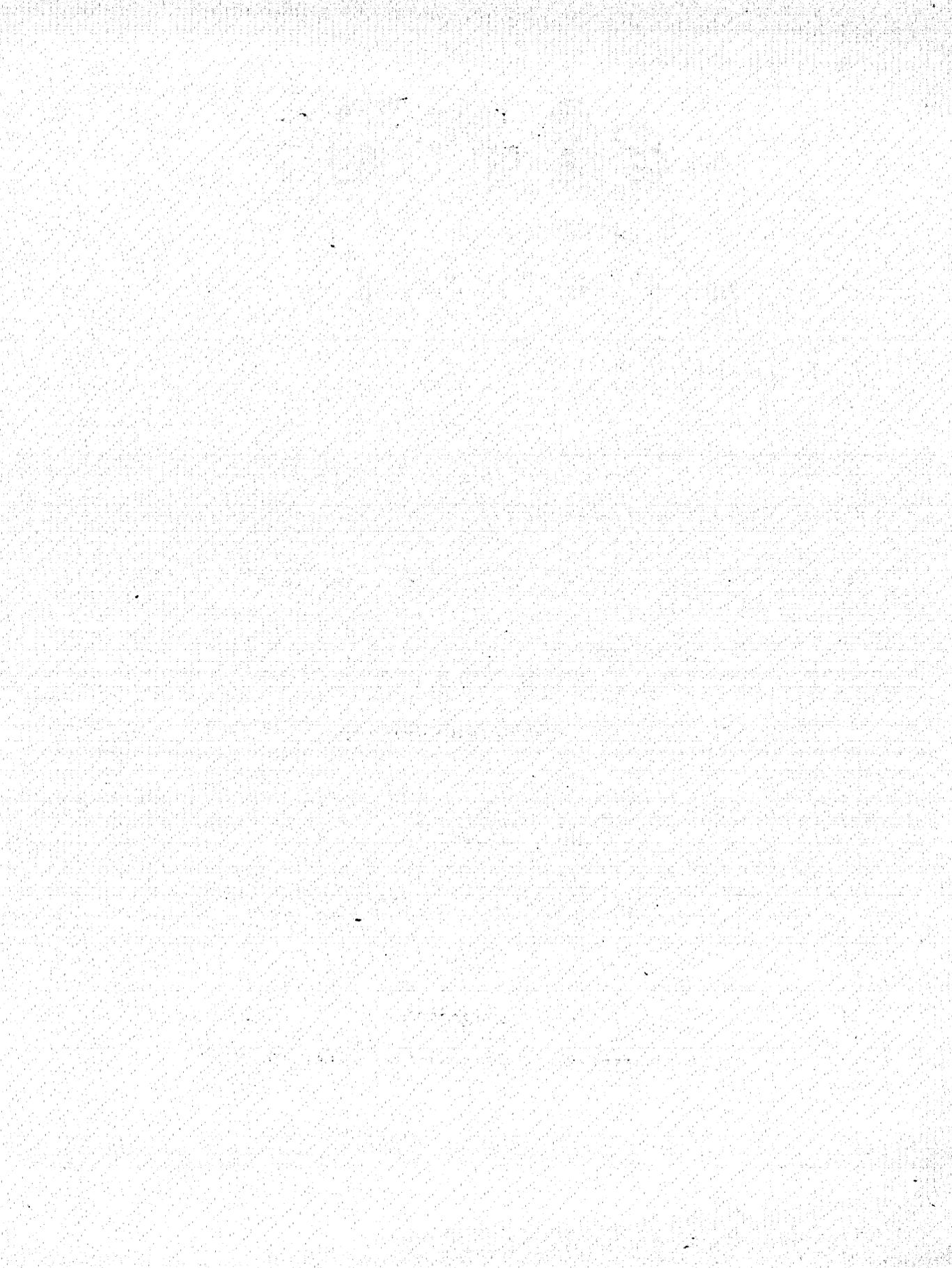
**SIR FRANCIS BOND HEAD, K.C.H.**  
**LIEUTENANT GOVERNOR.**

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**TORONTO :**

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



# STATUTES

OF

## Upper Canada,

PASSED IN THE SECOND SESSION OF THE TWELFTH PROVINCIAL  
PARLIAMENT:

MET AT TORONTO ON THE FOURTEENTH DAY OF JANUARY, 1836, AND PROROGUED ON  
THE TWENTIETH DAY OF APRIL, 1836, IN THE SIXTH YEAR OF THE REIGN OF  
WILLIAM IV.

*(Being reserved Acts, to which the Royal Assent was subsequently promulgated.)*

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SIR FRANCIS BOND HEAD, K.C.H.

LIEUTENANT GOVERNOR.

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ANNO DOMINI 1836.

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### CHAP. XXXVII.

*AN ACT granting to His Majesty a sum of Money, for the improvement  
of Roads and Bridges in the several Districts of this Province.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

**GRANTS** Fifty Thousand Pounds for the above purpose, to be divided  
as follows:

|                      |        |
|----------------------|--------|
| Ottawa District..... | £2,600 |
| Bathurst do.....     | 4,300  |
| Eastern do.....      | 4,000  |
| Johnstown do.....    | 4,700  |

All the Clauses re-  
lating to the distribu-  
tion of the money on  
particular Roads,  
the time for account-  
ing for the same and  
appointment of  
Commissioners, re-  
pealed by Statute  
7th Wm. 4. Cap. 107.

|                        |       |
|------------------------|-------|
| Midland District,..... | 5,500 |
| Prince Edward do.....  | 1,300 |
| Newcastle do.....      | 5,000 |
| Home do.....           | 5,600 |
| Gore do.....           | 4,700 |
| Niagara do.....        | 3,000 |
| London do.....         | 5,300 |
| Western do.....        | 4,000 |

## CHAP. XXXVIII.

### *AN ACT to loan Two Thousand Pounds to the Welland Canal Company.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

#### MOST GRACIOUS SOVEREIGN:

Preamble.

£2,000 granted;  
to be paid into the  
hands of Francis Hall,  
to be distributed  
among Contractors.

**W**HEREAS by the Report of Francis Hall, Engineer to the Welland Canal Company, it appears that it is necessary to advance a sum of money, by way of loan, to the said Company, to enable them to open the Navigation early the ensuing Spring, by advancing small sums of money to the Contractors employed in repairing certain Locks, and doing other necessary repairs on the said Canal: *And whereas*, it is expedient to afford public aid in furtherance of the said objects, upon the security of the said Company, as is hereinafter mentioned: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That whenever the said Welland Canal Company shall have entered into sufficient security, to the satisfaction of His Majesty's Receiver General of this Province, for the payment of the sum of Two Thousand Pounds, with interest thereon, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his Warrant to the Receiver General of the same, to pay the said sum of Two Thousand Pounds, to the President and Direc-

tors of the said Company; and which said loan so advanced, shall be paid into the hands of the said Francis Hall, Civil Engineer, to be by him distributed to the Contractors now at work on the Canal, for the purpose hereinbefore provided, in such proportions as he, the said Francis Hall, shall deem proper.

II. *And be it further enacted by the authority aforesaid,* That the said Francis Hall shall, immediately upon the expenditure of the said sum of Two Thousand Pounds, lay before the Provincial Legislature a detailed Statement, shewing the manner in which the said sum of money has been by him expended. Detailed account of expenditure to be laid before Legislature.

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

## CHAP. XXXIX.

### *AN ACT to improve the Navigation of the Inland Waters of the District of Newcastle.*

[The Royal Assent given by Message to the Legislature, 28th November, 1836.]

**W**HEREAS it appears that an important accession to the agricultural and mineral products, as well as products of the Forest, would accrue to the Province, and the Inhabitants of a large and fertile section of the Country would be most materially benefited by removing the obstructions to the free navigation of certain parts of the inland waters in the District of Newcastle: *And whereas,* it appears by the report of N. H. Baird, Esquire, Civil Engineer, that the sum of Sixteen Thousand Pounds will be required to complete the navigation at the following places, namely—At the head of Heeley's Falls, on the River Trent, in Seymour, the sum of Seven Hundred and Fifty Pounds:—At Crooks' Rapids, on the same River, the sum of Seven Thousand Five Hundred Pounds:—On the Otonabee River, below Peterborough, the sum of Four Thousand Pounds:—At the outlet of Buckhorn Lake, the sum of Seven Hundred and Fifty Pounds:—At Bobcaygeon Falls, the sum of Five Hundred Pounds:—At Purdy's Mills, in Ops, the sum of Two Thousand Five Hundred Pounds: *And whereas* it is expedient to appropriate the above sum of Sixteen Thousand Pounds: *Be it therefore enacted* by the King's Preamble.

Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his Warrant or Warrants upon the Receiver General, in favour of the Commissioners appointed by this Act, for such sum or sums as they may require from time to time, in the construction of said Works, not exceeding in all the sum of Sixteen Thousand Pounds, and that the Receiver General shall pay the same out of any monies which may be or shall come into his hands, under and by virtue of any Act of the Parliament of this Province.

£16 000 granted;  
to be advanced to the  
Commissioners.

Commissioners named  
and powers and duties  
defined.

II. *And be it further enacted by the authority aforesaid,* That the Honorable Zaccheus Burnham, John Gilchrist, Alexander McDonell, Archibald McDonald, John Brown, Robert Jameson, George S. Boulton, A. S. Fraser, Ebenezer Perry, and Peter Perry, Esquires, shall be Commissioners, whose duty it shall be, if they or a majority of them may think it expedient, to cause further Surveys, Plans and Estimates to be made, of all or either of the before mentioned places of contemplated improvements, by a competent Engineer, and may alter the plans or description of Works as now recommended in N. H. Baird's Survey, if they think proper, but shall in no case diminish the size and depth of the Locks as now recommended; and the said Commissioners, or a majority of them, shall and may contract with such person or persons as may undertake the construction of any one or all of the said improvements; and the said Commissioners, or a majority of them, shall do and perform all and whatever act or acts, thing or things, 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, for the information of the Legislature, on or before the first day of December, in each and every year, all matters by them done or performed by virtue of this Act, with an account in detail of all monies by them received and paid out under the provisions thereof.

Lieutenant Governor  
to fill vacancies.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint

for the time being, under his hand and seal, such person or persons as he shall think fit, to fill any vacancy or vacancies which from time to time shall or may happen in the said Board of Commissioners, by death, resignation or otherwise.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, may from time to time appoint such Superintendents, Engineers, Agents, Officers, Workmen and Servants, as they may deem necessary, and pay them such salaries and wages as they may consider just and reasonable.

Power to appoint Superintendent and Engineers, &c.

V. *And be it further enacted by the authority aforesaid,* That no Commissioner or Officer appointed under the provisions of this Act, shall have any pecuniary interest in any job or contract, taken for the completion of any part or the whole of the said Works.

Commissioners not to be concerned in Contracts.

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, are authorised and empowered to enter upon and take such quantity of land immediately adjoining the erection of any Dam or Dams, Lock or Locks, as may be considered absolutely necessary for the convenience of constructing, attending upon, and at any future time repairing the same, which lands shall be vested in His Majesty, his Heirs and Successors, for the benefit of said Works and Navigation.

Power given to Commissioners to enter on lands, &c.

Lands taken to be vested in His Majesty.

VII. *And be it further enacted by the authority aforesaid,* That after any land or ground shall be entered upon, or taken as aforesaid; being necessary for the construction of such Works as may be required to complete and keep up said Navigation, the Commissioners, or a majority of them, are hereby empowered to contract, compound, compromise and agree, with all Bodies Politic, Communities, Corporations, aggregate and sole Guardians, and all other person or persons, for themselves, or as Trustees, not only for themselves, their Heirs and Successors, but also for and in behalf of those whom they represent, for the absolute surrender of so much of the said lands as shall be required as aforesaid; or for the damages which he, she or they, may be entitled to receive from the said Commissioners, in consequence of any lands being flooded by the erection of the dams necessary to complete said Navigation.

Agreements with and compensation to be made parties whose lands are taken;

and for damage.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the Superintendent, shall have power to enter upon any uninclosed lands, and take therefrom any trees, timber or stone,

Commissioners to enter on uninclosed lands, and take trees, &c.

or other materials necessary for the erection and construction of any dam, lock, or other works, necessary to complete said Navigation.

Damages, &c. to be settled by Arbitration.

IX. *And be it further enacted by the authority aforesaid,* That if before the commencement of any Works on or adjoining the lands of any person or persons as aforesaid, no agreement shall have been made as to the value of such lands required, or for compensation for any contemplated damages caused in any other way, by the erection or maintaining of any Dams or other Works necessary for completing and keeping up said Navigation, the Commissioners, or a majority of them, before mentioned, shall at any time after the commencement of said Works, upon the notice or request in writing of the Owner or Agent of any such lands, appoint one of their number as an Arbitrator, who, at the 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, before proceeding to consider such claim, shall appoint a third Arbitrator, and such three Arbitrators being duly sworn to make a just and true award upon the claim submitted to them, and after carefully investigating the merits of such claim, either by their own actual observation, or by Witnesses duly sworn, if required, which oath any one of the Arbitrators is hereby authorised to administer, make their award in writing under their hands, of the amount of damages to be paid to such Claimant: *Provided always,* that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again had to Arbitrators, as hereinbefore provided.

Manner of estimating claim for compensation.

X. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any person or persons to compensation for lands taken, or for damages done, under the authority of this Act, the Arbitrators assessing such value or damage, shall take into their consideration the benefit which will probably accrue to such person or persons from the construction of such Works, by its enhancing the value of his property, or producing other equivalent or greater advantage: *Provided always, nevertheless,* that it shall not be competent to any Arbitrator to direct any person or persons claiming as aforesaid, to pay a sum in consideration of such advantages, over and above the amount at which the damages of such persons shall be estimated.

Dimensions of Locks.

XI. *And be it further enacted by the authority aforesaid,* That all Locks which shall be constructed on said Navigation, shall be of the following

dimensions, namely—One hundred and thirty-four feet in length ; thirty-three feet in breadth ; and five feet water above the mitre sill.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners, or a majority of them, to grant or lease, for a term not exceeding twenty-one years, by an instrument under their hands and seals, the use of any water which they may permit to be taken from any of the erections or Dams for Hydraulic purposes; and all sums arising therefrom shall be paid into the hands of the Receiver General, in the same manner as is provided respecting the Tolls and Dues arising from the use of such Navigation.

Water Privileges may be leased.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall, at their first General Meeting held after the whole or any part of the said Navigation is completed, ascertain and fix the Rates and Dues to be taken by virtue of this Act, and to alter such Rates and Dues at any subsequent period, first giving two months notice of such their intention ; and a Schedule of Rates and Dues shall be affixed on the different Locks and public stopping places along said Navigation.

Rates and Dues to be settled.

XIV. *And be it further enacted by the authority aforesaid,* That the said Rates and Dues shall be paid to such person or persons, at such place or places, near to the said Locks or stopping places, in such manner and under such regulations as the said Commissioners shall direct or appoint ; and in case of neglect or refusal of payment of any such Rates or Dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners may 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 seize and detain such boat, vessel, barge or raft, in respect of which such Rates and Dues ought to be paid, and retain the same until payment be made, together with the expense of such detention.

To whom Rates are to be paid, and the manner of exacting the same, &c.

XV. *And be it further enacted by the authority aforesaid,* That an account of all Rates and Dues received by the Commissioners, under the authority of this Act, shall be rendered to the Inspector General of the Province, on or before the thirty-first day of December in each year ; and the amount thereof, deducting any necessary expenditure on account of said Navigation, shall, within ten days thereafter, be transmitted to His Majesty's Receiver General of this Province, to be applied towards the payment of the principal and interest of any Loan contracted in pursuance

Account of Rates and Dues collected to be rendered, &c.

of this Act; and after the interest and the whole of the principal sum loaned under the provisions of this Act shall be paid and discharged, the proceeds of the said Rates and Dues, after deducting the expenses of the collection, and defraying necessary repairs, shall be subject to the disposal of the Legislature of the Province.

Boats, &c. used in navigating, &c. liable to be seized, &c.

XVI. *And be it further enacted by the authority aforesaid,* That any boat, barge or vessel, used on the said Navigation, without being regularly gauged or measured, and the tonnage marked conspicuously upon the same, shall be liable to be seized and detained until the same is done; which mark shall be evidence of the tonnage of such boat, barge or vessel, in regard to the payment of the Rates and Dues; and if the Commissioners shall have reason to think that any boat is under-rated as to its measurement, they shall have power to appoint a proper person to re-measure and mark the same, at the expense of the owner.

Manner of levying fines, &c.

XVII. *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 By-Law, of the said Commissioners, to be made in pursuance hereof, shall, upon sufficient proof of the offence before any two Justices of the Peace, 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, if any, after deducting the charges of prosecution, shall be returned to the owner or owners thereof; and in case sufficient distress cannot be found, it shall be lawful for such Justices to commit such offender or offenders to the Common Gaol of the District, for a term not exceeding thirty days, unless satisfaction be sooner made, by paying such penalties, forfeitures, and all reasonable charges attending the same.

Fines, &c. when collected, to be paid Commissioners, and be accounted for, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or the provisions thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, and accounted for in the same manner as other Rates and Tolls, and shall be applicable to the same purposes.

Limitation of suits, &c. against parties acting under this Act.

XIX. *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 and 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 after the actual doing or committing such damage shall cease, and not afterwards; and

the Defendants in such action or suit 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 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 limited by this Act, a verdict shall be given for the Defendants.

XX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners, appointed under this Act, shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners; and that the said Commissioners shall have power to make all such Rules and Regulations as to them shall appear needful and proper touching the management and disposition of the monies coming into their hands, and touching the duty and conduct of all Officers, Clerks and Servants, employed by them, and all such other matters as appertain to the conduct of the said Commissioners, in carrying into effect the provisions of this Act.

Majority of Commissioners to determine all questions and orders.

XXI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to appoint one of their own number to be Superintendent, to act in all matters relating to the management and control of the works to be carried on under the provisions of this Act, subject to such restrictions as the said Commissioners shall think proper to impose; and the Commissioners shall meet during the progress of said works at least every two months, for the purpose of inspecting and investigating the progress of the works, and all matters relating to the same, at such time and place as they may think proper; and shall allow to the person appointed by them as Superintendent such compensation for his services as may seem to them just, to be paid out of the monies which shall come into their hands, under the provisions of this Act.

Power given to Commissioners to appoint one of their number Superintendent, &c.

XXII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall hold their first Meeting at such time and place as the majority of them shall appoint.

Time of holding first Meeting of Commissioners.

XXIII. *And be it further enacted by the authority aforesaid,* That all monies which shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may, from time to time, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favour of such Commissioners, shall be accounted for through the Lords Commissioners of His Majesty's Treas-

Accounting clause.

sury, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

## CHAP. XL.

*AN ACT granting a sum of Money, for improving the Hill at the River Rouge, and other purposes therein mentioned.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

Preamble.

**W**HEREAS the construction of a suitable Bridge over the River Rouge, in the Home District, as also the improvement of the Hill adjacent thereto, is much required for the public convenience: *And whereas* William Weller, contracted with Charles Fothergill, and Francis Leys, Esquires, Commissioners appointed under the Road Act, passed in the year one thousand eight hundred and thirty-four, for the expenditure of Five Hundred Pounds, to perform the said work: *And whereas* the said sum has proved inadequate to effect the above object, and a further sum is necessary for that purpose: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the public monies which are or shall be in the hands of the Receiver General of this Province, and applicable to the general uses thereof, there be granted to His Majesty the sum of Six Hundred Pounds, to be applied in manner hereinafter mentioned.

£600 granted.

Commissioners named, &c.

II. *And be it further enacted by the authority aforesaid*, That Asa Norton, Platt Betts, and Asa Post, be Commissioners for expending the said sum of Six Hundred Pounds, whose duty it shall be to procure Plans and Estimates for a Bridge across the said River, and to contract with such person or persons as shall undertake to build and erect the same, and improve the approaches thereto, as also to remunerate the said William Weller, for any work he may have done in pursuance of his said contract, and which may be valued at a greater sum than Five Hundred Pounds, heretofore granted for the same purpose.

III. *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, for the time being, to nominate and appoint under his hand and seal, such person or persons as he shall think fit to fill any vacancy or vacancies, from time to time, which shall or may happen in the said Board of Commissioners.

Vacancies to be filled by Lieut. Governor.

IV. *And be it further enacted by the authority aforesaid,* That the money hereby granted shall be paid to the said Commissioners in discharge of any Warrant as may be issued by the Governor, Lieutenant Governor, or Person administering the Government for that purpose, and shall be accounted for to the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

Money to be paid on Warrant, and accounted for &c.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall render a just and true account of the money to be expended under this Act, to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at the next Session.

Detailed Account of expenditure to be laid before Legislature.

## CHAP. XLI.

*AN ACT granting a sum of Money, to complete the payment of the War Losses.*

[Royal Assent given by Message to the Legislature, 23th November, 1836.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** by a Message from His Excellency the late Lieutenant Governor, Sir John Colborne, dated on the twenty-sixth day of January, one thousand eight hundred and thirty-five, with reference to an Address of the House of Assembly, on the subject of the War Losses, it is set forth, "That as the payment of Fifty-seven Thousand Four Hundred and Twelve Pounds, Sterling, contemplated by the Provincial Act passed in the third Session of the last Parliament, has been actually made, His Majesty's Government has directed that Twenty Thousand Pounds, maybe reserved out of the Casual and Territorial Revenue, to be applied to the liquidation of the War Claims: and that he is authorised to appropriate this sum of Twenty Thousand Pounds, Sterling, provided a similar sum shall be raised and appropriated in like manner by the Legislature, to the satisfaction of

Preamble.

the War Claims; and that if such joint payment of Forty Thousand Pounds, Sterling, be made in the Province, application will be made to the Imperial Parliament for the means of discharging the amount of Seventeen Thousand Nine Hundred and Ten Pounds, Sterling, requisite in order to effect the complete satisfaction of the whole of the War Claims": May it therefore please Your Majesty, that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be granted to His Majesty, out of the Revenues of this Province, the sum of Twenty Thousand Pounds, Sterling, to be applied in satisfaction of the Claims of the Sufferers by the late War with the United States of America, and to be paid by the Receiver General of this Province, so soon as he shall have received from His Majesty's Government the sum necessary to complete the liquidation of the whole of the balance of the said Claims, and proposed to be granted according to the Despatch recited in the above-mentioned Message from His Excellency to the House of Assembly, on the twenty-sixth day of January, one thousand eight hundred and thirty-five.

£20,000 Sterling,  
granted.

Money to be paid in  
discharge of Warrants  
and to be accounted  
for &c.

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

Authority to pay  
money to Agents, not  
to be of a date antecede-  
nt to passage of this  
Act.

III. *And be it further enacted by the authority aforesaid*, That when any person having a claim for Losses, as aforesaid, shall apply for the same by Agent or Attorney, it shall and may be lawful for the Receiver General of this Province to require a Power of Attorney, of a date not antecedent to the passage of this Act, as the said Receiver General's authority for the payment of the same to such Agent.

## CHAP. XLII.

*AN ACT granting a sum of Money in support of the Provincial Penitentiary, and for other purposes therein-mentioned.*

[The Royal Assent promulgated by Proclamation, 29th September, 1836.]

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it is expedient to proceed further towards the completion and regulation of the Penitentiary, which has been commenced near Kings-  
ton, so far as may be requisite for the safe keeping of Convicts, sentenced to imprisonment therein, and for the better accommodation of the Officers and Keepers, and the due enforcement of discipline: *And whereas*, it is necessary to provide funds for the clothing, lodging and maintenance of the Convicts, and for the payment of the Officers, Watchmen and other persons, employed in the Guarding and Government, and Police of the said Penitentiary: May it therefore please Your Majesty, that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for His Majesty's Receiver General of this Province, and he is hereby required, from and out of the Rates and Duties now levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the said Receiver General unappropriated, to discharge such Warrants as shall, from time to time, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favour of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such Warrant or Warrants shall be applied, in completing and furnishing such cells as may be required before the next Session of the Legislature for the confinement of Convicts, in clothing, feeding, lodging and furnishing employment for Convicts; in paying the salaries and wages of Officers, Keepers and Watchmen; in building the walls and roofing the North Wing of the said Penitentiary; and for so far completing the Hospital, Mess-Room, Kitchen, and Offices therein, as may

Preamble.

A sum not exceeding £5,000 granted for support, and completion of certain parts of Penitentiary.

be found immediately necessary: *Provided always*, that the said money shall not exceed in amount the sum of Five Thousand Pounds.

Account in detail of expenditure to be submitted to Legislature, and money to be advanced on Warrant and accounted for through Lords of Treasury.

II. *And be it further enacted by the authority aforesaid*, That an account in detail, of the expenditure which may be incurred under this Act, shall be submitted to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, at the next Session of the Legislature; and the monies paid by the Receiver General on such Warrant or Warrants as shall be issued under the authority of this Act, shall be accounted for to His Majesty, His Heirs and Successors, 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.

Warden, or Deputy Warden, under direction of Board of Inspectors, may engage Guards and Watchmen, and dismiss the same, &c.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Warden or Deputy Warden, under the direction of the Board of Inspectors, shall and may, from time to time, engage suitable persons to perform the duties of Guards or Watchmen, and to dismiss the same and engage others, as they may see fit, any thing contained in the eighth section of the Act passed in the fourth Session of the eleventh Provincial Parliament, fourth William the Fourth, entitled, "An Act to provide for the Maintenance and Government of the Provincial Penitentiary, erected near Kingston, in the Midland District," to the contrary hereof in anywise notwithstanding.

## CHAP. XLIII.

*AN ACT granting to His Majesty a sum of Money, for the support of Light-houses in this Province.*

[The Royal Assent promulgated by Proclamation, 29th September, 1836.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS it is necessary that further aid than is now afforded should be granted for the support of the several Light-houses in this Province, now unprovided for: We therefore beseech Your Majesty that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth

year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That out of the Rates and Dues now levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of One Thousand Pounds, to be applied and expended in the support of such Light-houses in this Province as are not at present provided for. £1,000 granted.

II. *And be it further enacted by the authority aforesaid,* That the monies hereby granted shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall be issued for that purpose in favour of the Inspector General, by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, 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 or Successors, shall be graciously pleased to direct. To be paid on Warrant, and accounted for, &c.

## CHAP. XLIV.

*AN ACT granting Three Hundred Pounds towards the completion of a Light-house on Bois Blanc Island, in the Western District.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

MOST GRACIOUS SOVEREIGN:

**W**HEREAS an Act was passed during the last Session of the Provincial Legislature, granting to Your Majesty the sum of Eight Hundred Pounds, to be expended in the erection of a Light-house and Keeper's House on Heartley's Point, in Lake Erie: *And whereas,* from the report made by the Commissioners for superintending the erection of the said Light-house and Keeper's House, it appears that the sum granted was not sufficient to meet the lowest tender made for the erection and completion of the said buildings, in consequence of which the Commissioners forbore to proceed until further directions should be obtained from the Legislature: *And whereas,* by the said report it appears that the Island of Bois Blanc presents a more suitable site for a Light-house than Heartley's Point, it is expedient that the Commissioners be authorised to erect the said Light-house and Keeper's House on said Island, and it is also

expedient to make a further grant of Three Hundred Pounds to Your Majesty, to enable the Commissioners appointed by the said Act to fulfil the services demanded of them : *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the funds already raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of Three Hundred Pounds, which said sum of Three Hundred Pounds shall be applied and expended, together with the sum of Eight Hundred Pounds granted by the said recited Act, in erecting and finishing a Light-house and Keeper's House on the Island of Bois Blanc, at the entrance of Detroit River, into Lake Erie, under the superintendence of the Commissioners appointed by the said Act of last Session ; and that the said sum of Three Hundred Pounds shall be paid by the Receiver General, by Warrant of the Lieutenant Governor, or Person Administering the Government of the Province, for the time being, and accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

£300 granted.

To be paid by Warrant, and accounted for, &c.

Account of expenditure to be transmitted to Lieutenant Governor, and laid before Legislature.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall, on or before the first day of January, one thousand eight hundred and thirty-seven, render an account to the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, of the monies expended under this Act, for the information of the Legislature.

## CHAP. XLV.

*AN ACT granting to His Majesty the sum of One Hundred Pounds, for the purpose of repairing the Dwelling-house of the Light-house Keeper on Gibraltar Point, in the Home District.*

[The Royal Assent to this Bill promulgated by Proclamation, 29th September, 1836.]

**W**HEREAS it is necessary that the sum of One Hundred Pounds should be granted to Your Majesty, for the purpose of enabling Your Majesty to direct the expenditure of the said sum in repairing the Dwelling-house of the Light Keeper on Gibraltar Point: May it therefore please Your Majesty that it may be enacted, *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Duties now raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated and applied in repairing the Dwelling-house of the Light-house Keeper on Gibraltar Point, opposite to the City of Toronto, under the superintendence of the Commissioner appointed by this Act.

II. *And be it further enacted by the authority aforesaid,* That John Harper, Esquire, Alderman of the City of Toronto, be Commissioner for the purposes of this Act.

III. *And be it further enacted by the authority aforesaid,* That the money hereby granted, shall be paid by the Receiver General of this Province, in pursuance of any Warrant or Warrants issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, in favour of the said Commissioner, 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.

Account in detail to  
be laid before the  
Legislature.

IV. *And be it further enacted by the authority aforesaid,* That an account, in detail, of the expenditure of the sum hereby granted, shall be prepared by the Commissioner, and forwarded to His Excellency the Lieutenant Governor, on or before the first day of January, one thousand eight hundred and thirty-seven, for the information of the Legislature.

## CHAP. XLVI.

*AN ACT to raise a sum of Money for the purpose of completing a Steam Dredge, for Deepening the several Harbours in this Province.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**WHEREAS** the sum granted for the purchase of a Steam-Dredge by an Act of this Province, passed in the fifth year of the reign of Your Majesty, entitled, "An Act granting to His Majesty a sum of Money, for the purchase of a Steam-Dredging Machine," was found insufficient for that purpose: *And whereas,* it is expedient to grant a further sum of money to pay for the same: We therefore beseech Your Majesty, that it may be enacted, *And be it enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties now levied and collected, or which may hereafter be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of One Thousand Four Hundred Pounds, to be expended in the payment of the sums remaining due and unpaid, for the purchase of a Steam Dredging Machine, to be used in the further prosecution of the improvements of Burlington Bay, and other Public Works.

£1,400 granted.

To be paid Commis-  
sioners by Warrant,  
and accounted for, &c.

II. *And be it further enacted by the authority aforesaid,* That the money hereby granted, shall be paid by the Receiver General to the Commissioners appointed under the authority of the above in part recited Act, in discharge of such Warrant or Warrants as shall be issued for that pur-

pose by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall transmit an account of the Monies that may be expended under the authority of this Act, with the Vouchers to the Lieutenant Governor, in order that they may be laid before the Legislature, within fifteen days of the commencement of its then next ensuing Session, and that similar annual reports shall be thereafter made to the Lieutenant Governor, for the information of the Legislature.

Account in detail to be laid before the Legislature.

IV. *And whereas,* the Commissioners state that the sum of Two Thousand Pounds, granted last year, was not expended by them within fifteen days of the commencement of the present Session, and it was therefore impossible for them to comply with that part of the Act which required them to account for the said expenditure within that period: *And whereas,* it is fit and proper, that a full and satisfactory account of the said expenditure should be rendered by them: *Be it therefore enacted by the authority aforesaid,* that no part of the sum of Fourteen Hundred Pounds, granted under the authority of this Act, shall be paid, until a duplicate of the Contract for the said Dredging Machine, together with the Vouchers for the several payments made thereon, and a statement, in detail, shewing the whole expenditure of the sum granted last Session, (by the said Commissioners, Messieurs Duncombe, Thorburn and Overfield,) duly attested, under their hands, shall be transmitted to the Receiver General, and be reported duly by him and the Inspector General to the Lieutenant Governor, as being full, ample and satisfactory, which said Report, Vouchers and Documents, shall be communicated to the Legislature at its next ensuing Session.

Account of expenditure of previous grant required, &c. with Vouchers, &c.

V. *And be it further enacted by the authority aforesaid,* That no part of the said sum of Fourteen Hundred Pounds shall be paid to the Commissioners aforesaid, unless satisfactory proof is furnished to the Receiver and Inspector Generals, that that amount will cover the whole cost of the Dredging Machine, and all the necessary vessels connected therewith.

Money granted by this Act not to be paid unless sufficient to cover cost of Machine.

## CHAP. XLVII.

*AN ACT to amend an Act passed in the first Session of the present Parliament, entitled, "An Act granting a sum of Money for the erection of a Light-house on Gull Island, or such other place as the Commissioners may select.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

Preamble.

**W**HEREAS by an Act passed during the last Session of the Provincial Parliament, entitled, "An Act granting a sum of money for the erection of a Light-house upon Gull Island, or such other place as the Commissioners may select," it was provided, that John David Smith, William Kingsmill, and Ebenezer Perry, Esquires, should be Commissioners for the purposes therein-mentioned: *And whereas*, it is desirable and expedient that the said John David Smith, William Kingsmill, and Ebenezer Perry, be relieved from the duties imposed upon them by the said Act: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second and fourth clauses of the said above-mentioned Act, entitled, "An Act granting a sum of money for the erection of a Light-house upon Gull Island, or such other place as the Commissioners may select," be and the same are hereby repealed.

New Commissioners named.

**H.** *And be it further enacted by the authority aforesaid*, That William Sowdon, William Owston, and Wilson S. Conger, be Commissioners for the purposes of the said last-mentioned Act, in the place and stead of the said John David Smith, William Kingsmill, and Ebenezer Perry, and shall be and are hereby authorized and empowered to do and transact all such matters and things as may be necessary for carrying into effect the provisions of the said last-mentioned Act.

Actions instituted by former Commissioners to be stayed, &c. ;

**III.** *And be it further enacted by the authority aforesaid*, That all actions and suits at Law, which have been commenced by the said John David Smith, William Kingsmill, and Ebenezer Perry, as Commissioners, under

and by virtue of the said last-mentioned Act, be and the same are hereby directed to be stayed: *Provided always*, that it shall and may be lawful for the said Commissioners hereinbefore appointed, by and under the direction of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to proceed therewith, in the name of the said John David Smith, William Kingsmill, and Ebenezer Perry, or to commence other actions at any time after the first day of September next, if the said Light-house be not completed by that time: *Provided also*, that nothing herein-contained shall render or be construed to render the said John David Smith, William Kingsmill, and Ebenezer Perry, or any or either of them liable for any costs or expenses attending such proceeding; and that the costs incurred in the said suits may be retained by the said John David Smith, William Kingsmill, and Ebenezer Perry, out of any monies unexpended in their hands, for the purpose of building the said Light-house.

and may be continued by new Commissioners, or new actions instituted after first September, &c.

Former Commissioners not liable to costs, &c.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Commissioners hereinbefore appointed, to demand, recover and receive, of and from the said John David Smith, William Kingsmill, and Ebenezer Perry, all such sums of money granted by the said last-mentioned Act, as remain in their hands unexpended, and to apply and dispose of the same for the purposes therein-mentioned.

New Commissioners to obtain money remaining in hands of former Commissioners.

V. *And be it further enacted by the authority aforesaid*, That the said Commissioners hereinbefore appointed, shall render an account of the disposal and application of such sums of money, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, on or before the first day of January, in the year of our Lord one thousand eight hundred and thirty-seven; and shall at the same time report, what tonnage or other duties upon vessels of all descriptions navigating Lake Ontario, will, in their opinion, be sufficient to defray the charge of maintaining the said Light-house, and to re-pay the said sum of One Thousand Pounds, granted by the said last-mentioned Act, with the interest accruing thereon, and in what manner and in what place the said duties can be most conveniently collected, which account and report shall be laid before the Legislature at its next Session.

Account to be rendered by Commissioners, and reports to be made what tonnage, &c. should be exacted, &c.

## CHAP. XLVIII.

*AN ACT to allow Persons indicted for Felony a full Defence by Counsel, and for other purposes therein-mentioned.*

[The Royal Assent promulgated by Proclamation, 29th September, 1836.]

Preamble.

**WHEREAS** nothing is more just and reasonable, than that Persons prosecuted for Felony, whereby their liberties, lives and characters, may be lost and destroyed, should be justly and equally tried, and that persons accused as offenders therein, should not be debarred of just and equal means for defence of their innocencies in such cases, in order thereunto and for the better regulation of trials of Persons prosecuted for Felony or Misdemeanor: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person tried for Felony in this Province, to be heard in full defence before the Court and Jury, either personally or by Counsel, at his or her election.

Full Defence by Counsel allowed to Prisoners charged with Felony.

Copy of Indictment to be delivered to Prisoner, on payment of certain charges.

*II. And be it further enacted by the authority aforesaid*, That whenever any person shall be indicted in any of His Majesty's Courts of this Province, for any Felony or Misdemeanor, and shall apply to such Court for a copy of the said Indictment, the same shall, with all convenient expedition, be made out and delivered to the person so applying: *Provided, nevertheless*, that the Clerk or Officer shall be entitled to demand and receive for the same, of such person, the following and no other fee, that is to say—At the rate of ninepence for every hundred words contained in said Indictment: *Provided always*, that such copy shall not be received in evidence upon any trial for a malicious prosecution.

CHAP.

## CHAP. XLIX.

*AN ACT for the relief of John McMillan.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by the Petition of John McMillan, a Private in the late Flank Company of the York Militia, that he has become totally blind since he quit the Service, and has thereby become unable to procure the common necessaries of life: *And whereas*, it is desirable and proper, that provision be made for the said John McMillan in future: May it therefore please Your Majesty that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, there be granted annually to His Majesty, His Heirs and Successors, during the natural life of the said John McMillan, the sum of Twenty Pounds, to enable him to provide a pension for the said John McMillan, which said sum shall commence and become payable from and after the passing of this Act.

Preamble.

Pension of £20 granted.

II. *And be it further enacted by the authority aforesaid*, The the sum herein declared payable shall be paid by the Receiver General of this Province, out of the monies that now are, or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, in discharge of such Warrant or Warrants as may therefor, from time to time, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and 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.

To be paid by Warrant, and accounted for, &amp;c.

## CHAP. L.

*AN ACT for the relief of John Pearse, William Dumble, and William Hoar.*

[The Royal Assent given by Message to the Legislature, 28th November, 1836.]

MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS an Act was passed in the third year of His present Majesty's reign, entitled, "An Act to provide for the Improvement of certain Inland Waters in the District of Newcastle": *And whereas*, in pursuance thereof, His Majesty's Receiver General of this Province did raise, by Debenture, the sum of Two Thousand Pounds, for the purposes of the said Act: *And whereas*, the said sum was paid to James Gray Bethune, Esquire, one of the Commissioners named in the said Act: *And whereas*, a Contract was entered into by the Commissioners with John Pearse, William Dumble, and William Hoar, for the construction of a Canal and Locks to connect the Navigation between Pigeon and Sturgeon Lakes, for the sum of One Thousand Six Hundred Pounds: *And whereas*, it satisfactorily appears that the said John Pearse, William Dumble, and William Hoar, have constructed the said Canal and Locks, in compliance with their agreement, and have done extra work to the amount of Eighty-four Pounds, yet they have received therefor only the sum of Nine Hundred and Eighteen Pounds, of the said James Gray Bethune, the acting Commissioner: *And whereas*, the said James Gray Bethune has become embarrassed, and is unable to pay the balance due to the said Contractors: *And whereas*, the said Contractors have constructed a work useful to the Public, and knowing that the said Commissioners were appointed by the Legislature, the Contractors relied upon being paid for any work they might do under the authority of the said Act: May it therefore please Your Majesty, that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties now levied or collected, or hereafter to be raised, levied and collected, and remaining in the hands of the Receiver General of this

£766 granted.

Province unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Seven Hundred and Sixty-six Pounds, which sum shall be paid to John Pearse, William Dumble, and William Hoar, being the balance due them for constructing the before-mentioned Canal and Locks.

II. *And be it further enacted by the authority aforesaid, That the money hereby granted, shall be paid by the Receiver General, in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favour of John Pearse, William Dumble, and William Hoar, and that the said Receiver General shall account to His Majesty for the same, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall be pleased to direct.*

To be paid on Warrant, and accounted for, &c.

## CHAP. LI.

*AN ACT to authorise the payment to the Treasurer of the District of Ottawa, of the Appropriation towards the Support of Common Schools in said District, for the years One Thousand Eight Hundred and Thity-five and One Thousand Eight Hundred and Thirty-six.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

**WHEREAS** in consequence of the omission of the Treasurer of the District of Ottawa to render an account of the sums heretofore advanced on account of that District, for the use of Common Schools therein, no further sum can, by Law, be paid to the said District of Ottawa, for the support of Common Schools within the same: *And whereas, it is expedient to relieve the said District of Ottawa from the disability aforesaid: Be it therefore enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the fifth clause of an Act passed in the sixtieth year of the reign of our late Sovereign, Lord King George the Third, entitled, "An Act to amend and continue, under certain modifica-*

Preamble.

5th clause of Act 60th Geo. III. chap. 7.

repealed, so far as to authorize money to be advanced for support of Schools in District of Ottawa, for years 1835 and 1836.

No sum to be advanced after 1836, unless Treasurer of District accounts for monies advanced under this Act.

tions, an Act passed in the fifty-sixth year of His Majesty's reign, entitled, 'An Act granting to His Majesty a sum of money, to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools,' be repealed so far as to authorise the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his Warrant on the Receiver General of this Province, in favour of the Treasurer of the said District, for such sum as for the years of our Lord One Thousand Eight Hundred and Thirty-five, and One Thousand Eight Hundred and Thirty-six, the said District of Ottawa would be entitled to receive for the support of Common Schools therein, if the Treasurer of the said District had accounted for the sums of money heretofore advanced for that object: *Provided always*, that no sum shall be advanced after the expiration of the said year One Thousand Eight Hundred and Thirty-six, unless the Treasurer of the District shall duly account for the monies to be advanced as aforesaid, under and by virtue of the provisions in this Act contained.

## CHAP. LII.

### *AN ACT to provide additional aid in support of Common Schools in the several Districts of this Province.*

[Royal Assent given by Message to the Legislature, 28th November, 1836.]

#### MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS it is expedient to grant a sum of money for the support of Common Schools in the several Districts of this Province: May it please Your Majesty, that it may be enacted, *And be it enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, in the hands of the Receiver General, unappropriated, there be granted to His Majesty, for the use of the Common Schools in this Province, for the year of our Lord one thousand eight hundred and

£5,650 granted.

thirty-six, the sum of Five Thousand Six Hundred and Fifty Pounds, in addition to sums now appropriated by Law, to be applied in the same way and manner and in conjunction with the present sums for Common Schools, granted by Act of Parliament, which said sum of Five Thousand Six Hundred and Fifty Pounds, shall be apportioned among the several Districts of this Province as follows, that is to say—To the Ottawa District, the sum of one hundred pounds; to the Eastern District, the sum of five hundred pounds; to the Johnstown District, the sum of five hundred pounds; to the Bathurst District, the sum of five hundred pounds; to the Midland District, the sum of five hundred and fifty pounds; to the Prince Edward District, the sum of two hundred pounds; to the Newcastle District, the sum of five hundred pounds; to the Home District, the sum of seven hundred and fifty pounds; to the Gore District, the sum of six hundred pounds; to the Niagara District, the sum of five hundred pounds; to the London District, the sum of six hundred pounds; to the Western District, the sum of three hundred and fifty pounds.

Distribution of money

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

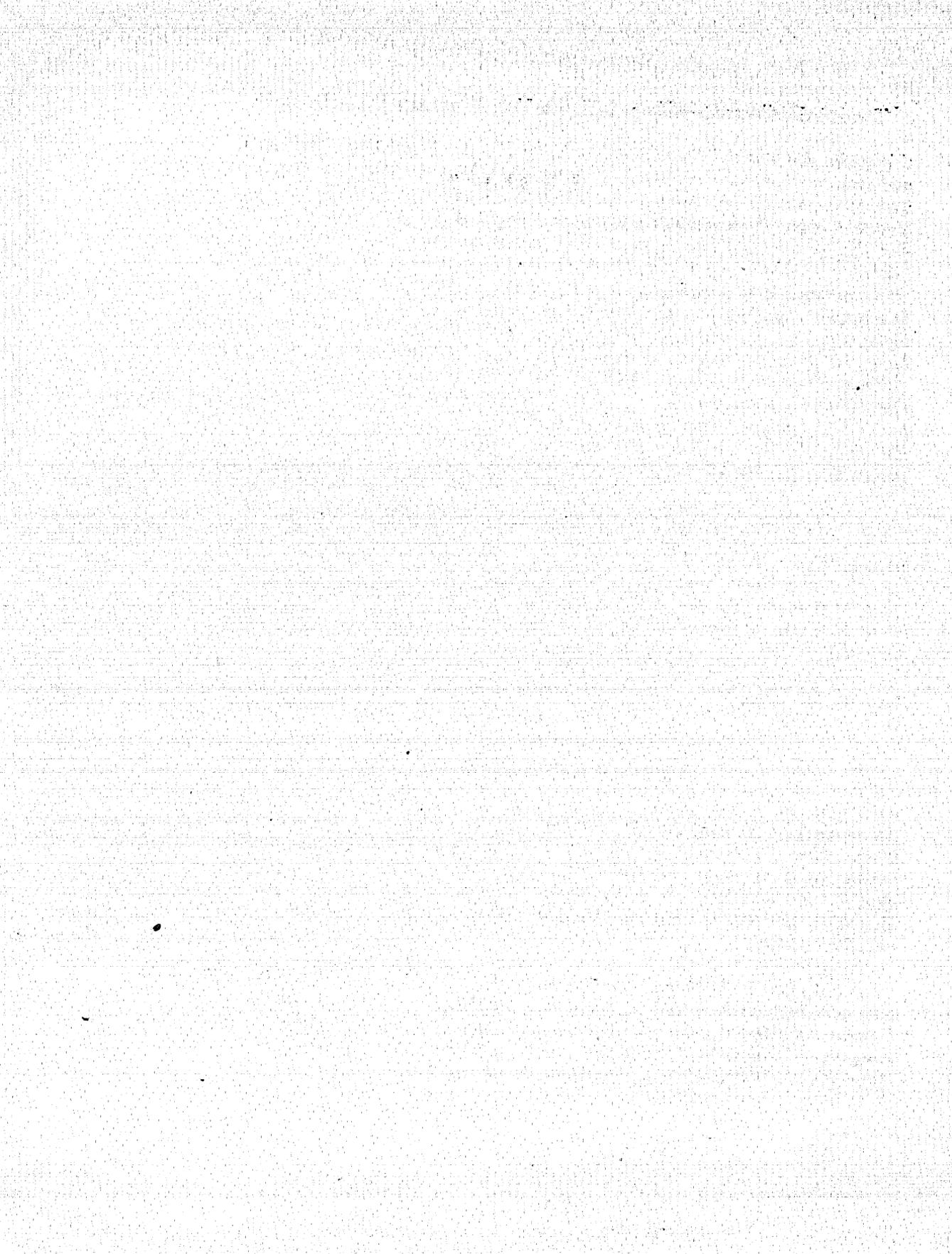
Money to be paid in discharge of Warrants and to be accounted for &c.

III. *And be it further enacted by the authority aforesaid,* That during the year aforesaid it shall not be lawful for the Board of Education in each District of this Province, to pay to any Teacher of a Common School the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the Board of Education, that they have made provision for his support, so as to secure him for his services in a sum at least equal to double the amount which may be allotted by the Board of Education from the Public Money, any thing to the contrary notwithstanding.

No money to be paid Teacher, unless secured by Trustees in a sum equal to double the amount allotted by Board of Education.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Board of Education, in each and every District, to allow the Clerks of their respective Boards, in addition to the sum they are now by Law authorised to receive, the further sum of Five Pounds annually, during the continuance of this Act.

Additional allowance of £5 per annum made to Clerks of Boards of Education.



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