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1873

S T A T U T E S,
OF HIS MAJESTY'S PROVINCE
OF
UPPER CANADA,

PASSED IN THE
FIRST SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT

OF UPPER CANADA.

By Authority

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

TORONTO:

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

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1837-40

STATUTES,

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE THIRTEENTH PROVINCIAL
PARLIAMENT:

MET AT TORONTO ON THE EIGHTH DAY OF NOVEMBER, 1836, AND PROROGUED ON THE
FOURTH DAY OF MARCH, 1837, IN THE SEVENTH YEAR OF THE REIGN OF
WILLIAM IV.

SIR FRANCIS BOND HEAD, K. C. H.

LIEUTENANT GOVERNOR.

ANNO DOMINI 1837.

CHAP. I.

AN ACT to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province; to alter the Terms for the sitting of the said Court; and for other purposes therein mentioned.

[Passed 4th March, 1837.]

WHEREAS an addition to the number of Judges of the Court of King's Bench in this Province has become indispensable from the great Preamble. increase of the Population, the formation of new Districts, and the necessity of providing for the more frequent Delivery of the Gaols: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the au-

34 Geo. 3, c. 2, recited.

Two additional Judges to be appointed.

The Lieutenant Governor to appoint;

until the King's pleasure be known.

Salaries.

To be paid by warrants on Receiver General.

Puisne Judges to sit in rotation;

thority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That notwithstanding any thing contained in a certain Act of the Parliament of this Province, passed in the thirty-fourth year of the Reign of His late Majesty King George the Third, entitled "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal;" His Majesty's Court of King's Bench for the Province of Upper Canada, shall consist of the Chief Justice of the said Province, and of Four Puisne Judges, and that the two additional Puisne Judges to be appointed by His Majesty under the authority of this Act shall hold their Offices during their good behaviour, and subject to the same conditions as the present Judges of the said Court.

II. *And be it further enacted by the authority aforesaid,* That the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, as soon as it may be convenient after the passing of this Act, appoint two fit and proper persons to be Judges of the said Court, to hold the said Office until His Majesty's pleasure shall be made known.

III. *And be it further enacted by the authority aforesaid,* That from and out of the Rates and Duties now levied and collected, or which hereafter may be raised, levied and collected, and remaining in the hands of the Receiver General, there be granted to His Majesty, His Heirs and Successors, the sum of Two Thousand Pounds annually, to provide for the payment of the Salaries of the said two additional Judges, the Salary of each to be One Thousand Pounds.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, from time to time, to issue his Warrant or Warrants to the Receiver General of this Province for the said sums of money by this Act granted, half yearly: and the said Receiver General shall account to His Majesty, His Heirs and Successors, for the same, 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.

V. *And be it further enacted by the authority aforesaid,* That after such appointments shall be made, the Puisne Judges of the said Court

shall sit by rotation in each Term, or otherwise as they shall agree among themselves, so that no greater number than three of such Puisne Judges shall sit at the same time in Banc for the transaction of business in Term, unless in the absence of the Chief Justice; and that it shall be lawful for any one of the said Judges, when occasion shall require, while the other Judges of the said Courts are sitting in Banc, to sit apart from them for the business of adding and justifying Special Bail; discharging Insolvent Debtors; administering Oaths; hearing and deciding upon matters on motion; and making Rules and orders in causes, and business depending in the Court, in the same manner and with the same force and validity as may be done by the Court sitting in Banc.

not exceeding three; unless in the absence of the Chief Justice.

One of the Judges to sit apart for the purposes of special bail, discharging insolvents, &c.

VI. *And whereas* it is necessary to make a new arrangement of the Terms of sitting of the Court of King's Bench, in order to admit more conveniently of two Circuits in each year; *be it therefore enacted by the authority aforesaid*, That so much of a certain Act of the Parliament of this Province, passed in the sixth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to remove certain doubts with respect to the commencement of the Terms of Michaelmas in the last year, and of Hilary in this present year, and to appoint the periods of holding the several Law Terms;" and of a certain other Act of the Parliament of this Province, passed in the second year of the Reign of His present Majesty, entitled "An Act respecting the time and place of sitting of the Court of King's Bench," as appoints the Terms of sitting of the said Court, shall be and the same is hereby repealed: *Provided*, that such repeal shall not take effect until after the termination of next Easter Term, which shall commence and be holden at the same time and in the same manner, as if this Act had not been passed.

Law regulating the Terms in part repealed.

VII. *And be it further enacted by the authority aforesaid*, That from and after the termination of next Easter Term, the times of sitting of the said Court of King's Bench shall be as follows, that is to say:—Trinity Term shall begin on the second Monday in June, and end on the Saturday of the following week; Michaelmas Term shall begin on the first Monday in August, and end on Saturday of the following week; Hilary Term shall begin on the first Monday in December, and end on Saturday of the following week; and Easter Term shall begin on the first Monday in February, and end on the Saturday of the following week.

New arrangement of Terms.

Trinity Term to commence on second Monday in June.

Michaelmas Term, first Monday in August.

Hilary Term, first Monday in December.

Easter Term, first Monday in February.

VIII. *And be it further enacted by the authority aforesaid*, That the Twenty-seventh Clause of an Act of the Parliament of this Province, passed in the second year of the Reign of His late Majesty King George the Fourth, entitled "An Act to repeal part of and amend the Laws now

Section 27 of 2, Geo. 4 c. —, repealed.

in force respecting the practise of His Majesty's Court of King's Bench in this Province," shall be and the same is hereby repealed; and that after the end of Trinity Term next, as appointed by this Act, it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue yearly and every year, in the vacation between Easter and Trinity Terms, and also in the vacation between Michaelmas and Hilary Terms, such Commissions of Assize and Nisi Prius into the several Districts, as may be necessary for the purpose of trying all Issues joined in the said Court in any suit or action, which according to the practise of the Court ought to be tried in such Districts respectively; and that in like manner Commissions of Oyer and Terminer and General Gaol Delivery, shall be issued into the several Districts of this Province, twice in the year, within the periods aforesaid: *Provided always nevertheless*, that it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue a Special Commission, or Special Commissions, for the trial of one or more offender or offenders upon extraordinary occasions, when he shall deem it requisite or expedient that such Commission should issue: *And provided also*, that nothing contained in this Act shall render it necessary to hold any Court in any new District of this Province lately organized, or hereafter to be organized, at an earlier period than is or may be provided in the Act erecting such new District.

Commissions of Assize and Nisi Prius may issue twice in each year.

Special Commissions may issue when necessary.

Provision in case Courts of Assize cannot be opened on the day appointed in Commission.

IX. *And whereas* it may happen that from some unforeseen casualty it may be impracticable to open a Court of Assize and Nisi Prius, or of Oyer and Terminer or General Gaol Delivery, on the very day appointed in the Commission or Precept for the opening of the same, and it would be attended with great Public inconvenience if such Court could on that account not be opened until Juries were again summoned, and a new day appointed for holding such Court: *be it further enacted by the authority aforesaid*, That whenever from illness of the Judge, or from unavoidable detention at the last Assize town, or from other casualty, it may happen that the Judge appointed to hold any Court of Assize and Nisi Prius, Oyer and Terminer or General Gaol Delivery, shall not arrive in time, or shall not be able to open such Court on the day appointed for that purpose, it shall and may be lawful for the Sheriff of the District in which such Court should be holden, or in his absence for his Deputy, after the hour of eight of the clock in the afternoon of such day, to adjourn by Proclamation all and every the Courts which shall be appointed to be opened on that day, to an hour on the following day to be by him named, and so from day to day until the Judge shall arrive to open such Court or Courts, or until he shall receive other direction from the Judge in that behalf.

X. *And be it further enacted by the authority aforesaid,* That from and out of the said rates and duties, there be granted to His said Majesty, His Heirs and Successors, a sufficient sum annually to enable His Majesty to pay to the Judges of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, the sum of Twenty-five Pounds for each time that they shall hold any such Court or Courts in any District of this Province, except the Home District, for the purpose of defraying their travelling expenses; and also a sum sufficient to enable His Majesty to pay the Clerks of Assize their usual and accustomed Fees, for the duties performed by them as Officers of the Courts of Oyer and Terminer, and General Gaol Delivery; and also to pay the Sheriff of the Home District, the sum of Eleven Shillings and eight pence per day, for attending the Terms of the Court of King's Bench at the Seat of Government.

Judges travelling expenses allowed at the rate of £25 for each District, except the Home District.

Fees of Clerks of Assize.

Sheriff of Home District to be paid for attending in Court of King's Bench during Term.

CHAP. II.

AN ACT to Establish a Court of Chancery in this Province.

[Passed 4th March, 1837.]

FOR the more perfect Administration of Justice in this Province: *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 constituted and established, and there is hereby constituted and established a Court of Chancery, to be called and known by the name and style of "The Court of Chancery for the Province of Upper Canada," of which Court, the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall be Chancellor. And that for the better administration of Justice in the said Court, the Judicial powers thereof, both legal and equitable, shall be exercised by a Judge, to be appointed by His Majesty under the Great Seal of the Province, and to be called and known as "the Vice Chancellor of Upper Canada;" and who shall hold his Office during good behaviour; which said Court shall be holden at the Seat of Government in the said Province, or in such other place as shall be ap-

Preamble.

Constitution of the Court of Chancery.

Judicial powers to be exercised by a Vice Chancellor.

Court to be held at Seat of Government.

pointed by Proclamation of the Governor, Lieutenant Governor, or Person Administering the Government of the Province.

Jurisdiction and power of the Court.

In cases of Fraud;
Trusts;

Executors and Administrators;

Mortgages;

Dower;

Infants;

Idiots and Lunatics;

Awards;

Specific Performance;

Discovery;

To prevent suits at law

against conscience;

To decree Letters

Patent;

To repeal Patents

erroneously issued;

Waste;

Accident;

Account; and

Co-Partnership.

Authority of Commissioners under Heir and Devisee Acts not affected by this Act.

Authority in cases of Alimony.

Practice of the Court.

II. *And be it further enacted by the authority aforesaid,* That the said Court shall have jurisdiction, and possess the like power and authority as, by the Laws of England, are possessed by the Court of Chancery in England, in respect of the matters hereinafter enumerated; that is to say; In all cases of Fraud; In all matters relating to Trusts; In all matters relating to Executors and Administrators; In all matters relating to Mortgages; In Dower; In all matters relating to Infants, Idiots and Lunatics, and their Estates, except where special provision hath been or may hereafter be made with respect to them or either of them by any law of this Province; In all matters relating to Awards; To compel the Specific Performance of Agreements; To compel the discovery of concealed papers or evidence, or such as may be wrongfully withheld from the party claiming the benefit of the same; To prevent multiplicity of Suits and to stay proceedings in a Court of Law, prosecuted against Equity and good conscience; To decree the issue of Letters Patent from the Crown to rightful Claimants; To institute proceedings for the repeal of Letters Patent erroneously or improvidently issued; To stay Waste; In all cases of Accident; All cases of Account; And all cases relating to Co-Partnership: *Provided always nevertheless,* that nothing in this Act contained shall extend to supersede or interfere with the authority of the Commissioners appointed under the Laws of this Province for ascertaining the titles of any person claiming Lands as the Heir, Devisee or Assignee, of the original nominee of the Crown, in cases where no Patent has issued for such Lands, or claiming title under such Heir, Devisee, or Assignee.

III. *And be it further enacted by the authority aforesaid,* That the said Court of Chancery shall have the like power, authority and jurisdiction, in all cases of claim for Alimony that is exercised and possessed by any Ecclesiastical or other Court in England.

IV. *And be it further enacted by the authority aforesaid,* That the Vice-Chancellor of the said Court of Chancery hereby constituted and established, shall have full power and authority from time to time, to settle and declare the form of Process, and to define the Practice and Proceedings to be observed in the said Court of Chancery, in prosecuting or defending suits therein; to regulate the amount of Fees and Disbursements to be taxed to parties, their Counsel and Solicitors, and to the Officers of the said Court; and make such other Rules and Regulations respecting the

practice of the said Court, as in his opinion shall be necessary to facilitate the despatch of business and occasion the least expense.

V. *Provided always, and be it further enacted by the authority aforesaid,* That all Witnesses in any matter pending before the said Court of Chancery, or before any or either of the Masters thereof, shall deliver in their testimony vivâ voce, and be subject to examination by Counsel, in the presence of the Vice Chancellor, or of the said Masters, unless it be otherwise specially ordered by the said Vice Chancellor, or by consent of parties in the suit or controversy to which the testimony of such Witness or Witnesses relates.

Witnesses to deliver their testimony viva voce, unless otherwise ordered.

VI. *And be it further enacted by the authority aforesaid,* That the Rules of Decision, in the Court of Chancery hereby constituted and established, shall be the same as govern the Court of Chancery in England; and it shall possess full power and authority to enforce and compell obedience to its Orders, Judgments and Decrees, to the same extent as is possessed by the Court of Chancery in England, in respect of all matters within its Jurisdiction, except when otherwise provided by the Laws of this Province.

Rules of Decision to be the same as govern the Court of Chancery in England.

VII. *And be it further enacted by the authority aforesaid,* That all monies that shall or may from time to time become subject to the control and distribution of the said Court of Chancery, shall be paid into the hands of such person or persons, Bodies Corporate or Politic, as the said Vice Chancellor shall from time to time direct, or be vested in the Public Funds of the Province, or in such other Securities as the said Vice Chancellor shall direct, in the name of the Accountant General of the said Court; and all Interest arising from such sums, so deposited or vested, shall be added to the principal sum, and be distributed therewith to the persons entitled to receive the same.

Investment of monies subject to the direction of the Court.

VIII. *And be it further enacted by the authority aforesaid,* That in the event of the temporary absence or illness of the said Vice Chancellor, or if from any cause he shall be unable to perform the duties of his Office, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, from time to time, during pleasure, to appoint another fit and proper person to execute the duties of Vice Chancellor.

Provisional appointment in the absence or illness of the Vice Chancellor.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person

Officers of the Court.

Registrar.
Two Masters.
Accountant.
Sergeant-at-Arms.

Administering the Government of this Province, from time to time, under the Great Seal of the Province, to appoint during pleasure, one Register, two Masters, one Accountant, and a Sergeant-at-Arms, to the said Court of Chancery, who, when appointed, shall, in addition to the duties usually performed by the like Officers in England, be liable to perform such other duties as shall be assigned to them by the Vice Chancellor of Upper Canada.

Masters Extraordi-
nary, and Examiners.

X. *And be it further enacted by the authority aforesaid*, That the Vice Chancellor of the said Court, for the time being, shall and may, by one or more Commission or Commissions, under the Seal of the said Court, from time to time as need shall require, empower as many persons as he shall think fit and necessary, in the several Districts of this Province, to be Masters Extraordinary and Examiners, to take and receive all and every such affidavit and affidavits, deposition and depositions, as any person or persons shall be willing and desirous to make before any of the persons so empowered; in or concerning any cause, matter or thing, depending or in anywise concerning any proceedings in the said Court of Chancery.

Authority of the Court
in cases of Mortgage.

XI. *And whereas*, the Law of England was at an early period introduced into this Province, and has continued to be the rule of decision in all matters of controversy relative to Property and Civil Rights, while at the same time, from the want of an equitable jurisdiction, it has not been in the power of Mortgagees to foreclose, and Mortgagors being out of possession have been unable to avail themselves of their equity of redemption, and in consequence of the want of these remedies, the rights of the respective Parties, or of their Heirs, Executors, Administrators or Assigns, may be found to be attended with peculiar equitable considerations, as well in regard to compensation for improvements, as in respect to the right to redeem, depending on the circumstances of each case, and a strict application of the Rules established in England, might be attended with injustice: *Be it therefore enacted by the authority aforesaid*, That the Vice Chancellor of the said Court, shall have power and authority in all cases of Mortgage, where before the passing of this Act the estate has become absolute in Law, by failure in performing the condition, to make such order and decree in respect to Foreclosure or Redemption, and with regard to Compensation for Improvements, and generally, with respect to the rights and claims of the Mortgagor and Mortgagee, and their respective Heirs, Executors, Administrators or Assigns, as may appear to him just and reasonable under all the circumstances of the case, subject however to the appeal provided by this Act.

XII. *And be it further enacted by the authority aforesaid, That all* Barristers and Attornies to be Counsel and Solicitors of the Court.
Barristers and Attornies admitted to practise in the Courts of Common Law in this Province, shall be permitted and have full power and authority to practise in the Court of Chancery in this Province, as Counsel or Solicitor, respectively.

XIII. *And be it further enacted by the authority aforesaid, That the* Vice Chancellor to be a member of the Court of Appeals.
Vice Chancellor of Upper Canada shall be, and he is hereby declared to be, a Member of the Court of Appeals in this Province.

XIV. *And be it further enacted by the authority aforesaid, That His* Common Gaols to be Prisons of the Court of Chancery.
Majesty's Common Gaols in the several Districts of this Province, as well as all other Gaols which may be erected in any District now existing, or which may hereafter be constituted and set apart, shall be Prisons of the said Court of Chancery; and that all Sheriffs, Deputy Sheriffs, Gaolers, Constables and other Peace Officers, shall be aiding, assisting and obeying the said Court, in the exercise of its jurisdiction, whenever required so to do by the said Vice Chancellor. Sheriffs and other Officers to obey orders of the Court.

XV. *And be it further enacted by the authority aforesaid, That if any* False swearing to be Perjury.
person or persons shall wilfully swear falsely, or make false affirmation, in writing or by parole, in any proceeding pending in the said Court of Chancery, or in any matter in which an Oath or Affirmation is required by this Act, every such person, being lawfully convicted thereof, shall be deemed guilty of wilful and corrupt perjury, and shall suffer the like punishment as by Law may now be inflicted on persons convicted of the crime of perjury.

XVI. *And be it further enacted by the authority aforesaid, That Ap-* Appeals from Judgments of the Court.
peals shall lie from the Judgments and Decrees of the said Vice Chancellor of the said Court of Chancery, to the Governor and Council of the Province of Upper Canada, and from the Judgments of the said Governor and Council, to the King in Council in England, in like manner as Appeals now lie from the Judgments of the Court of King's Bench in this Province: *Provided* that security be given upon such Appeal to the satisfaction of the Vice Chancellor, in like manner as is provided with respect to Appeals from Judgments of the Court of King's Bench.

XVII. *And be it further enacted by the authority aforesaid, That the* Puisne Judges of the Court of King's Bench, members of the Court of Appeal.
Puisne Judges of the Court of King's Bench, shall be Members of the Court of Appeals in this Province, in all cases of Appeal from the Judgments and Decrees of the said Vice Chancellor, in like manner as the Chief Justice is now by Law a Member of the Court of Appeals.

Seal of the Court.

XVIII. *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, by and with the advice and consent of the Executive Council, to determine and declare the Seal to be used in the said Court of Chancery, and by which its Judgments and Proceedings shall be certified and authenticated.

Duties of Officers of the Court to be regulated by Vice Chancellor.

XIX. *And be it further enacted by the authority aforesaid,* That the Vice Chancellor aforesaid shall have full power and authority from time to time, to make such further and other regulations as to him shall appear necessary and expedient, to secure the safe and due performance of the duties required, or to be required of the several Officers of the said Court of Chancery, appointed under and by virtue of this Act.

Oath of office to be taken by the Vice Chancellor and Officers of the Court.

XX. *And be it further enacted by the authority aforesaid,* That the said Vice Chancellor, and the other Officers created or to be created under or by virtue of this Act, shall take and subscribe the following Oath, before they enter upon the duties of their respective Offices, which Oath shall be administered to the Vice Chancellor by the Lieutenant Governor in Council, for the time being, and afterwards by the said Vice Chancellor to the other Officers in open Court :—

Form of oath.

“I, A. B. of —, do hereby solemnly swear, that I will, according to the best of my skill, learning, ability, and judgment, well and faithfully execute and fulfil the duties of the office of Vice Chancellor of Upper Canada, (or of Master, &c. as the case may be,) without favour or affection, prejudice, or partiality, to any person or persons whomsoever—So HELP ME GOD.”

Removal of the Vice Chancellor, on joint address of the Houses of Parliament.

XXI. *And be it further enacted by the authority aforesaid,* That if at any time the Honorable the Legislative Council, and House of Assembly of this Province, shall unite in an Address to His Majesty, or his Successors, to remove the Vice Chancellor of this Province from his office, it shall and may be lawful for His Majesty, or his Successors, to revoke the Commission of such Vice Chancellor, and to appoint another fit and proper person to fill the said Office : *Provided always,* that the Vice Chancellor shall have the same right of appeal to His Majesty, in His Privy Council, against such removal, as is by law given to the Judges of His Majesty's Court of King's Bench in this Province.

Saving right of appeal to the King in Council.

Admission of six Solicitors of the Court of Chancery in England or Ireland.

XXII. *And whereas,* it may be beneficial to facilitate the admission of a limited number of persons experienced in the practice of Courts of Equity in the United Kingdom, to practice as Solicitors in this Province :

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the Vice Chancellor to admit persons to be Solicitors of the said Court, (not exceeding six in number,) upon their producing evidence to his satisfaction, of their having been respectively admitted and sworn as Solicitors of the High Court of Chancery in England or Ireland, and of their having been in actual practice in such Court as Solicitors: *Provided always,* that the Vice Chancellor shall not admit any such person to be a Solicitor, until he shall have satisfied himself in respect to his competent knowledge of the law, and practice of the High Court of Chancery in England or Ireland, and also in respect to his moral character.

XXIII. *And be it further enacted by the authority aforesaid,* That no higher fees shall be charged for the services hereinafter mentioned than are set down in the following table, nor shall higher fees be charged for any similar services rendered in other cases. Fees of Solicitors, &c.

PLAINTIFF'S COSTS.

In a Suit for a Specific Performance of an Agreement, attending, advising on case, and taking instructions to file Bill, Five Shillings; Letter of Notice to Defendant before filing Bill, Two Shillings and Sixpence; Instructions for Bill, Seven Shillings and Sixpence; Drawing same, One Shilling per folio; Engrossing Bill, Sixpence per folio; Paid filing Bill, Two Shillings and Sixpence; Drawing Precipe for Subpœna, and attending the same, Two Shillings; Paid for Subpœna, Four Shillings and Threepence; Service thereof, (exclusive of mileage, at the rate of Sixpence per mile,) Two Shillings; Paid for Office Copy of Answer, folio —, Sixpence per folio; Attending for same, One Shilling and Threepence; Perusing and considering same, to see if bill fully answered by Defendant, Five Shillings; Paid for Certificate of Pleadings being filed, Two Shillings; Paid setting down Cause for hearing, Five Shillings; Drawing Precipe for Subpœna, to hear Judgment, and attendance for same, Two Shillings; Paid for Subpœna, Four Shillings and Threepence; Service, (inclusive of mileage, at the rate of Sixpence per mile,) Two Shillings; Instructions for Brief, Five Shillings; Drawing Brief and Fair Copy, at One Shilling per folio; Counsel's Fee thereon, Two Pounds Two Shillings; Making Copy Title of Cause and Prayer of Bill for the Vice-Chancellor, Two Shillings; Attending Court when Cause heard and decree made for Plaintiff, Five Shillings; Paid Court Fees and Officers, Five Shillings; Paid for Copy Minutes of Decree, Two Shillings and Sixpence; Perusing and Examining the same, One Shilling and Threepence; Attending the Registrar with same, and to draw up Decree, One Shilling and Threepence; Paid for Decree, per folio, One Shilling; Perusing and

Examining the same, One Shilling and Threepence; Attending passing, Decree with Registrar, and leaving same to be entered, Five Shillings; Paid entering same, Sixpence per folio; Postage of Letters, Ten Shillings.

CHAP. III.

AN ACT for the further Amendment of the Law, and the better Advancement of Justice.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it would greatly contribute to the diminishing of expense in suits in the Court of King's Bench, if the pleadings therein were in some respects altered, and the questions to be tried by the Jury left less at large than they now are, according to the course and practice of pleading in several forms of action, but this cannot be conveniently done, otherwise than by rules or orders of the Judges of the said Court, from time to time to be made, and doubts may arise as to the power of the said Judges to make such alterations without the authority of the Legislature: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Judges of His Majesty's Court of King's Bench in this Province, or the majority of them, including the Chief Justice, shall and may, by any rule or order to be from time to time by them made, in Term or Vacation, at any time within five years from the time when this Act shall take effect, make such alterations in the mode of pleading in the said Court, and in the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law, and such regulations as to the payment of costs, and otherwise for carrying into effect the said alterations, as to them may seem expedient; and all such rules, orders or regulations, shall be laid before both Houses of the Legislature, if they shall be then sitting; immediately upon the making of the same, or if the Legislature be not then sitting, then within five days after the next meeting thereof; and no such rule, order or regulation, shall have effect until six weeks after the same shall have been so laid before both

Judges of the King's Bench authorized to alter the mode of pleading by rule of Court;

and regulations as to the payment of costs:

such rules to be laid before Parliament.

Rules not to have effect till six weeks after they shall have been laid before Parliament:

Houses of the Legislature; and any rule or order so made, shall, from and after such time aforesaid, be binding and obligatory on the said Court, and all other Courts of Common Law in this Province, to which the same shall be made expressly to extend, and on all Courts of Appeal or Courts of Error in this Province, into which the Judgments of the said Courts, or any of them, shall be carried by Appeal or by any Writ of Error, and be of the like force and effect as if the provisions contained therein had been expressly enacted by the Legislature of this Province: *Provided always*, that no such rule or order shall have the effect of depriving any person of the power of pleading the general issue, and giving the special matter in evidence, in any case wherein he is now or hereafter shall be entitled to do so, by virtue of any Act of Parliament now or hereafter to be in force.

afterwards to be binding on Court:

And on Courts of Appeal and Error.

Rules not to affect pleadings under Acts of Parliament.

II. *And whereas*, there is no remedy provided by law for injuries to the real estate of any person deceased, committed in his lifetime, nor for certain wrongs done by a person deceased in his lifetime to another, in respect of his property, real or personal: for remedy thereof, *be it enacted by the authority aforesaid*, That an action of trespass, or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person: *And provided*, such action shall be brought within one year after the death of such person, and the damages, when recovered, shall be part of the personal estate of such person: *And further*, that an action of trespass, or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased, for any wrong committed by him in his lifetime to another, in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration, as the simple contract debts of such persons.

Executors of any person deceased may maintain actions for injuries done to Real Estate in Testators life time.

Action to be commenced within one year of the death of the party.

Damages recovered to be part of the Personal Estate

Actions against Executors for wrongs committed by deceased;

To be brought within six calendar months.

Damages payable as simple contract debts.

III. *And be it further enacted by the authority aforesaid*, That all actions of debt for rent, upon an indenture of demise; all actions of covenant or debt, upon any bond or other specialty; and all actions of debt or Scire Facias, upon any recognizance; and also all actions of debt upon any award, where the submission is not by specialty, or for an escape, or for money levied on any Fieri Facias; and all actions for penalties, dam-

Limitation of time for commencement of particular actions.

ages, or sums of money given to the party grieved, by any Statute now or hereafter to be in force, that shall be sued or brought at any time after the passing of this Act, shall be commenced and sued within the time and limitation hereinafter expressed, and not after, that is to say : The said actions of debt for rent, upon an indenture of demise or covenant, or debt upon any bond or other specialty, actions of debt, or Scire Facias upon recognizance, within ten years after the passing of this Act, or within twenty years after the cause of such actions or suits, but not after ; the said actions by the party grieved, one year after the passing of this Act, or within two years after the cause of such actions or suits, but not after ; and the said other actions, within three years after the passing of this Act, or within six years after the cause of such actions or suits, but not after : *Provided*, that nothing herein contained shall extend to any action given by any Statute, where the time for bringing such action is or shall be by any Statute specially limited.

Actions of debt on demise or covenant, bond or specialty, or Scire Facias.

Other actions.

Provision in case of disabilities.

IV. *And be it further enacted by the authority aforesaid*, That if any person or persons that is or are, or shall be entitled to any such action or suit, or to such Scire Facias, is or are, or shall be at the time of any such cause of action accruing, within the age of twenty-one years, femme covert, non compos mentis, or without the limits of this Province, then such person or persons shall be at liberty to bring the same actions, so as they commence the same within such times after their coming to or being of full age, discover, of sound memory, or returned to this Province, as other persons having no such impediment should, according to the provisions of this Act, have done ; and that if any person or persons, against whom there shall be any such cause of action, is or are, or shall be at the time such cause of action accrued, without this Province, the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons, within such times as are before limited, after the return of such person or persons to this Province : *Provided always*, that if any acknowledgment shall have been made, either by writing signed by the party liable, by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment, or part satisfaction, on account of any principal or interest being due thereon, it shall and may be lawful for the person or persons entitled to such actions, to bring his or their action for the money remaining unpaid, and so acknowledged to be due, within twenty years after such acknowledgment by writing, or part payment, or part satisfaction, as aforesaid ; or in case the person or persons entitled to such action shall, at the time of such acknowledgment, be under such disability, as aforesaid, or the party making such acknowledgment be, at the time of making the same, without this Province, then within twenty years after such disability shall have ceased, as aforesaid, or the party shall have

In cases of written acknowledgment, or part payment.

returned to this Province, as the case may be; and the Plaintiff or Plaintiffs in any such action, on any indenture, specialty, or recognizance may, by way of replication, state such acknowledgment, and that such action was brought within the time aforesaid, in answer to a plea of this Statute.

Acknowledgment may be pleaded in Replication.

V. *And be it further enacted by the authority aforesaid,* That if in any of the said actions, Judgment be given for the Plaintiff, and the same be reversed for Error in a Court of Error or Appeal, or if a verdict pass for the Plaintiff, and upon matter alleged in arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing for his plaint, writ, or bill, or if in any of the said actions the Defendant shall be outlawed, and shall reverse the outlawry, that in all such cases the party Plaintiff, his executors, or administrators, as the case shall require, may commence a new action or suit, from time to time, within a year after such Judgment reversed, or such Judgment given against the Plaintiff, or outlawry reversed, and not after.

In case Judgment be reversed for Error, &c. new action may be commenced within a year.

VI. *And be it further enacted by the authority aforesaid,* That no plea in abatement for the non-joinder of any person as a co-Defendant, shall be allowed in any Court of Common Law, unless it shall be stated in such plea that such person is resident within the jurisdiction of the Court, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

Pleas in abatement for non-joinder, to state party's residence, and be verified by affidavit.

VII. *And be it further enacted by the authority aforesaid,* That in all cases in which, after such plea in abatement, the Plaintiff shall, without having proceeded to trial upon an issue thereon, commence another action against the Defendant or Defendants, in the action in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement, as joint contractors, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original Defendants are liable, but that one or more of the persons named in such plea in abatement, or any subsequent plea in abatement, are not liable as a contracting party or parties, the Plaintiff shall, nevertheless, be entitled to Judgment, or to a verdict and Judgment, as the case may be, against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable, shall have Judgment, and shall be entitled to his costs as against the Plaintiff, who shall be allowed the same as costs in the cause against the Defendant or Defendants, who shall have so pleaded in abatement, the non-joinder of such person: *Provided,* that any such Defendant, who shall have so pleaded in abatement, shall be at liberty on the trial to adduce evidence

Under plea in abatement Plaintiff may have judgment against Defendants who are liable.

Judgment and costs to Defendants not liable.

of the liability of the Defendants named by him in such plea in abatement.

Misnomer not to be pleaded in abatement, but to be amended at costs of Plaintiff upon Judge's Summons.

VIII. *And be it further enacted by the authority aforesaid,* That no plea in abatement for misnomer shall be allowed in any personal action, but that in all cases in which a misnomer would, but for this Act, have been by Law pleadable in abatement, in such actions the Defendant shall be at liberty to cause the Declaration to be amended, at the costs of the Plaintiff, by inserting the right name, upon a Judge's Summons founded on an Affidavit of the right name; and in case such Summons shall be discharged, the costs of such application shall be paid by the party applying, if the Judge shall think fit.

In affidavit to hold to bail, initial or contraction of Christian name, sufficient.

IX. *And be it further enacted by the authority aforesaid,* That in all actions upon Bills of Exchange, or Promissory Notes, or other written Instruments, any of the parties to which are designated by the initial letter, or letters, or some contraction of the Christian, or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the Process or Declaration to designate such person by the same initial letter or letters, or contraction of the Christian, or first name or names, instead of stating the Christian, or first name or names in full.

Wager of Law disallowed.

X. *And be it further enacted by the authority aforesaid,* That no wager of Law, shall be hereafter allowed.

Action of debt maintainable against Executor, &c.

XI. *And be it further enacted by the authority aforesaid,* That an action of debt on simple contract shall be maintainable in any Court of Common Law, against any Executor or Administrator.

Court empowered to make rules for admission of documentary evidence.

XII. *And whereas* it is expedient to lessen the expense of the proof of written or printed documents or copies thereof, on the trial of causes: *Be it further enacted by the authority aforesaid,* that it shall and may be lawful for the Judges of His Majesty's Court of King's Bench in this Province, or the major part of them, as aforesaid, at any time within five years after this Act shall take effect, to make regulations by general rules or orders, from time to time, in Term or in Vacation, touching the voluntary admission, upon an application for that purpose, at a reasonable time before the trial, of one party to the other, of all such written or printed documents, or copies of documents as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs which may be incurred by the proof of such documents or copies on the trial of the cause, in case of the omitting to apply for such admis-

sion, or the not producing of such document or copies for the purpose of obtaining admission thereof, or of the refusal to make such admission, as the case may be, and as to the said Judges, or a majority of them, shall seem meet, and all such Rules and Orders shall be binding and obligatory in the said Court, and of the like force as if the provisions therein contained had been expressly enacted by Parliament.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Defendant, in all personal actions, (except actions for Assault and Battery; False Imprisonment; Libel; Slander; Malicious Arrest, or Prosecution; Criminal Conversation, or Debauching of the Plaintiff's Daughter or Servant), by leave of any Court of Record where such action is pending, or of a Judge thereof, to pay into Court a sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs and the form of pleading, as the said Judges of His Majesty's Court of King's Bench, or a majority of them, as aforesaid, by any Rules or Orders by them to be from time to time made, shall order and direct.

Defendant (except in certain cases) may pay amends into Court.

XIV. *And whereas* unnecessary delay and expense is sometimes occasioned, by the trial of local actions in the District where the cause of action has arisen: *Be it therefore enacted by the authority aforesaid,* that in any action depending in the Court of King's Bench, the venue in which is by Law local, the Court or any Judge thereof may, on application of either party, order the issue to be tried, or damages to be assessed, in any other District than that in which the venue is laid, and for that purpose the said Court or a Judge thereof, may order a suggestion to be entered on the Record, that the trial may be more conveniently had or damages assessed, in the District where the same is ordered to take place.

Local actions may be tried in another District by suggestion on the Record.

XV. *And whereas* great expense is often incurred, and delay or failure of Justice takes place at trials, by reason of variances as to some particular or particulars between the proof and the Record, or setting forth on the Record, on which the trial is had, of contracts, names, and other matters or circumstances, not material to the merits of the case, and by the misstatement of which the opposite party cannot have been prejudiced, and the same cannot in any case be amended at the trial, except where the variance is between any matter in writing or in print produced in evidence, and the Record: *And whereas* it is expedient to allow such amendments as hereinafter mentioned to be made on the trial of the cause: *Be it therefore enacted by the authority aforesaid,* that it shall be lawful for any Court of Record holding plea in Civil Actions, and for any Judge sitting at Nisi Prius, if such Court or Judge shall see fit so to do, to cause

Courts of Record may direct pleadings to be amended at the trial in certain actions;

the Record, Writ or Document, on which any trial may be pending before any such Court or Judge in any Civil Action, or in any Information in the nature of a Quo Warranto, or proceedings on a Mandamus, when any variance shall appear between the proof and the recital or setting forth on the Record, Writ or Document, in which the trial is proceeding, of any contract, name or other matter, in any particular or particulars, in the judgment of such Court or Judge not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution or defence, to be forthwith amended by some Officer of the Court, or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of costs to the other party, or postponing the trial to be had before the same or another Jury, or both payment of costs and postponement, as such Court or Judge shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such Court or Judge not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution or defence, then such Court or Judge shall have power to cause the same to be amended, upon payment of costs to the other party, and withdrawing the Record or postponing the trial as aforesaid, as such Court or Judge shall think reasonable; and after any such amendment the trial shall proceed (in case the same shall be proceeded with) in the same manner in all respects both with regard to the liability of Witnesses to be indicted for perjury and otherwise, as if no such variance had appeared; and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the Postea, and returned together with the Record, and thereupon such Papers, Rolls and other Records of the Court from which such Record issued, as it may be necessary to amend, shall be amended accordingly, and the order for amendment shall be entered on the Roll or other Document upon which the trial shall be had: *Provided* that it shall be lawful for any party who is dissatisfied with the decision of such Judge at Nisi Prius, respecting his allowance of any such amendment, to apply to the Court from which such Record issued for a new trial upon that ground, and in case any such Court shall think such amendment improper, a new trial shall be granted accordingly, on such terms as the Court shall think fit, or the Court shall make such other order as to them may seem meet.

Upon such terms respecting costs as may seem reasonable;

or allow the record to be withdrawn.

After amendment the trial to proceed as though no such variance had appeared.

On trial at Nisi Prius order for amendment to be endorsed on the Postea.

Rolls and Records to be amended accordingly;

Party dissatisfied with the amendment may apply for new trial.

Instead of amendment the Judge may direct the Jury to find facts according to the evidence;

XVI. And be it further enacted by the authority aforesaid, That the said Court or Judge shall and may, if they or he think fit, in all such cases of variance, instead of causing the Record to be amended as aforesaid, direct the Jury to find the fact or facts according to the evidence, and

thereupon such finding shall be stated on such Record, and notwithstanding the finding on the issue joined, the Court from which the Record issued, shall, if they shall think the said variance immaterial to the merits of the case, and the misstatement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

And if variance be immaterial, Court may give judgment according to the merits.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the parties in any action or information after issue joined, by consent and by order of any of the Judges of the Court in which the action is depending, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by Confession or of Nolle Prosequi, immediately after the decision of the case, or otherwise, as the Court may think fit, and judgment shall be entered accordingly.

After issue joined the parties may agree, upon a special case, for the opinion of the Court.

XVIII. And in order to render the rejection of Witnesses on the ground of interest less frequent, *Be it further enacted by the authority aforesaid,* That if any Witness shall be objected to as incompetent, on the ground that the verdict or judgment in the action on which it shall be proposed to examine him, would be admissible in evidence for or against him, such Witness shall, nevertheless, be examined, but in that case a verdict or judgment in that action, in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him, or for any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined, be admissible in evidence against him, or any one claiming under him.

Interested witnesses may be examined;

but the verdict or judgment not admissible for or against such witnesses.

XIX. *And be it further enacted by the authority aforesaid,* That the name of every Witness objected to as incompetent, on the ground that such verdict or judgment would be admissible in evidence for or against him, shall, at the trial, be endorsed on the Record on which the trial shall be had, together with the name of the party on whose behalf he was examined, by some Officer of the Court, at the request of either party, and shall be afterwards entered on the Record of the judgment, and such endorsement on entry shall be sufficient evidence that such Witness was examined, in any subsequent proceeding, on which the verdict or judgment shall be offered in evidence.

Names of interested witnesses to be endorsed on the Record;

and the name of the party on whose behalf examined.

XX. *And be it further enacted by the authority aforesaid,* That upon all debts or sums certain, payable at a certain time, or otherwise, the Jury on the trial of any issue, or on any assessment of damages, may, if they shall think fit, allow interest to the Creditor, from the time when such

The Jury may allow interest on debts in certain cases.

debts or sums certain were payable, if such debts or sums be payable by virtue of some written Instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the Debtor that interest will be claimed from the date of such demand until the time of payment: *Provided* that interest shall be payable in all cases in which it is now payable by Law, or in which it has been usual for a Jury to allow interest.

Interest in Trover in nature of damages.

XXI. *And be it further enacted by the authority aforesaid,* That the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give interest in the nature of damages over and above the value of the goods at the time of the conversion or seizure, in all actions of Trover, or Trespass de bonis asportatis, and over and above the money recoverable in all actions on Policies of Assurance, made after the passing of this Act.

Interest when execution delayed by writ of Error.

XXII. *And be it further enacted by the authority aforesaid,* That if any person shall sue out any Writ of Error or Appeal, upon any judgment whatsoever, given in any Court in any action personal, and the Court of Error or Appeal shall give judgment for the Defendant in error, then interest shall be allowed by the Court of Error or Appeal, for such time as execution has been delayed by such Writ of Error or Appeal, for the delaying thereof.

Payment of costs by Executors and Administrators.

XXIII. *And be it further enacted by the authority aforesaid,* That in every action brought by any Executor or Administrator in right of the Testator or Intestate, after the time this Act shall go into effect, such Executor or Administrator shall, unless the Court in which such action is brought, or a Judge thereof shall otherwise order, be liable to pay costs to the Defendant in case of being non-suited, or a verdict passing against the Plaintiff, and in all other cases in which he would be liable, if the Plaintiff were suing in his own right upon a cause of action accruing to himself, and the Defendant shall have judgment for such costs, and they shall be recovered in like manner.

Defendants entitled to costs after a Nolle Prosequi, unless the Judge shall certify.

XXIV. *And be it further enacted by the authority aforesaid,* That when several persons shall be made Defendants in any personal action, and any one or more of them shall have a Nolle Prosequi entered as to him or them, or upon the trial of such action shall have a verdict pass for him or them, every such person shall have judgment for, and recover his reasonable costs, unless in the case of a trial, the Judge before whom such cause shall be tried shall certify upon the Record, under his hand, that there

was a reasonable cause for making such person a Defendant in such action.

XXV. *And be it further enacted by the authority aforesaid,* That where any Nolle Prosequi shall have been entered upon any Count, or as to part of any Declaration, the Defendant shall be entitled to and have judgment for his reasonable costs in that behalf. Costs where Nolle-Prosequi entered as to part of declaration.

XXVI. *And be it further enacted by the authority aforesaid,* That in all Writs of Scire Facias, the Plaintiff obtaining judgment on an award of execution, shall recover his costs of suit upon a judgment by default, as well as upon a judgment after plea pleaded, or demurrer joined; and that where judgment shall be given either for or against a Plaintiff or Defendant, or for or against a Defendant or tenant, upon any demurrer joined in any action whatever, the party in whose favour such judgment shall be given, shall also have judgment to recover his costs in that behalf. Plaintiff allowed costs on Scire Facias, after judgment by default, &c.

XXVII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Executors or Administrators of any Lessor or Landlord, to distraint upon the lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his lifetime, in like manner as such Lessor or Landlord might have done in his lifetime. Executors and Administrators of a Lessor may distrain for rent.

XXVIII. *And be it further enacted by the authority aforesaid,* That such arrearages may be distrained for after the end or determination of such term, or lease at will, in the same manner as if such term or lease had not been ended or determined: *Provided,* that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due: *Provided also,* that all and every the powers and provisions in the several Statutes made relating to distresses for rent, shall be applicable to the distresses so made, as aforesaid. Such arrearages of rent may be distrained for within six months after determination of the lease.

XXIX. *And whereas,* it is expedient to render references to Arbitration more effectual, *be it further enacted by the authority aforesaid,* That the power and authority of any Arbitrator or Umpire appointed by, or in pursuance of any rule of Court, or Judges' order or orders of Nisi Prius, in any action now brought, or which shall be hereafter brought, or by or in pursuance of any submission to reference, containing an agreement that such submission shall be made a rule of His Majesty's Court of King's Bench, shall not be revocable by any party to such reference, without the leave of the Court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the Ar- Submission to Arbitration, if agreed to be made a rule of Court, not revocable. without leave of Court; Arbitrator to proceed with reference;

bitrator or Umpire shall and may, and is hereby required to proceed with the reference notwithstanding any such revocation, and to make an award, although the person making such revocation shall not afterwards attend the reference, and that the Court or any Judge thereof may, from time to time, enlarge the term for any such Arbitrator making his award.

Court may enlarge time for making an award.

Witnesses may be compelled to attend Arbitrators ;

by order of the Court ;

on payment of their expenses.

XXX. *And be it further enacted by the authority aforesaid,* That when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience of any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by the Umpire, before whom the attendance is required, shall also be served, either together with or after the service of such rule or order : *Provided always,* that every person whose attendance shall be so required shall be entitled to the like conduct money and payment of expenses, and for loss of time, as for and upon attendance at any trial : *Provided also,* that the application made to such Court or Judge for such rule or order, shall set forth the place where such Witness is residing at the time : *Provided also,* that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days, to be named in such order.

Witnesses may be sworn upon arbitrations ;

False swearing to be deemed perjury.

XXXI. *And be it further enacted by the authority aforesaid,* That when in any rule or order of reference, or in any submission to arbitration, containing an agreement that the submission shall be made a rule of Court, it shall be ordered or agreed that the Witnesses upon such reference shall be examined upon oath, it shall be lawful for the Arbitrator or Umpire, or for any one Arbitrator, and he or they are hereby authorised and required to administer an Oath to such Witnesses, or take their Affirmation in cases where Affirmation is allowed by Law instead of an Oath ; and if upon such Oath or Affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and may be prosecuted and punished accordingly.

XXXII. *And whereas*, in cases where Writs of Execution have been issued into several Districts, upon which Writs property real or personal may have been seized or advertised, which property has afterwards not been sold, on account of satisfaction having been otherwise obtained, or from some other cause, it has been doubted whether a claim to poundage may not be advanced by the Sheriff of each of such Districts, respectively, although no money has been actually levied by them under such Writ: *Be it therefore enacted by the authority aforesaid*, That where upon any Writ of Execution sued out against the Estate, real or personal, of the Defendant, or Defendants, no money shall be actually levied, no poundage shall be allowed to the Sheriff; but he shall be allowed his Fees for the services which may be actually rendered by him, and it shall be in the power of the Court from whence such Execution shall have issued, or for any Judge thereof, in Vacation, to allow a reasonable charge to the Sheriff for any service rendered, in respect to such Execution, for which no specific fee or allowance may be assigned in the Table of Costs.

Sheriffs not entitled to poundage, except upon actual levy made;

Allowance of fees for services rendered;

and such further reasonable charge as a Judge may order.

XXXIII. *And be it further enacted by the authority aforesaid*, That it shall not be necessary after the time this Act shall take effect, to sue out Process of Execution into that District in which the venue in any action shall be laid, for the sole purpose of warranting the suing out Process of Execution into any other District, nor need any Writ of Execution be a Testatum Writ, merely because of its being directed to the Sheriff of any other District than that in which the venue may be laid, but it shall be lawful to sue out Execution into any District of this Province, without regard to the venue having been laid in any other District: *Provided always*, that where it is now necessary to sue out Process of Execution against the person, into any particular District, in order to charge Bail, the same shall still continue to be necessary, notwithstanding any thing contained in this Act.

Writ of Fieri Facias may issue without a testatum Fi. Fa.

XXXIV. *And be it further enacted by the authority aforesaid*, That this Statute shall commence and take effect on the first day of June next, after the passing thereof.

Commencement of this Act.

CHAP. IV.

AN ACT to abolish the distinction between Grand and Petit Larceny, and to enable the Courts of General Quarter Sessions of the Peace to try all cases of Simple Larceny, under certain restrictions, and to amend the Law respecting the punishment of Larceny.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to abolish the distinction between Grand and Petit Larceny, and to allow the Courts of Quarter Sessions of the Peace to entertain Jurisdiction in cases of Simple Larceny, under certain restrictions, by which means persons charged with Larceny will be more speedily brought to trial: *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 distinction between Grand Larceny and Petit Larceny shall be abolished, and every Larceny, whatever may be the value of the Property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as Grand Larceny was before the passing of this Act.

Distinction between Grand and Petit Larceny abolished.

Courts of Quarter Sessions may try every case of simple Larceny.

Restriction when Presiding Justice is not a Barrister.

II. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace in the several Districts of this Province, shall have power to try every case of Simple Larceny, and also to try all Accessories to such Larceny: *Provided always,* that unless the Justice presiding in any such Court shall be a Barrister, duly admitted to practise at the Bar in this Province, then it shall not be lawful for such Court to try any case of Larceny, when the goods charged to have been stolen shall exceed in value the sum of Twenty Pounds.

Power of Courts, in respect to punishment.

III. *And be it further enacted by the authority aforesaid,* That no Court whose Jurisdiction in cases of Larceny is extended by this Act, shall have power to sentence a person convicted of Larceny to be transported for any period, or to be banished for a longer period than seven years, or to be imprisoned in a Common Gaol for a longer period than eight months,

or to be imprisoned and kept to hard labour in any Penitentiary or House of Correction, for a longer period than two years.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any Court having Jurisdiction in cases of Larceny, if they shall think fit, to sentence any person convicted thereof to be banished from the Province, for any number of years not exceeding seven, to commence from the expiration of the Term for which the same person may, upon the same conviction, be sentenced to be imprisoned in the Common Gaol, or imprisoned and kept to hard labour in a Penitentiary or House of Correction.

Banishment.

V. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing contained in this Act, it shall not be necessary for any Court of Quarter Sessions to deliver the Gaol of all Prisoners who may be confined upon charges of Simple Larceny, but it shall be in the discretion of such Court to leave such case to be tried at the next Court of Oyer and Terminer, and General Gaol Delivery, if by reason of the difficulty or importance of the case, or for any cause, it shall appear to them proper so to do.

Court of Quarter Sessions may leave cases for the Assizes.

VI. *And be it further enacted by the authority aforesaid,* That if upon the trial of any case of Larceny, in which the value of the goods stolen shall be stated in the Indictment at a sum not exceeding Twenty Pounds, it shall appear in evidence that the value of such goods was in reality greater than Twenty Pounds, such trial may nevertheless proceed, and no legal exception to the Jurisdiction of the Court shall lie on that account, but the provision of this Act restraining such Court to cases where the value of the goods shall not exceed Twenty Pounds, shall be deemed and taken merely to be a direction to such Court, but shall not be construed to affect their legal Jurisdiction.

Value of the goods being above £20, not to affect jurisdiction of the Court.

CHAP. V.

AN ACT to amend the Law respecting Bills of Exchange and Promissory Notes.

[Passed 4th March, 1837.]

WHEREAS the present construction of Law in regard to Bills of Exchange accepted, payable at a particular place, and Promissory Notes made payable at a particular place, leads to much inconvenience and

Preamble.

expense, by rendering it necessary to produce evidence of presentment at such place, and sometimes subjecting the Plaintiff to be Non-suited for failure of proof thereof: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of June now next ensuing, if any person shall accept a Bill of Exchange payable at a Bank, or at any other particular place, without further expression in his acceptance; or if any person shall after that day make a Promissory Note, payable at a Bank, or at any other particular place, without further expression in that respect, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance, and such promise shall be deemed and taken to be a promise to pay generally; but if the Acceptor shall in his acceptance express that he accepts the Bill payable at a Bank, or at any other particular place only, and not otherwise or elsewhere, or if the maker of a Promissory Note, shall in the body of the Note express that he promises to pay at a Bank, or at any other particular place only, and not otherwise or elsewhere, then such acceptance or promise shall be deemed and taken to be respectively, a qualified acceptance or promise; and the Acceptor or maker shall not be liable to pay the Bill or Note, except in default of payment when such payment shall have been first duly demanded, at such Bank or other place.

Acceptance of a Bill payable at a Bank, or other particular place, to be deemed a general acceptance.

But otherwise if the acceptance be special;

Or if the body of the Note express payment at a particular place.

Acceptance to be in writing.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first day of June, no acceptance of any Inland Bill of Exchange shall be sufficient to charge any person, unless such acceptance be in writing on such Bill, or if there be more than one part to such Bill, on one of the said parts.

Contracts for payment of money not to be affected in the hands of other persons by usurious consideration, without express notice.

III. *And whereas,* by Law, all Contracts and Assurances whatsoever for payment of money made for an Usurious consideration are utterly void: *And whereas,* in the course of Mercantile transactions, negotiable securities often pass into the hands of persons who have discounted the same, without any knowledge of the original considerations for which the same were given, and the avoidance of such securities in the hands of such bona fide Endorsees, without notice, is attended with great hardship and injustice: for remedy thereof, *be it further enacted by the authority*

aforesaid, That no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for an Usurious consideration, or upon an Usurious contract, be void in the hands of an Endorsee, or in the case of a Note transferable, by delivery, in the hands of a person who shall have acquired the same as bearer for valuable consideration, unless such Endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such Bill of Exchange or Promissory Note had been originally given for an Usurious consideration, or upon an Usurious contract.

CHAP. VI.

AN ACT to provide more effectually for the Punishment of certain Offences, and to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to commute the sentence of Death, in certain cases, for other Punishment in this Act mentioned.

[Passed 4th March, 1837.]

WHEREAS it is expedient to make further provision for the effectual punishment of certain offences 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 in case of the conviction of any person after the passing of this Act, of any Larceny; or of Manslaughter; or of any Assault with intent to commit any Felony; or of Felonious Rescue; or of Assaulting with any weapon a Sheriff, or other Peace Officer, in the execution of his duty; or of any Forgery which before the passing of this Act was not punishable with Death, with or without benefit of Clergy; or of Perjury; or of Fraud; or Cheating; or Conspiracy; or of being Accessory, before or after the fact, to Larceny, or any other Felony; or of Receiving Stolen Goods; or of Embezzlement; or of uttering or tendering in payment False or Counterfeit Money, resembling any of the gold or silver Coins current in this Province, knowing the same

Preamble.

Larceny, and other offences, to be punished as heretofore;

to be false or counterfeit; or of any offence against a certain Statute of this Province, passed in the fiftieth year of the reign of His late Majesty King George the Third, entitled, "An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of Foreign Notes and Orders for the payment of Money;" or of assisting in or attempting to effect the escape of a Prisoner confined for a Felony or other crime, before or after conviction—the person convicted of such offence may be sentenced to such punishment as is now provided by law for any such offence; or if the Court which is to pass sentence on such Convict shall think fit, may be sentenced to be imprisoned only, or imprisoned and kept to hard labour, or in solitary confinement in the Common Gaol, or in any Penitentiary or House or Correction that hath been or may be provided in this Province for such purpose, for any term not exceeding seven years: *Provided always*, that where for any of the offences above mentioned a specified term of imprisonment is now assigned by law, no person shall be sentenced, for such offence, to be imprisoned in a Penitentiary or other place of confinement for a longer period than such specified term: *And provided also*, that in case a conviction shall take place of any of the offences herein-before enumerated, except the offence of Manslaughter, which before the passing of this Act would have subjected the offender to any punishment provided by the Act of the Parliament of this Province, passed in the third year of His present Majesty's reign, entitled, "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy; and to make other alterations in certain criminal proceedings before and after conviction"—such punishment shall in no case be altered or affected by this Act.

Or by imprisonment only; with or without hard labour;

In the common Gaol or Penitentiary, &c.

Term not exceeding seven years;

Convictions for offences (except manslaughter) punishable under 3 W. 4, c —, not to be affected by this Act.

Quarter Sessions not empowered to sentence any person to the Penitentiary for more than two years.

Sentence of Death may be commuted by Governor, &c. except for Murder and High Treason.

II. *And be it further enacted by the authority aforesaid*, That no Court of General Quarter Sessions of the Peace, or Court having the like jurisdiction, shall have power to sentence any person convicted before them, to be imprisoned in a Penitentiary, for a longer period than two years.

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 commute the sentence of death, which may be passed upon any person convicted of a Capital crime, other than High Treason or Murder, and with authority from His Majesty, upon any person convicted of High Treason or Murder—for transportation for life, or term of years, to such place in His Majesty's Dominions as may be assigned for the reception of convicts; or for banishment from this Province for life, or any term of years; or for

solitary confinement; or confinement with or without hard labour in any Penitentiary or House of Correction that may be appointed for such purposes, either during life, or for any term of years; and that an Instrument under the Hand and Seal of the Governor, Lieutenant Governor, or Person administering the Government of this Province, declaring such commutation of sentence, shall be sufficient authority to any of His Majesty's Judges or Justices in this Province having jurisdiction in such cases, to make such orders, and give such directions, under his hand and seal, as may be requisite for the change of custody of such Convict, and for his conduct to and delivery at any Penitentiary or House of Correction in this Province, and his detention therein, according to the terms on which his sentence may have been commuted.

IV. *And be it further enacted by the authority aforesaid,* That the time during which any offender shall have continued in any Common Gaol, under sentence of Transportation, or under sentence of Confinement in the Penitentiary, shall be reckoned in discharge, or part discharge, of the term which shall be appointed by such sentence.

Imprisonment after sentence to be reckoned in the term of transportation.

CHAP. VII.

AN ACT respecting the Transportation of Convicts.

[Passed 4th March, 1837.]

WHEREAS it is expedient to facilitate the Transportation of offenders to such place or places in His Majesty's Dominions as may be assigned for the reception of Convicts, and to make further provision in respect to the punishment of Transportation: *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 notwithstanding anything contained in a certain Act of the Parliament of this Province, passed in the fortieth year of the reign of His late Majesty King George the Third, entitled, "An Act for the further introduction of the Criminal Law of England in this Province,

Preamble.

Transportation may be substituted for Banishment.

and for the more effectual punishment of certain offenders," it shall be lawful, after the passing of this Act, to sentence offenders to Transportation, not only in such cases where by any law now in force, or hereafter to be passed, it is expressly provided that such offenders may be transported, but also in every case in which by the provisions of the said Act passed in the fortieth year of the reign of His late Majesty King George the Third, the person convicted would be liable to be Banished from this Province: *Provided always, nevertheless*, that no offender shall, under the authority of this Act, be sentenced to be Transported, except by such Court, and in such cases, and for such term of time, as the same offender might, according to the said Act, be Banished from this Province; and that nothing in this Act contained shall extend, or be construed to take away or affect the power of sentencing offenders to be Banished according to the Act herein-before recited, when it shall appear proper to pass such sentence.

Punishment for returning from transportation.

II. *And be it further enacted by the authority aforesaid*, That all and singular the provisions now in force which are contained in the said Act of the Parliament of this Province, passed in the fortieth year of the reign of His late Majesty King George the Third, respecting persons returning to this Province before the expiration of the period for which they have been banished by sentence of a Court, or have consented to be banished according to the terms of any conditional pardon, granted to a Convict sentenced to suffer death, shall equally extend to and be in force with respect to any person returning from Transportation after this Act, whether such person shall have been sentenced to be Transported, or having been capitally convicted, shall have been pardoned on condition of being Transported.

Form of sentence to transportation.

III. *And be it further enacted by the authority aforesaid*, That the sentence in case of Transportation shall be, that the offender shall be Transported for a time to be mentioned in such sentence, or for life, where that may be lawful, and shall in the opinion of the Court passing such sentence appear proper, to such place as the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice of the Executive Council thereof, shall appoint.

Place of transportation to be determined by Governor, &c. in Council.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice of the Executive Council thereof, to determine, upon reference to His Majesty's Government in England, to what Foreign Possession of His

Majesty, Convicts shall be Transported from this Province, under the provisions of this Act.

V. *And be it further enacted by the authority aforesaid,* That an Instrument under the Sign Manual of the Governor, Lieutenant Governor, or Person administering the Government of this Province, and directed to the Judges of the Court of King's Bench, declaring to what Colony or place it has been determined to Transport any Convict, shall be sufficient authority for the Judge who passed sentence on such Convict, or in his absence, for any other Judge of the said Court, to make his warrant, authorizing any person or persons to carry and secure such Convict in and through this Province, towards the Sea-Port or place from whence he or she is to be Transported; and if any person or persons shall rescue such Convicts, or any of them, or assist them, or any of them, in making their escape from such person or persons as shall have them in their custody, as aforesaid, such offence shall be punishable in the same manner as if such Convict had, at the time it was committed, been confined in a Gaol or Prison, in the custody of the Sheriff or Gaoler, after sentence for the crime of which he shall have been convicted. Judge's Warrant.

VI. *And be it further enacted by the authority aforesaid,* That the time during which any offender shall have continued in Gaol under sentence of Transportation, shall be taken and reckoned in part discharge or satisfaction of the term of his Transportation. Imprisonment to be reckoned as part of the term of transportation.

VII. *And be it further enacted by the authority aforesaid,* That the expenses of carrying this Act into execution, so far as respects the removal of Convicts in order to their being Transported, shall be annually laid before both Houses of the Legislature. Expenses of removing Convicts to be laid before Parliament.

VIII. *And be it further enacted by the authority aforesaid,* That if by reason of any difficulty occurring, which may prevent the Transportation or reception of any Convict in any Colony or Possession of His Majesty, the sentence which shall have been passed on any such Convict cannot be carried into effect, such Convict may be detained in Prison, for a period not longer than that for which he shall have been sentenced to be Transported, unless it shall appear expedient to pardon such Convict, in which case it may be made a condition of such pardon, that the Convict shall banish himself from this Province, for a period not exceeding the residue of the time for which he was to have been Transported. Provision in case sentence of transportation cannot be carried into effect.

CHAP. VIII.

AN ACT to make the remedy in cases of Seduction more effectual, and to render the Fathers of illegitimate Children liable for their support.

[Passed 4th March, 1837.]

Preamble.

WHEREAS in some cases the Law fails in affording redress to Parents whose Daughters have been Seduced: *And whereas*, the Law makes no provision in this Province for compelling the Fathers of illegitimate Children to contribute to to their support: *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 Father, or in case of his death, the Mother of any unmarried female who may be Seduced after the passing of this Act, and for whose Seduction such Father or Mother could sustain an action, in case such unmarried female were at the time dwelling under his or her protection; shall be entitled to maintain an action for Seduction, notwithstanding such unmarried female was, at the time of her Seduction, serving or residing with any other person, upon hire or otherwise, any former Law or Statute to the contrary notwithstanding.

Action, when maintainable.

Proof of service not necessary.

II. *And be it further enacted by the authority aforesaid*, That upon the trial of any action for Seduction brought by the Father or Mother, it shall not be necessary to give proof of any act or acts of service performed by the person Seduced, but the same shall be in all cases presumed, and no proof shall be received to the contrary: *Provided always nevertheless*, that in case the Father or Mother of such female who shall be Seduced shall, before the Seduction, have abandoned her, and refused to provide for or retain her as an inmate, then any other person, who before the passing of this Act might have maintained an action for such Seduction, shall be entitled to such action in the same manner as the Father or Mother would otherwise have been.

Who may maintain the Action in the father's or mother's absence.

III. *And be it further enacted by the authority aforesaid*, That notwithstanding anything contained in this Act, any person, other than the Father

or Mother, who by reason of the relation of Master, or otherwise, would have been entitled, if this Act had not been passed, to maintain an action for the Seduction of an unmarried female, shall be entitled to maintain such action notwithstanding this Act, if the Father or Mother who might sue according to this Act, shall not be resident in this Province at the time of the birth of the Child, which shall take place in consequence of such Seduction, or being resident within the Province, shall not bring any action for the Seduction within six months from the birth of such Child.

IV. And in order that some check may be imposed upon the unfeeling conduct of persons who refuse to make provision for the support of their illegitimate Children—*Be it therefore enacted by the authority aforesaid,* That any person who shall furnish food, clothing, lodging, or other necessaries, to any Child who shall be born after the passing of this Act not in lawful wedlock, shall be entitled to maintain an action for the value thereof, against the Father of such illegitimate Child; *Provided,* such illegitimate Child shall have been a Minor at the time of such necessaries found, and shall not have been then residing with his or her reputed Father, and maintained by him as a member of his family: *And provided* The father of an illegitimate child liable to be sued for necessaries. *also,* that where the person suing for the value of such necessaries shall be the Mother of such Child, or any person to whom the Mother has become accountable for such necessaries, then the fact of the Defendant being the Father of such Child, must be proved by other testimony than that of the Mother: *And provided also,* that no action shall be sustained under this Act, unless it shall be shewn upon the trial thereof, that while the Mother of such Child was pregnant, or within six months after the birth of her Child, she did voluntarily make an affidavit in writing, before some one of His Majesty's Justices of the Peace for the District in which she shall be residing, declaring that the person who may be afterwards charged in such action, is really the Father of such Child, and unless she has deposited such affidavit, within the time aforesaid, in the office of the Clerk of the Peace of the District, there to remain filed: which affidavit shall nevertheless not be evidence of the fact of the Defendant being the Father of such Child, but such fact must be proved by legal evidence, independently of such affidavit. Evidence in such cases.

V. *And be it further enacted by the authority aforesaid,* That this Act shall not be construed to take away or abridge any right of action, or any remedy which without this Act might have been had and maintained against the Father of an illegitimate Child; but the same may be pursued in the same manner as if this Act had not been passed. Former remedies not to be affected by this Act.

CHAP. IX.

AN ACT to revive, continue and amend, an Act passed in the Third year of His present Majesty's Reign, entitled, "An Act to facilitate legal Remedies against Corporations."

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act passed in the Third year of the Reign of His present Majesty, entitled, "An Act to facilitate Legal Remedies against Corporations," hath expired, and it is expedient to revive and continue the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act shall be and remain in force, except the third Clause thereof, which shall be, and is hereby repealed.

Act revived and continued, except the third clause, which is repealed.

CHAP. X.

AN ACT for the more convenient Recovery of Estreats.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to provide for the more summary and convenient collection of Fines, Issues, Amerciaments and Sums, due upon Recognizances forfeited to His Majesty: *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 first day of June, next ensuing the passing of this Act, all fines, issues, amerciaments and forfeited recognizances, save and except such as shall, by virtue of any Act or Acts of the Parliament of this Province, made or to be made, be directed to be otherwise levied, recovered, appropriated, or disposed of, which shall be set, imposed, lost, or forfeited, by or before any Court of Oyer and Terminer, or General Gaol Delivery, or before any Court of Assize and Nisi Prius, shall, within twenty-one days from the adjournment of such Court, be fairly entered and extracted on a roll, by the Clerk of Assize, or in case of his death or absence, by any other person under the direction of the Judge who presided at such Court, which roll shall be made in duplicate, and shall be signed by the Clerk of Assize, or such Judge as aforesaid, in case of his death or absence.

Fines, issues, and amerciaments, and forfeited recognizances, (except such as by Law are otherwise to be levied, &c.) imposed, &c. by or before any Court of Oyer and Terminer, General Gaol Delivery, Assize and Nisi Prius, within twenty-one days of adjournment, to be entered and extracted on a roll by Clerk of Assize, or in case of his death or absence, by any other person under direction of the Judge who presided at such Court, in duplicate, to be signed by Clerk of Assize, or in case of his death or absence, by the Judge.

II. *And be it further enacted by the authority aforesaid,* That one of the said rolls shall be transmitted to the Office of the Clerk of the Crown, on or before the first day of the Term next succeeding such Court, and that the other of such rolls shall, so soon as the same shall be prepared, be sent by the Clerk of Assize, or in case of his death or absence, by such Judge as aforesaid, with a Writ of Fieri Facias and Capias, according to the form in the Schedule to this Act annexed, marked A., to the Sheriff of the District in or for which such Court was holden, which Writ shall be authority to such Sheriff for proceeding to the immediate levying and recovering of such fines, issues, amerciaments and forfeited recognizances, or any of them, as remain to be levied and recovered, on the goods and chattels, lands and tenements of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels, lands or tenements shall not be found, whereof the same can be made; and every person so taken shall be lodged in the common Gaol of the District, until satisfaction be made, or until the Court of King's Bench shall, upon cause shewn by the party, as hereinafter mentioned, make an order in the case, and until such order shall be fully complied with.

One copy of Roll to be sent to Clerk of the Crown within time mentioned, &c.; the other to Sheriff of the District in which fine, &c. occurred. Mode of proceeding to levy fine, &c.

Relief of party committed by Court of King's Bench.

III. *And be it further enacted by the authority aforesaid,* That from and after the first day of June, next after the passing of this Act, all fines, issues, amerciaments and forfeited recognizances, save and except such as shall, by virtue of any Act or Acts of the Parliament of this Province, made or to be made, be directed to be otherwise levied, recovered, appropriated or disposed of, which shall be set, imposed, lost or forfeited, by or before any Court of General Quarter Sessions of the Peace, shall, within twenty-one days after the adjournment of such Court, be fairly entered and extracted on a roll, by the Clerk of the Peace, which roll shall be made out in duplicate, and shall be signed by the Clerk of the Peace.

Fines, &c. incurred at General Quarter Sessions, to be entered and extracted on a Roll, in duplicate.

Manner of proceeding to compel payment of fines, &c. imposed by Court of General Quarter Sessions.

IV. *And be it further enacted by the authority aforesaid,* That one of the said rolls shall remain deposited in the Office of the Clerk of the Peace, and that the other of such rolls shall, so soon as the same shall be prepared, be sent by the Clerk of the Peace, with a Writ of Fieri Facias and Capias, according to the form in the Schedule to this Act annexed, marked B., to the Sheriff of the District in which such Court of Quarter Sessions shall have been holden, which Writ shall be authority to such Sheriff, for proceeding to the immediate levying and recovering of such fines, issues, amerciaments and forfeited recognizances, or any of them, as remain to be levied and recovered, on the goods and chattels, lands and tenements, of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels, lands or tenements, shall not be found, whereof the same can be made, and every person so taken, shall be lodged in the common gaol of the District, until satisfaction be made, or until the Court of General Quarter Sessions of such District shall, upon cause shewn by the party, as hereinafter mentioned, make an order in the case, and until such order shall be fully complied with.

Relief by Court of General Quarter Sessions to party fined, &c.

Court may forbear estreating recognizances, under certain circumstances.

V. *And whereas* the estreating indiscriminately of all recognizances for the appearance of persons to prosecute or give evidence, or to answer to criminal charges, would in many instances, be productive of hardship: *Be it enacted by the authority aforesaid,* That in every case of default, whereby a recognizance may be forfeited, if the cause of absence be made known to the Court in which the party shall be bound to appear, the Court, on consideration of such cause, and considering also whether, by the non-appearance of such person, the ends of justice have been defeated or delayed, may forbear to order the recognizance to be estreated—and that with respect to all recognizances which shall be estreated in any Court, and also with respect to all fines which may be imposed by any Court, for the non-attendance of any Juror or Constable, or of any Public Officer, bound to attend at such Court, it shall be in the power of the Judge who presided at such Court, or in the case of proceedings before any Court of General Quarter Sessions of the Peace, for the Chairman, and for any two of the Justices who presided at such Court, to make an order, directing that the sum forfeited upon such estreated recognizance, or the fine imposed in any such case, as aforesaid, shall not be levied, provided it shall appear, to the satisfaction of such Judge, or of the Chairman and Justices, as aforesaid, that the absence of the person for whose appearance any recognizance was entered into, or of any person fined for non-attendance, was owing to circumstances which rendered such absence justifiable; and for such purpose, it shall be necessary for the Clerk of Assize, or Clerk of the Peace respectively, before

Court or Justices may direct Sheriff to forbear levying fines, &c. under certain circumstances.

sending to the Sheriff any roll, with a Writ of Fieri Facias and Capias, as directed by this Act, to submit the same to the Judge who presided at the Assizes, or to the Chairman who presided at the Court of Quarter Sessions respectively, for his revision, and that the Judge, or the Chairman of the Court of Quarter Sessions, taking to his assistance two of the Justices who presided with him at the Sessions, shall and may make a minute on the said roll and writ, of such forfeited recognizance and fines as they may think fit to direct not to be levied, and the Sheriff shall observe the direction in such minute, written upon such roll and writ, or endorsed thereon, and shall forbear accordingly to levy any such forfeited recognizance or fine.

VI. *And be it further enacted by the authority aforesaid,* That if upon any Writ to be issued under this Act, the Sheriff shall take lands or tenements in execution, he shall advertise the same, in like manner as he is required to do before the sale of lands in execution in other cases, and no sale shall take place in less than twelve calendar months, from the time the Writ shall come into the hands of the Sheriff.

Mode of proceeding where lands are seized for payment of fines, &c.

VII. *And be it further enacted by the authority aforesaid,* That the Clerk of Assize, or Clerk of the Peace, shall, at the foot of each roll made out, as herein directed, make and take an affidavit, in the following form, (that is to say,) I, A. B., (describing his Office,) make Oath that this Roll is truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances and forfeitures, which were set, lost, imposed or forfeited, at or by the Court therein mentioned, and which in right and due course of law, ought to be levied and paid, are, to the best of my knowledge and understanding, inserted in the said roll, and that in the said roll are also contained and expressed, all such fines as have been paid to, or revised by me, either in Court or otherwise, without any wilful discharge, omission, misnomer or defect whatsoever---so help me God: which oath any Justice of the Peace for such District, is hereby authorised to administer.

Oath to be taken and subscribed at foot of Roll by Clerks of Assize, or Clerk of the Peace.

VIII. *And be it further enacted by the authority aforesaid,* That each and every Justice of the Peace, before whom any recognizance shall be entered into or taken, shall give, or cause to be given, at the time of entering into such recognizance, to the person or persons so entering into the same, and to each of his sureties, a written or printed paper or notice, in the form or to the effect stated in the Schedule, marked C to this Act annexed, adapting the same to the particular circumstances of the case, and each and every such Justice, shall, in such recognizance, state and specify particularly the profession, art or trade, of every person so enter-

Certificate to be given by Justice of the Peace before whom recognizance is entered into, to the party entering into the same.

ing into such recognizance, together with the Christian name and surname, and also the place or his or her residence.

Conditions upon which goods seized by Sheriff, &c. may be released.

IX. *And be it further enacted by the authority aforesaid,* That if any person on whose goods and chattels such Sheriff, Bailiff or other Officer, shall be authorised to levy any such forfeited Recognizance, shall give security to the said Sheriff, or other Officer, for his appearance at the return day mentioned in the Writ, in the Court into which such Writ shall be returnable, then and there to abide the decision of such Court, and also to pay such forfeited Recognizances, or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as shall be adjudged and ordered by the Court, it shall be lawful for such Sheriff or Officer, to discharge such person so giving such security, out of custody: *Provided,* that in case such party so giving such security shall not appear in pursuance of his undertaking, it shall be lawful for the Court forthwith to issue a Writ of Fieri Facias and Capias, against the Surety or Sureties of the person so bound as aforesaid.

Court, under certain circumstances, may discharge forfeited recognizances, &c.

X. *And be it further enacted by the authority aforesaid,* That the Court of King's Bench, or Court of General Quarter Sessions, into which any Writ of Fieri Facias and Capias, to be issued under this Act, shall be returnable, is authorised by this Act to inquire into the circumstances of the case, and may, in its discretion, order the discharge of the whole of the forfeited Recognizance, or sum of money paid or to be paid in lieu or satisfaction thereof, and make such order thereon as may to them appear just; which order shall accordingly be a discharge to the Sheriff, or to the party, according to the circumstances of the case.

Manner of Return by Sheriff, &c.

XI. *And be it further enacted by the authority aforesaid,* That the Sheriff to whom any Writ shall be directed under this Act, shall return the same on the day on which the same is made returnable, and shall state on the back of the roll attached to such Writ, what shall have been done in the execution of such Process, which return shall be filed in the Court respectively into which such return is made—and that a copy of such roll and return, certified by the Clerk of the Peace, or by the Clerk of the Crown, (as the case may be,) shall be forthwith transmitted to the Receiver General of this Province, with a minute thereon of any of the sums therein mentioned, which may have been remitted by order of the Court, in the whole, or in part, or directed to be forborne, under the authority of this Act.

Copy of Roll and Return to be sent to Receiver General.

Sheriff to pay over money to Receiver General.

XII. *And be it further enacted by the authority aforesaid,* That the Sheriff shall, without delay, pay over all monies by him collected, to the Receiver General of this Province, for the time being.

SCHEDULE A.

William the Fourth, by the Grace of God, &c. To the Sheriff of—
 Greeting: You are hereby commanded to levy of the goods and chattels, lands and tenements, of all and singular, the persons in the roll or extract to this Writ annexed mentioned, all and singular the debts and sums of money upon them severally imposed and charged, as therein is specified, and if any of the said several debts cannot be levied, by reason of no goods or chattels, lands or tenements, being to be found, belonging to the said parties respectively, then and in all cases, that you take the bodies of the parties respectively, and keep them safely in the Gaol of your District, there to abide the judgment of our Court of King's Bench, upon any matter to be shewn by them, or otherwise to remain in your custody, as aforesaid, until such debt shall be satisfied, unless any such person shall give sufficient security for his or her appearance at the said Court, on the return day hereof, for which you will be held answerable; and what you shall do in the premises, make appear before us, in our Court of King's Bench, at Toronto, on the _____ day of _____ Term next, and have then there this Writ. Witness, &c. A. B., Clerk of Assize, at the last Assizes, for the District of _____ this _____ day of _____ 18—.

SCHEDULE B.

William the Fourth, by the Grace of God, &c. To the Sheriff of—
 Greeting: You are hereby commanded to levy of the goods and chattels, lands and tenements, of all singular, the persons in the roll or extract to this Writ annexed mentioned, all and singular, the debts and sums of money upon them respectively imposed and charged, as therein is specified, and if any of the said several debts cannot be levied, by reason of no goods or chattels, lands or tenements, being to be found, belonging to the parties respectively, then and in all cases, that you take the bodies of the parties respectively, and keep them safely in the Gaol of your District, there to abide the judgment of the Court of General Quarter Sessions, for the said District, upon any matter to be shewn by them, or otherwise to remain in your custody, as aforesaid, until such debt shall be satisfied, unless any such person shall give sufficient security for his or her appearance at the said Court, on the return day hereof, for which you will be held answerable—and what you shall do in the premises, make appear at the next Court of General Quarter Sessions of the Peace, for the said District, on the first day of the said Court, and have then there this Writ. Witness, C. D., Clerk of the Peace for the District of _____ this _____ day of _____ 18—.

SCHEDULE C.

— District, } Take Notice, that you— are bound in the sum of—
 To Wit: } —Pounds, and your Sureties— in the sum of—
 Pounds each, to appear at— to be holden at— and unless you
 personally make your appearance accordingly, the recognizance entered
 into by yourself and your Sureties, will be forthwith levied on you and your
 Bail. Dated this— day of— 18—. A. B., Justice of the Peace,
 for the— District.

CHAP. XI.

AN ACT to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several Laws now in force for that purpose.

[Passed 4th March, 1837.]

Preamble.

WHEREAS, it is expedient to repeal the several Enactments contained in the Statutes of this Province, respecting the time and place of holding the Courts of General Quarter Sessions of the Peace in and for the several Districts, and to appoint in one Act the time and place for holding the said Courts respectively: *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 an Act of the Parliament of this Province, passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled "An Act to fix the times and places of holding the Courts of General Quarter Sessions of the Peace, within the several Districts of this Province," and another Act of the Parliament of this Province, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, entitled "An Act to fix the times and places of holding the Courts of General Quarter Sessions of the Peace, within the several Districts of this Province," and the second and third clauses of a certain other Act of the Parliament of this Province, passed in the forty-first year of the Reign

Repeal of Acts relating to time and place of holding General Quarter Sessions of the Peace in this Province.

of His late Majesty King George the Third, entitled "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relating to the Administration of Justice, done in the several Districts of this Province; and also, to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same;" and also an Act of the Parliament of this Province, passed in the fifty-fifth year of the Reign of His late Majesty King George the Third, entitled "An Act to amend an Act, entitled 'An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relative to the Administration of Justice, done in the several Districts of this Province; and also to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same;" and also an Act passed in the Parliament of this Province, in the fifty-sixth year of the Reign of His late Majesty King George the Third, entitled "An Act to alter the time of holding the Courts of General Quarter Sessions of the Peace in the London and Johnstown Districts of this Province;" and also an Act passed in the Parliament of this Province, in the fifty-eighth year of the Reign of His late Majesty King George the Third, entitled "An Act to repeal part of an Act passed in the fifty-sixth year of His Majesty's Reign, entitled 'An Act to alter the time of holding the Courts of General Quarter Sessions of the Peace in the London and Johnstown Districts,'" and so much of the fourth clause of an Act passed in the Parliament of this Province, in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned, as relates to the Court of General Quarter Sessions of the Peace for the District of Bathurst," and also an Act of the Parliament of this Province, passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act for altering the time of holding the General Quarter Sessions of the Peace in the Home District, and further to fix the time of holding the said Quarter Sessions," and also an Act of the Parliament of this Province, passed in the tenth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to alter the time of holding the Court of General Quarter Sessions of the Peace in the Ottawa District;" and also an Act of the Parliament of this Province, passed in the eleventh year of the Reign of His late Majesty King George the Fourth, entitled "An Act to alter the times of sitting of the General Quarter Sessions in the Niagara District;" and also so much of the fourth clause of an Act of the Parliament of this Province, passed in the first year of the Reign of His present Majesty, entitled "An Act to erect the County of Prince Edward into a

separate District," as relates to the holding of the Court of General Quarter Sessions of the Peace for the said County, now called the District of Prince Edward; and also an Act passed in the fifth year of the Reign of His present Majesty, entitled "An Act to alter the times of holding the Court of Quarter Sessions in the District of Niagara;" and also every other Act, or part of an Act, of the Parliament of this Province, which relates to the time or place of holding the Courts of General Quarter Sessions of the Peace in any District of this Province, in so far as the same relates to the time or place of holding such Courts,—shall be, and the same are hereby repealed: *Provided always, nevertheless*, that any prior Acts, or Enactments, repealed by any of the Acts herein-before recited, shall be and remain repealed.

Times and places of holding General Quarter Sessions of the Peace in the several Districts.

II. *And be it further enacted by the authority aforesaid*, That the Courts of General Quarter Sessions of the Peace, in and for the several Districts in this Province, shall be holden at the places and times following, that is to say: In the Eastern District, at the Town of Cornwall, on the fourth Tuesday in January and April, and on the second Tuesday in July and October; In the District of Ottawa, in the Village of L'Original, on the third Tuesday in January, April, June, and September; In the District of Bathurst, at the Town of Perth, on the third Tuesday in March, September, and December, and on the second Tuesday in June; In the District of Johnstown, at the Town of Brockville, on the third Tuesday in February and May, and on the second Tuesday in August and November; In the Midland District, at Kingston, on the fourth Tuesday in January, and the second Tuesday in July, on the fourth Tuesday in April, and on the second Tuesday in October; In the District of Prince Edward, at the Town of Picton, on the first Tuesday in January, April, July, and October; In the District of Newcastle, at the Town of Amherst, in the Township of Hamilton, on the second Tuesday in January, April, July and October; In the Home District, at the City of Toronto, on the second Tuesday next following the termination of the Terms of sitting of the Court of King's Bench; In the District of Gore, at the Town of Hamilton, on the second Tuesday in January, April, July, and October; In the District of Niagara, at the Town of Niagara, on the second Tuesday in January, April, July, and October; In the District of London, at the Town of London, on the second Tuesday in January, April, July, and October; In the Western District, at the Town of Sandwich, on the second Tuesday in January, April, July, and October.

Proceedings heretofore had, not to be considered illegal.

III. *And be it further enacted by the authority aforesaid*, That no proceedings which have been had in any Court of General Quarter Sessions before the passing of this Act, shall be rendered illegal, or in any manner

affected by the above recited Acts, or any of them, or any part thereof, being hereby repealed.

IV. *And be it further enacted by the authority aforesaid,* That in time of War or other exigency, it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by Proclamation under the Great Seal, to authorise the holding the Court of General Quarter Sessions of the Peace in any District of this Province, at some other place in the said District than is appointed by this Act.

In time of war, or other exigency, Governor may change the place of holding General Quarter Sessions.

CHAP. XII.

AN ACT to amend the Law relating to the Court of Requests.

[Passed 4th March, 1837.]

WHEREAS it is necessary to alter and amend an Act passed in the third year of His present Majesty's reign, entitled, "An Act to repeal part of, amend, and reduce to one Act of Parliament, the several Laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of 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, 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, any person having a demand against another, not exceeding the sum of Ten Pounds, may, if he thinks proper, summon such person from any part of the District wherein he resides, to appear at the Court of Requests in the Division where the debt was contracted, anything in the before recited Act to the contrary notwithstanding.

Preamble.

Persons having a demand not exceeding £10, may summon Debtor from any part of District to the Division where debt was contracted.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of each or any Court of Requests for the Division within the limits of which any debt, as aforesaid, shall have been contracted, upon request to him made by the person or persons to whom

Mode of proceeding where Debtor summoned from another part of the District to appear in Division where debt was contracted.

such debt is due, to issue a Summons, requiring the Debtor or Debtors to appear at the Court of Requests to be holden in and for the Division from which such Summons shall issue, at a day in such Summons to be named; which Summons, together with a copy thereof, and the copy of the amount for the recovery of which such action is brought, shall be transmitted to the Bailiff of the Division or Divisions wherein such Debtor or Debtors reside; and it shall be the duty of such Clerk to deliver the same to a Bailiff to be served, which Bailiff shall, and he is hereby required to serve such Summons, as is now provided by law: *Provided always*, that every such Summons shall be served, not less than ten days before the return thereof.

Bailiff to make affidavit of service of Summons, and transmit same to Clerk of Court from which it issued.

III. *And be it further enacted by the authority aforesaid*, That the Bailiff who shall serve any copy of such Summons, shall make affidavit of such service, and the necessary mileage, before some one of the Commissioners of the Division for which he shall be Bailiff, and shall transmit the original Summons, together with such affidavit, without delay, to the Clerk of the Court from whom he shall have received it, as aforesaid.

Mode of proceeding by Commissioners upon proof of service of Summons.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners of the Court from which the Summons issued, on production of the same, together with the affidavit of service thereof, to hear and determine the cause, in the same manner as if the Defendant resided within the Division for which such Commissioners shall hold their Court: *Provided always*, that proof shall be adduced before such Commissioners, that the debt so sued for was contracted within the said Division.

Costs of service of Summons, &c. to form part of costs to be allowed by Commissioners, and execution to issue for amount of Judgment, to Bailiff within the Division in which Defendant lives.

V. *And be it further enacted by the authority aforesaid*, That the costs of the service of such Summons, affidavit, and the transmission thereof, shall form part of the costs to be allowed by the said Commissioners, and shall be collected and accounted for to the Bailiff making such service, or to such other person as shall be entitled to the same; and if the said Commissioners shall give judgment against any such Debtor or Debtors, it shall and may be lawful for them to cause and direct execution to be issued for the debt and costs, to be directed to the Bailiff of the Division or Divisions, within which such Defendant or Defendants shall reside, who shall levy the same in the same manner as is by law directed, in respect to Executions from the Court of the Division for which he is Bailiff, as aforesaid.

VI. *And be it further enacted by the authority aforesaid*, That the Bailiff of any Court of Requests neglecting or refusing to perform any

of the duties required by this Act, or to pay over monies collected or levied by him, as aforesaid, shall be liable to the same penalties or punishment, as if such neglect or refusal had happened with regard to any duty required to be by him performed in respect to any Writ, Process or proceeding, issuing from the Court for which he shall be Bailiff, as aforesaid.

Liability of Bailiffs neglecting or refusing to perform duties, or to pay over monies, &c.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Clerk of any Court of Requests, at the request of any Plaintiff or Defendant, to issue a Subpœna or Subpœnas for such and so many Witnesses as such Plaintiff or Defendant may desire, commanding the attendance of such Witness or Witnesses at any Court of Requests where a trial is to take place, in which any such Plaintiff or Plaintiffs, Defendant or Defendants, is a party or parties; and every such Witness who shall have been duly served with such Subpœna, and in the event of being required to travel out of the Division wherein such Witness shall reside, shall have his or her reasonable charges, not exceeding One Shilling for every Five Miles necessary travel, paid or tendered to him or her at the time of such service, and who shall, without sufficient cause, neglect or refuse to obey such Subpœna, shall be liable to forfeit and pay a sum, in the discretion of the Commissioners, not exceeding Forty Shillings, to be recovered with costs of Suit, by the party aggrieved, before the Commissioners of the Court of Requests for the Division within which such Witness shall reside; and such sum so recovered shall be paid over to the Commissioners of the Highways within such Division, to be expended on the improvement of the Roads.

Power of Court to issue Subpœnas for Witnesses, &c.

Witnesses bound to attend, and entitled to payment, &c.

Liable to fine for non-attendance.

VIII. *And be it further enacted by the authority aforesaid,* That in any case where by the before recited Act personal service of a Summons is required, the same shall not be deemed necessary, upon the Bailiff entrusted with the service of any Summons, making oath before one of the Commissioners of his Court, that he left the same at the usual place of residence of the Defendant, and that he the said Bailiff verily believes such Defendant absented himself for the purpose of avoiding the service as aforesaid, provided the sum shall not exceed Five Pounds.

Personal service of Summons not required when party absents himself to avoid service, if sum claimed does not exceed £5.

IX. *And be it further enacted by the authority aforesaid,* That whereas doubts have arisen as to the power of the Magistrates in Quarter Sessions, to vary or change the Divisions of the several Courts of Requests within their respective Districts, after the same have been by them determined: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates aforesaid, to vary the Division of the Courts of Requests, as to them from time to time may seem necessary.

Magistrates in Quarter Sessions may, from time to time, change Divisions of Several Courts of Requests.

CHAP. XIII.

AN ACT to protect the Public against Injury from Private Banks.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is inconsistent, with a due regard to the protection of Commerce, and to the welfare and security of the Inhabitants of this Province, that any individual, or any number of persons, should be allowed, without Legislative authority, to issue Bills, Notes, or other undertakings for the payment of money intended to form a circulating medium, and to supply the place of specie, whereby great public injury may be sustained from the quantity of such Bills, Notes, or other undertakings, which may be issued by persons of doubtful solvency, and not subject to those checks which it is thought necessary to impose in regard to Banks Chartered by the Legislature: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province"—and by the authority of the same, That after the passing of this Act, (except in the cases hereinafter mentioned,) it shall not be lawful for any person in this Province, or for any number of persons, either associated without Legislative authority or Incorporated for any other purpose than Banking, to make or issue any Bill, Note, or undertaking of any description, or in any form, in the nature of a Bank Bill or Note, and intended to pass as money; and that if any Bill, Note or undertaking, shall be issued or put in circulation contrary to this Act, such Bill, Note or undertaking, shall be void; and any Mortgage, or other Deed, Bond, Note, Bill or other Security, which may be taken for securing any loan or advance made in such Bills, Notes or undertakings, shall be absolutely null and void.

All Bills, Notes, or undertakings in the nature of Bank Bill or Note, and intended to pass as money, issued by persons either associated without Legislative authority, or incorporated for any other purpose than Banking, declared illegal.

Mortgages, &c. taken to secure loans or advances on such Bills, &c. void.

Person acting as President, Director, Cashier, or other Officer of any Association, acting in violation of this Act, to be deemed guilty of a Misdemeanor.

II. *And be it further enacted by the authority aforesaid*, That if any person, after the passing of this Act, shall act as President, Director, Cashier, or other Officer of any Association of persons, acting in violation of this Act, such person shall, on conviction thereof before any Court of Oyer and Terminer, or General Gaol Delivery, be deemed guilty of a misdemeanor.

III. *And be it further enacted by the authority aforesaid, That if any* person, after the first day of July next after the passing of this Act, shall knowingly utter, or tender in payment or in exchange, any Bill or Note in the nature of a Bank Note, which shall not have been issued by some person or Association of persons, or Body Corporate, legally authorised to issue such Bill or Note within this Province, or within the Country in which such Note or Bill shall have first issued, such person shall be deemed guilty of misdemeanor, and liable to be punished as before provided for other persons offending against the provisions of this Act.

After the 1st of July next, persons knowingly uttering or tendering any Bill or Note, in nature of Bank Note, which Note, &c. shall not have been issued by parties legally authorised, to be deemed guilty of Misdemeanor.

IV. *And be it further enacted by the authority aforesaid, That the* prohibitions contained in this Act shall not apply to, the Bank of British North America, the Farmers' Joint Stock Banking Company, the Agricultural Bank, or to the Bank of the People, or to the Niagara Suspension Bridge Bank: *Provided* the Directors of the said last mentioned Bank are Subjects of His Majesty, and residing within the Province, being Stockholders or Co-Partners in the said Company, and that the Associations or Companies of persons who have heretofore issued Bills or Notes under the names aforesaid respectively, shall have the same and no other rights and privileges, and be subject to the same liabilities as before the passing of this Act.

Provisions of Act not to apply to Bank of British North America; The Farmer's Joint Stock Banking Company; The Agricultural Bank; to The Bank of the People; or to The Niagara Suspension Bridge Bank. Proviso with respect to last-mentioned Bank.

CHAP. XIV.

AN ACT to supply, by a General Law, certain forms of Enactment in common use, which may render it unnecessary to repeat the same in Acts to be hereafter passed.

[Passed 4th March, 1837.]

WHEREAS it is expedient to prevent by a General Enactment, the necessity of repeating in different Statutes certain forms of Expression, and certain Clauses and Provisions which are in their nature generally applicable to Statutes of a certain description, and which may therefore be conveniently provided for by a General Law: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and established 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

Preamble.

1st. Legal signification to attach to the words "Governor of this Province," or the words "Lieutenant Governor of this Province," when introduced into any Act.

2nd. To word "Person."

Word importing plural number.

Word importing Masculine Gender.

Proviso, that no construction to be given to words different from meaning expressly intended.

All monies hereafter to be granted out of public revenues, to be paid by Receiver General, upon Warrant of Governor, Lieutenant Governor, or person administering Government;

and to be accounted for through Lords Commissioners of His Majesty's Treasury.

of the Province of Québec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That whenever in any Act of the Parliament of this Province which shall be hereafter passed, the words "the Governor of this Province," or the words "the Lieutenant Governor of this Province," shall be used, such words, without further addition, shall be construed to extend to and include the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being.

II. *And be it further enacted by the authority aforesaid,* That in any Act of the Parliament of this Province to be hereafter passed, the word "Person" shall extend to a Body Politic or Corporate, as well as to an Individual, and every word importing the Singular Number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the Plural Number shall extend and be applied to one person or thing, as well as several persons or things; and every word importing the Masculine Gender only, shall extend and be applied to a Female as well as to a Male: *Provided always,* that those words and expressions occurring in this Clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this Clause, in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

III. *And be it further enacted by the authority aforesaid,* That whenever, by any Act of the Parliament of this Province hereafter to be passed, any sum of Money shall be granted, to be paid out of the Public Revenues of this Province, such Money 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, for the time being.

IV. *And be it further enacted by the authority aforesaid,* That when any Statute of the Parliament of this Province shall be hereafter passed, by which any sum of Money shall be granted, to be paid out of the Revenues at the disposal of the Legislature of this Province, or by or under which any sum or sums of Money shall come into the hands of the Receiver General of this Province, or be paid out by him, such sum or sums of Money shall be accounted for by the Receiver General of this Province, 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, notwithstanding it may be omitted in such Statute to make any provision in that respect.

V. *And be it further enacted by the authority aforesaid,* That wherever by any Act of the Parliament of this Province to be hereafter passed, it shall be provided that any fine or penalty shall be imposed for the punishment of any Offence prohibited by such Act, then if no provision shall be made in such Act for the appropriation of such Fine or Penalty, the same shall be paid into the hands of His Majesty's Receiver General of this Province, to and for the public uses of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

Manner in which fine or penalty shall be accounted for, when no provision is made by Act imposing the same.

VI. *And be it further enacted by the authority aforesaid,* That whenever by any Statute of the Parliament of this Province which shall be hereafter passed, authority shall be given to raise Money by way of Loan upon Debentures, to be issued by or on behalf of the Government of this Province, then unless it shall be provided otherwise in such Statute, the Debenture or Debentures to be issued under the authority thereof, shall be signed by the Receiver General of this Province, for the time being, and all such Debentures, with the Interest thereon, and all Charges incident to or attending the same shall be chargeable upon, and shall be repaid or borne, by or out of the monies that shall come into the hands of the Receiver General, to and for the public uses of this Province, and that shall be subject to be appropriated by the Legislature thereof; and the Debentures that shall be lawfully issued by the authority of any such Act, and which shall, from time to time, remain undischarged and uncanceled, shall and may after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current, to all and every the Receivers and Collectors in this Province of the Customs, or of any Revenue or Tax whatsoever, granted, due or payable, or which may thereafter be granted, due or payable to His Majesty, His Heirs and Successors, under or by virtue of any Act of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland, or of the Parliament of this Province, or otherwise; and also at the Office of the Receiver General of this Province, from the said Collectors and Receivers, or from any person making any payment there to His Majesty, His Heirs or Successors, upon any account, or for any cause whatsoever, and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be deemed and taken as Cash, and as such shall be charged against, and credited to such Collectors and Receivers, and to such Receiver General aforesaid respectively, in their Accounts with each.

General provisions as to issuing Debentures for raising of money.

Upon what fund chargeable.

May be received and taken by Collectors, &c.

Interest not to run from time Debentures received by Collectors, &c.

other, and with His Majesty, His Heirs and Successors, and that the interest which shall from time to time be due upon any Debenture which may be so issued, shall be allowed to all Persons, Bodies Corporate and Politic, paying the same to any Receiver or Collector of any of His Majesty's Revenues in this Province, to the respective days whereupon such respective Debentures shall be so paid: *Provided always*, that no interest shall run or be paid upon or for any such Debenture, during the time such Debenture so paid shall remain in the hands of any of the said Receivers and Collectors, but for such time the interest on every such Debenture shall cease.

Persons who shall pay Debentures to Receivers or Collectors, to endorse time of payment.

VII. And to the end that it may be known for what time such Debentures bearing interest shall, from time to time, remain in the hands of such Receivers or Collectors, as aforesaid: *Be it therefore enacted by the authority aforesaid*, That the person or persons who shall pay any such Debenture or Debentures, so bearing interest to the Receivers or Collectors of any of His Majesty's Revenues or Taxes, shall, at the time of making such payment, put his or their name or names, and write thereupon, in words at length, the day of the month and year in which he, she or they, so paid such Debenture bearing interest; all which the said Collectors and Receivers respectively, shall take care to see done and performed accordingly; to which respective days the said Receivers and Collectors shall be allowed again the interest, which he or they shall have allowed or paid upon such respective Debenture, upon his or their paying the same into the hands of the Receiver General as aforesaid.

Persons forging, or issuing forged or counterfeit Debentures, liable to punishment as in other cases of forgery.

VIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall Forge or Counterfeit any Debenture, which shall be issued under the authority of any Act of the Parliament of this Province, hereafter to be passed and remaining uncanceled, or any Stamp, Endorsement, or Writing thereon or therein, or tender in payment any such Forged or Counterfeit Debenture, or any Debentures with such Counterfeited Endorsement or Writing thereon, or shall demand to have such Counterfeited Debenture, or any Debenture with such Counterfeit Endorsement or Writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or demanded to be exchanged, or the Endorsement or Writing thereupon or therein, to be Forged or Counterfeited, and with intent to defraud His Majesty, His Heirs and Successors, or the Persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged

a Felon, and shall be liable to be punished in the manner provided by the twenty-fifth and twenty-sixth Clauses of an Act of the Parliament of this Province, passed in the third year of the Reign of His present Majesty King William the Fourth, entitled “An Act to reduce the Number of Cases in which Capital Punishment may be inflicted, to provide other punishment for offences which shall no longer be Capital after the passing of this Act, to abolish the privilege called Benefit of Clergy, and to make other alterations in certain Criminal Proceedings before and after conviction.”

IX. *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 Legislature, 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 shall issue under the authority of any Act which shall be hereafter passed, 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, and of carrying into execution the several Acts for that purpose, to be laid before the Legislature of this Province.

Receiver General to make a return of Debentures he shall issue.

Amount redeemed, and interest thereon; amount outstanding and unredeemed; of the expenses attending the issuing of the same, &c. to be laid before the Legislature.

X. *And be it further enacted by the authority aforesaid,* That except where it shall be otherwise provided, the Interest growing due upon Debentures that may be issued under any Act or Acts which shall be hereafter passed, shall and may be demandable in half-yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province, for the time being, who shall take care to have the same 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 Parties 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.

Interest on Debentures to be paid half-yearly.

Receiver General to endorse payment of Interest on Debenture.

To take receipts for same.

Governor, on 30th June, and 31st December in each year, to issue warrants for payment of interest.

XI. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General, by the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, for the payment of each Debenture, as the

Separate warrant to be issued for payment of Debenture.

Debenture so paid
to be cancelled.

same may become due, and be presented in favor of the lawful holder thereof; and that such Debenture as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

Governor, by notice
in Upper Canada
Gazette, to call in
Debentures.

XII. *And be it further enacted by the authority aforesaid,* That at any time after the Debentures, or any of them, that shall be issued under the authority of any Act or Acts which shall be hereafter passed, 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 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, according to the conditions of the Act or Acts under the authority of which the same shall have been issued; and if after the insertion of the said Notice for Three Months, any Debenture then payable shall remain out more than Six Months from the first publication of such Notice, all Interest on such Debentures after the expiration of the said Six Months shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said Six Months and their presentment for payment.

All interest to stop
on Debentures called
in, after six months
shall have expired.

All monies required
by authority of any
Act hereafter to be
passed, authorising
money to be borrowed
on Debentures, to be
paid by Receiver
General, in discharge
of warrants;
and to be accounted
for through Lords
of the Treasury.

XIII. *And be it further enacted by the authority aforesaid,* That all Monies required to be paid by the authority of any Act or Acts hereafter to be passed, for authorising Money to be borrowed upon Debenture, 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, by the Receiver General of this Province, 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.

General powers
granted to all Cor-
porations hereafter
created.

XIV. *And be it further enacted by the authority aforesaid,* That whosoever, by any Act of the Parliament of this Province hereafter to be passed, a Corporation shall be created, to consist of individuals who may associate for the purpose of making or amending any Highway or Rail-road, or any Harbour, Canal, or other Navigable Channel, or for carrying on any Art or Manufacture, or for carrying on the business of Banking, or of Insurance, or for advancing any object of public utility, then and in every such case, unless it shall be otherwise provided in the Act, the persons composing such Corporation, and their Successors, shall have continued succession, and by the name given to them in the Act shall be capable of contracting and being contracted with, of suing and being sued, pleading

and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of Actions, Suits, Complaints, Matters and Causes whatsoever; and they and their Successors may have a Common Seal, and may change and alter the same at their will and pleasure, and by their Corporate Name shall be in Law capable of purchasing, taking, having and holding, to them and their Successors, any Estate, real, personal or mixed, to and for the use of such Corporation, and of selling, letting, or otherwise disposing of the same, for the benefit and on account of such Corporation, from time to time, as they shall deem necessary or expedient: *Provided always*, that the Real Estate which any such Corporation shall be allowed to hold under the provisions of this Act, shall be only such as shall be necessary for carrying into effect the specific object of such Corporation.

Restrained as to extent of real estate to be held for use of Corporation.

XV. *And be it further enacted by the authority aforesaid*, That in case it shall at any time happen, that an Election of Directors of any such Corporation shall not be made on any day, when pursuant to the Act in that behalf it ought to have been made, the Corporation shall not for that cause be deemed to be dissolved, but that it shall be lawful on any day thereafter to make an Election of Directors, in such manner as shall be prescribed by the Act, or by the Laws and Ordinances of the said Corporation.

In case election of Directors of any Corporation should not take place on day appointed by Act. Corporation not on that account to be deemed to be dissolved.

XVI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being of any such Corporation, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall seem needful and proper, touching the management and disposition of the Stock, Property, Estate and effects, of the Corporation, and touching the duty and conduct of the Officers, Clerks and Servants, employed by the said Company, 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.

Directors of Corporations, or a major part of them, to have power to make rules, &c.

XVII. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any such Corporation, their Agents or Servants, or any of them, (unless where it is expressly authorised by the Act creating such Corporation) to enter upon, hold, use or enjoy, for any purpose, any Lands or grounds of or belonging to His Majesty, His Heirs and Successors, without the licence and consent of the Governor, Lieutenant Governor,

Corporations not to have power to enter on Lands of the Crown, without consent of Governor.

or Person Administering the Government of this Province, signified under his hand and seal.

Corporation not to have the power of carrying on Banking, unless specially authorised.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any Corporation to carry on the business of Banking, unless where such power shall be expressly conferred by the Act creating such Corporation.

Actions brought against persons acting in pursuance of powers given to any Corporation, to be brought within six months.

XIX. *And be it further enacted by the authority aforesaid,* That when it shall not be otherwise provided in any Act to be hereafter passed, for any of the purposes aforesaid, and whereby powers and authority are given to be exercised over the Property, Real or Personal, or over the Person of any individual, for the promoting and securing the objects intended to be advanced by the Corporation created by any such Act, then if any action shall be brought against any person or persons, for anything done in pursuance or in execution of the powers and authorities given by such Act, such action shall be commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action may plead the general issue, and give such Act, and the special matter, in evidence at the trial.

Defendants may give special matter in evidence under general issue.

Legislature to have power to make additions and alterations in any Act of Incorporation.

XX. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges that may be conferred by any Act hereafter to be passed, upon any Corporation to be created for the purposes aforesaid, or any of them, the Legislature may, at any time thereafter, in their discretion, make such additions to the Act creating such Corporations, or such alteration of any of its provisions, as they may think proper, for affording just protection to the Public, or to any Person or Persons, Body Corporate or Politic, in respect to their Estate, Property or Rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way, or right of way, public or private, that may be affected by any of the powers given to such Corporation; and that unless it shall be otherwise provided in any Act that shall be passed for Chartering any Bank, it shall be in the discretion of the Legislature, at any time thereafter, to make such provisions, and impose such restrictions, with respect to the amount and description of Notes which may be issued by such Bank, as may to them appear expedient.

CHAP. XV.

An Act to amend the Law for the Admission of Barristers and Attornies, and to provide for the further Relief of William Conway Keele.

[Passed 4th March, 1837.]

WHEREAS an Act was passed in the second year of His late Majesty's Reign, entitled, "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled 'An Act for the better regulating the Practice of the Law, and to extend the provisions of the same:'" *And whereas*, it is amongst other things enacted, that from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney in this Province, unless upon an actual service under Articles for five years with some practising Attorney in this Province: *And whereas*, it is expedient to amend the said Act: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and established 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 be lawful for the said Court of King's Bench, in its discretion, to admit any duly admitted Attorney or Solicitor of His Majesty's Courts of Law or Equity in England or Ireland, or any Writer to the Signet, or Solicitor before the higher Courts in Scotland, to practise as an Attorney of the Court of King's Bench in this Province, upon sufficient proof being given that such Attorney, Solicitor, or Writer to the Signet, aforesaid, has served under Articles of Clerkship, to a practising Attorney in this Province, for the space of three years, or if such Attorney, Solicitor, or Writer to the Signet, or Solicitor before the higher Courts, shall have taken a degree at any of the Universities in the United Kingdom, then for the period of two years only, any thing in the said recited Act to the contrary notwithstanding.

Preamble.

English or Irish Attorneys, or Solicitors, or Writers to the Signet, or Solicitors of the Higher Courts of Scotland, may be admitted to practice in this Province, after three years service; and if a Graduate of any University of the United Kingdom, after two years' service.

II. *And whereas*, by an Act passed in the last Session of Parliament, entitled "An Act for the Relief of William Conway Keele," full power and authority is given to the said Court of King's Bench, to admit the said

W. C. Keele, may be admitted to practise as an Attorney, after three years service with an Attorney in this Province.

William Conway Keele, to practise as an Attorney in this Province, upon the terms and conditions therein expressed: *Be it further enacted by the authority aforesaid,* That any thing in the above recited Acts to the contrary notwithstanding, the said Court of King's Bench may, at its discretion, admit the said William Conway Keele, to practise as an Attorney in this Province, upon its being shewn to the said Court that he has served with an Attorney in this Province, as mentioned in the last recited Act, for the period of three years.

Graduates of any University of the United Kingdom, or of King's College in this Province, may be admitted as Attornies, after three years' service.

III. *And whereas,* it may happen that persons who have taken or may take the degree of Bachelor of Arts, or of Law, or of Master of Arts, in either of the Universities of the United Kingdom of Great Britain and Ireland, or who may hereafter take such degree in the University of King's College in this Province, may be afterwards desirous of becoming Attornies or Solicitors, but may be deterred by the length of service required for that purpose by the said recited Acts, and it is expedient that the admission of such Graduates should be facilitated, in consideration of the learning and abilities requisite for the taking such degree: *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, in case any person who shall have taken, or who shall take the degree of Batchelor of Arts, or Bachelor of Law, or of Master of Arts, in either of the Universities of the United Kingdom of Great Britain and Ireland, or who shall take such degree in the University of King's College in this Province, shall at any time after he shall have taken, or shall take such degree, be bound by contract in writing to serve as a Clerk for and during the space of three years, to a practising Attorney in this Province, and shall faithfully serve for three years, in pursuance of such contract, he shall on due proof of such service, be entitled to be admitted and sworn an Attorney, in the same manner, and of the same Court or Courts, and as fully and effectually to all intents and purposes, as if such person had served under Articles for the term of five years.

Any such Graduate, who was articled for five years before the passing of this Act, may be admitted as an Attorney after a service of three years, upon certain conditions.

IV. *And be it further enacted by the authority aforesaid,* That if any person having heretofore taken such degree as is mentioned in this Act, shall before the passing thereof, have been bound by contract in writing to serve for five years with a practising Attorney in this Province, with a view to his admission accordtng to the above recited Act, then such person upon producing the written assent of the Attorney, who would otherwise be entitled to his service for the residue of the term, either endorsed upon the contract or otherwise, may on proof of service for the term of three years, be admitted and sworn an Attorney, in the same manner, and as fully and effectually as if he had served the whole term of five years mentioned in the contract.

V. *And be it further enacted by the authority aforesaid,* That any person who shall have taken, or who shall at any time hereafter take, the degree of Bachelor of Arts, or of Law, or of Master of Arts, in either of the Universities aforesaid, and who shall have been, or who shall be entered of and admitted into the Law Society of Upper Canada, as a Student of Laws, and shall have been standing in the Books of the said Society, for and during the space of three years, and shall have conformed himself to the rules and regulations of the said Society, according to the directions of an Act passed in the thirty-seventh year of the Reign of King George the Third, entitled, “An Act for better regulating the Practice of the Law,” or any other Acts for regulating Barristers in this Province, such person shall be qualified to be called and admitted to the Practice of the Law, as a Barrister, in any of the Courts of Law or Equity in this Province, as fully and effectually as any person of five years standing in the Books of the said Society, is qualified by virtue of the said recited Act, or any other Act for regulating the Practice of the Law, any thing in the said Acts, or any of them, to the contrary in any wise notwithstanding.

Any such Graduate, after three years' standing on the books of the Law Society, may be called to the Bar.

CHAP. XVI.

AN ACT to amend the Charter of the University of King's College.

[Passed 4th March, 1837.]

WHEREAS His late Majesty King George the Fourth, was graciously pleased to issue his Letters Patent, bearing date at Westminster, the Fifteenth day of March, in the eighth year of His Reign, in the words following:—“George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth: To all to whom these Presents shall come—Greeting: *Whereas* the establishment of a College within our Province of Upper Canada, in North America, for the education of Youth in the principles of Christian Religion, and for their instruction in the various branches of Science and Literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province: *And whereas*, humble application hath been made to Us by many of our loving Subjects in our said Province, that We would be pleased to grant our Royal Charter for the more perfect establishment of a College therein, and for incorporating the Members thereof, for the purposes aforesaid: *Now Know Ye*, that We having taken the premises into Our Royal consideration, and duly weigh-

Charter of King's College, recited.

Charter of King's
College, recited.

ing the great utility and importance of such an Institution, have, of our special grace, certain knowledge, and mere motion, ordained and granted, and do by these Presents for Us, our Heirs and Successors, ordain and grant, that there shall be established, at or near our Town of York, in our said Province of Upper Canada, from this time, one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of Youth and Students in Arts and Faculties, to continue for ever, to be called 'King's College:' And We do hereby declare and grant, that our trusty and well-beloved, the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the Diocese in which the said Town of York may be situate, on any future division or alteration of the said present Diocese of Quebec, shall, for Us, and on our behalf, be Visitor of the said College; and that our trusty and well-beloved Sir Peregrine Maitland, our Lieutenant Governor of our said Province, or the Governor, Lieutenant Governor, or Person administering the Government of our said Province, for the time being, shall be the Chancellor of our said College: And We do hereby declare, ordain and grant, that there shall at all times be one President of our said College, who shall be a Clergyman, in Holy Orders, of the United Church of England and Ireland, and that there shall be such and so many Professors in different Arts and Faculties within our said College, as from time to time shall be deemed necessary or expedient, and as shall be appointed by Us or by the Chancellor of our said College, in our behalf and during our pleasure: And We do hereby grant and ordain, that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in our said Province of Upper Canada, shall be the first President of our said College; and the Archdeacon of York, in our said Province, for the time being, shall by virtue of such his Office, be at all times the President of the said College: And We do hereby for Us, our Heirs and Successors, will, ordain and grant, that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as Scholars of our said College, and their Successors, for ever, shall be one distinct and separate Body Politic and Corporate, in deed and in name, by the name and style of 'The Chancellor, President, and Scholars of King's College, at York, in the Province of Upper Canada,' and that by the same name they shall have perpetual succession, and a Common Seal, and that they and their Successors shall, from time to time, have full power to alter, renew or change such Common Seal, at their will and pleasure, and as shall be found convenient; and that by the same name they the said Chancellor, President and Scholars, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any Messuages, Lands,

Tenements and Hereditaments, of what kind, nature or quality soever, situate and being within our said Province of Upper Canada, so as the same do not exceed in yearly value the sum of Fifteen Thousand Pounds, Sterling, above all charges, and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any Goods, Chattels, Charitable or other Contributions, Gifts or Benefactions whatsoever: And We do hereby declare and grant that the said Chancellor, President and Scholars, and their Successors, by the same name, shall and may be able and capable in Law, to sue and be sued, implead and be impleaded, answer and be answered, in all or any Court or Courts of Record within our United Kingdom of Great Britain and Ireland, and our said Province of Upper Canada, and other our Dominions, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature or kind soever, in as large, ample and beneficial a manner and form as any other Body Politic and Corporate, or any other our liege Subjects, being persons able and capable in Law, may or can sue, implead or answer, or be sued, impleaded or answered, in any manner whatsoever: And We do hereby declare, ordain and grant, that there shall be within our said College or Corporation a Council, to be called and known by the name of 'The College Council,' and We do will and ordain that the said Council shall consist of the Chancellor and President, for the time being, and of Seven of the Professors in Arts and Faculties, of our said College, and that such seven Professors shall be Members of the Established United Church of England and Ireland, and shall previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and in case at any time there should not be within our said College Seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then our will and pleasure is, and We do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of Seven, exclusive of the Chancellor and President, for the time being, by such persons being Graduates of our said College, and being Members of the Established Church aforesaid, as shall for that purpose be appointed by the Chancellor, for the time being, of our said College, and which Members of Council shall in like manner subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said College Council. *And whereas* it is necessary to make provision for the completion and filling up of the said Council, at the first institution of our said College, and previously to the appointment of any Professors or the conferring of any Degrees therein: Now We do further ordain and declare, that the Chancellor of our said College for the time being, shall, upon or immediately after the first institution thereof, by Warrant under his hand, nominate and appoint Seven discreet and proper persons, resident within

Charter of King's
College, recited.

Charter of King's
College, recited.

our said Province of Upper Canada, to constitute jointly with him the said Chancellor and the President of our said College, for the time being, the first or original Council of our said College, which first or original Members of the said Council shall in like manner respectively subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said Council: And We do further declare and grant, that the Members of the said College Council, holding within our said College the Offices of Chancellor, President, or Professor in any Art or Faculty, shall respectively hold their seats in the said Council, so long as they and each of them shall retain such their Offices as aforesaid, and no longer, and that the Members of the said Council not holding Offices in our said College shall, from time to time, vacate their seats in the said Council, when and so soon as there shall be an adequate number of Professors in our said College, being Members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned: And We do hereby authorise and empower the Chancellor, for the time being, of our said College, to decide in each case what particular Member of the said Council not holding any such Office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new Member of Council holding any such Office: And We do hereby declare and grant that the Chancellor, for the time being, of our said College, shall preside at all meetings of the said College Council which he may deem it proper and convenient to attend, and that in his absence the President of our said College shall preside at all such meetings, and that in the absence of the said President, the Senior Member of the said Council present at any such meeting shall preside thereat, and that the seniority of the Members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments: *Provided always*, that the Members of the said Council being Professors in our said College, shall in the said Council take precedence over, and be considered as Seniors to the Members thereof not being Professors in our said College: And We do ordain and declare, that no meeting of the said Council shall be, or be held to be a lawful meeting thereof, unless five Members, at the least, be present during the whole of every such meeting; and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by the majority of the votes of the Members of Council present, including the vote of the Presiding Member, and that in the event of an equal division of such votes, the Member presiding at any such meeting shall give an additional or casting vote: And We do further declare, that if any Member of the said Council shall die, or resign his seat in the said Council, or shall be suspended or removed from the same, or shall, by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable, for

three calendar months, or upwards, of attending the meetings of the said Council, then, and in every such case, a fit and proper person shall be appointed by the said Chancellor, to act as, and be a Member of the said Council, in the place and stead of the Member so dying or resigning, or so suspended, or removed, or incapacitated, as aforesaid, and such new Member succeeding to any Member so suspended or incapacitated, shall vacate such, his office, on the removal of any such suspension, or at the termination of any such incapacity aforesaid of his immediate predecessor in the said Council: And We do further ordain and grant, that it shall and may be competent to and for the Chancellor for the time being of our said College, to suspend from his seat in the said Council, any Member thereof, for any just and reasonable cause to the said Chancellor appearing: *Provided*, that the grounds of every such suspension shall be entered and recorded, at length, by the said Chancellor, in the Books of the said Council, and signed by him; and every person so suspended, shall, thereupon, cease to be a Member of the said Council, unless, and until he shall be restored to, and re-established in such his station therein, by any order to be made in the premises by Us, or by the said Visitor of our said College, acting on our behalf, and in pursuance of any special reference from Us: And We do further declare, that any Member of the said Council who, without sufficient cause, to be allowed by the said Chancellor, by an order entered for that purpose on the Books of the said Council, shall absent himself from all the meetings thereof which may be held within any six successive calendar months, shall thereupon vacate such his seat in the said Council: And We do by these Presents, for Us, our Heirs and Successors, will, ordain and grant, that the said Council of our said College shall have power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same; the residence and duties of the President of our said College; the number, residence and duties, of the Professors thereof; the management of the Revenues and Property of our said College; the salaries, stipends, provision and emoluments, of and for the President, Professors, Scholars, Officers and Servants thereof; the number and duties of such Officers and Servants; and also touching and concerning any other matter or thing which to them shall seem good, fit and useful, for the well-being and advancement of our said College, and agreeable to this our Charter; and also, from time to time, by any new Statutes, Rules or Ordinances, to revoke, renew, augment or alter, all, every, or any of the said Statutes, Rules and Ordinances, as to them shall seem meet and expedient: *Provided always*, that the said Statutes, Rules and Ordinances, or any of them, shall not be repugnant to the

Charter of King's
College, recited.

Charter of King's
College, recited.

Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of Upper Canada, or to this our Charter: *Provided also*, that the said Statutes, Rules, and Ordinances, shall be subject to the approbation of the said Visitor of our said College for the time being, and shall be forthwith transmitted to the said Visitor for that purpose; and that in case the said Visitor shall, for us and on our behalf, in writing, signify his disapprobation thereof within two years of the time of their being so made and framed, the same, or such part thereof as shall be so disapproved of by the said Visitor, shall, from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise, shall be and remain in full force and virtue: *Provided, nevertheless*, and We do hereby expressly save and reserve to Us, our Heirs and Successors, the power of reviewing, confirming or reversing, by any order or orders to be by Us or them made, in our or their Privy Council, all or any of the decisions, sentences or orders, so to be made as aforesaid by the said Visitor, for Us and on our behalf, in reference to the said Statutes, Rules and Ordinances, or any of them: And We do further ordain and declare, that no Statute, Rule or Ordinance, shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor for the time being of our said College: And We do require and enjoin the said Chancellor thereof, to consult with the President of our said College, and the next Senior Member of the said College Council, respecting all Statutes, Rules and Ordinances, to be proposed by him to the said Council, for their consideration: And We do hereby, for Us, our Heirs and Successors, charge and command, that the Statutes, Rules or Ordinances, aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed, from time to time, in full vigour and effect, under the penalties to be thereby or therein imposed or contained: And We do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had or enjoyed, by virtue of these our Letters Patent; and that the Students in the said College shall have liberty and faculty of taking the degrees of Bachelor, Master and Doctor, in the several Arts and Faculties, at the appointed times, and shall have liberty within themselves of performing all Scholastic Exercises, for the conferring such degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College: And We do further will, ordain and appoint, that no Religious test or qualification shall be required of, or appointed for any persons admitted or matriculated as Scholars within

our said College, or of persons admitted to any degree in any Art or Faculty therein, save only that all persons admitted within our said College to any degree in Divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree of Divinity in our University of Oxford: And We do further will and direct and ordain, that the Chancellor, President and Professors of our said College, and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law or Medicine, and who, from the time of such their admission to such degree, shall pay the annual sum of Twenty Shillings, Sterling Money, for and towards the support and maintenance of the said College, shall be, and be deemed, taken and reputed, to be Members of the Convocation of the said University, and as such Members of the said Convocation shall have, exercise and enjoy, all such and the like privileges as are enjoyed by the Members of the Convocation of our University of Oxford, so far as the same are capable of being had and enjoyed, by virtue of these our Letters Patent, and consistently with the provisions thereof: And We will, and by these Presents for Us, our Heirs and Successors, do grant and declare, that these our Letters Patent, or the enrolment or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual, in the Law, according to the true intent and meaning of the same, and shall be taken, construed and adjudged, in the most favorable and beneficial sense, for the best advantage of the said Chancellor, President and Scholars of our said College, as well in our Courts of Record as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other Subjects whatsoever, of Us, our Heirs and Successors, any mis-recital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding: In Witness whereof We have caused these our Letters to be made Patent:—Witness Ourselves at Westminster, the Fifteenth day of March, in the Eighth year of Our Reign—By writ of Privy Seal.—(Signed)—Bathurst”: *And whereas*, certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended: *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 established 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,

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College recited.

Judges of King's Bench shall be Visitors of the said College :

President, on any future vacancy, need not be the Incumbent of any Ecclesiastical office :

College Council to consist of twelve Members.

No Member of the College Council, or Professor of the University, need be a Member of the Church of England.

No religious test required of Students.

Upper Canada College incorporated with the University of King's College.

Principal of Upper Canada College to be appointed by His Majesty during pleasure.

Vice Principal and Tutors of Upper Canada College to be nominated by the Chancellor of King's College, subject to the approval of the College Council.

That for and notwithstanding any thing in the said Charter contained, the Judges of His Majesty's Court of King's Bench shall, for and on behalf of the King, be Visitors of the said College, in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being, and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, his Heirs and Successors, without requiring that he should be the Incumbent of any Ecclesiastical Office ; and that the Members of the College Council, including the Chancellor and President, shall be Twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney and Solicitor General for the time being shall be four, and the remainder shall consist of the five Senior Professors of Arts and Faculties of the said College, and of the Principal of the Minor or Upper Canada College ; and in case there shall not at any time be five Professors as aforesaid in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed as in the said Charter is provided, except that it shall not be necessary that any Member of the College Council to be so appointed, or that any Member of the said College Council, or any Professor, to be at any time appointed, shall be a Member of the Church of England, or subscribe to any Articles of Religion other than a declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity ; and further, that no religious test or qualification be required or appointed for any person admitted or matriculated as Scholars within the said College, or of persons admitted to any degree or faculty therein.

II. *And whereas*, it is expedient that the Minor or Upper Canada College, lately erected in the City of Toronto, should be incorporated with, and form an appendage of the University of King's College: *Be it therefore enacted by the authority aforesaid*, That the said Minor or Upper Canada College shall be incorporated with, and form an appendage of the University of King's College, and be subject to its jurisdiction and control.

III. *And be it further enacted by the authority aforesaid*, That the Principal of the said Minor or Upper Canada College shall be appointed by the King, during His Majesty's pleasure.

IV. *And be it further enacted by the authority aforesaid*, That the Vice-Principal and Tutors of the said Minor or Upper Canada College, shall be nominated by the Chancellor of the University of King's College, subject to the approval or disapproval of the Council thereof.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Chancellor of the said University, for the time being, to suspend or remove either the Vice-Principal or Tutors of the said Minor or Upper Canada College: *Provided* that such suspension or removal be recommended by the Council of the said University, and the grounds of such suspension or removal recorded at length in the Books of the said Council.

Chancellor of King's College may suspend or remove Vice Principal or Tutors of King's College.

CHAP. XVII.

AN ACT to prevent the Dissolution of the Parliament of this Province, in the event of a Demise of the Crown.

[Passed 4th March, 1837.]

WHEREAS it is expedient to provide against the great inconvenience which might ensue from the inevitable dissolution of the Provincial Parliament upon a Demise of the Crown, on any future occasion: *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 Parliament of this Province shall not in any case be deemed to be determined or dissolved by the Death or Demise of His Majesty, his Heirs or Successors; nor shall any Session of the Parliament of this Province be deemed to be determined, or the proceedings therein pending in any manner abated, interrupted or affected, by the Demise of His Majesty, his Heirs or Successors; but notwithstanding such Death or Demise the Parliament of this Province shall continue, and if sitting, shall proceed to act until dissolved or prorogued in the usual manner, or until the legal expiration of the term of such Parliament.

Preamble.
Parliament of this Province not to be dissolved by the demise of the Crown.

CHAP.

CHAP. XVIII.

AN ACT to regulate the Expenditure of District Funds within this Province.

[Passed 4th March, 1837.]

Preamble.

Accounts against any District to be delivered to the Clerk of the Peace before the first day of the Sessions.

No accounts to be audited unless seven Magistrates be present, and accounts to be examined on the second day of each Session, and order for payment to express the Statute authorizing the expenditure.

Clerks of the Peace to furnish Treasurers with list of orders in their priority, and Treasurer to pay the same accordingly;

Expenses of Prisoners and accounts of Public Officers, and Officers of the Court, to be first paid;

WHEREAS it is expedient to provide for a more just and equitable mode of expending the District Funds, and paying the various Accounts due by the several Districts in this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all accounts or demands preferred by any person against the District, shall be delivered to the Clerk of the Peace, on or before the first day of the Session in each Term, to be laid before the Bench.

II. *And be it further enacted by the authority aforesaid*, That no Accounts shall be passed or audited at any Court of Quarter Sessions in any District within this Province, unless at least Seven Magistrates be present, whose names are to be entered on the Record, and that the said Accounts shall be taken into consideration on the second day of each Session, and disposed of as soon as practicable, and that all Orders or Checks signed by the Chairman of Quarter Sessions, shall express the Act of Parliament under which such expenditure is authorised, if the same be made under the provisions of an Act of Parliament, except for the payment of Constables, or services rendered during the sitting of the Court.

III. *And be it further enacted by the authority aforesaid*, That at the adjournment of each and every Court of Quarter Sessions, it shall be the duty of the Clerk of the Peace, to furnish the Treasurer with a list of the Orders passed during such Session, according to their priority; and it shall be the duty of the said District Treasurer, to pay the said Orders according to the respective dates and numbers, in which the same were passed at the said Sessions. *Provided always*, that all sums necessary to defray the expenses of the custody and maintenance of Prisoners, and the accounts of Public Officers, and Officers of the Court, shall be first paid,

and the said Treasurer shall present, on the first day of each Session, a Balance Sheet of the Receipts and Expenditures of the District Funds for the preceding Quarter, from whatever sources the same may be derived.

Treasurers to render accounts each Session.

IV. *And be it further enacted by the authority aforesaid, That whenever an Order is passed or recorded by any number of Magistrates in any District within this Province, the same shall not be rescinded unless at least the same number be present.*

No order to be rescinded unless by an equal number of Magistrates to those making such order.

V. *And be it further enacted by the authority aforesaid, That it shall not be lawful for the Magistrates for any District, except where Debts are actually due by such District, to order or direct the payment of any sum of money by the Treasurer of such District, unless it shall appear by the examination of the Treasurer's accounts, that there are sufficient funds in his hands to meet the payment of such order, and that if any such order shall be made contrary to the provisions hereof, the person or persons in whose favour such order shall be made, shall be entitled to recover the same against the Magistrates who shall have sanctioned such order, in any action to be brought for that purpose, as so much money had and received to his or their use and benefit.*

No order to be made by Magistrates for the payment of money, except where debts are actually due by the District, unless there are sufficient funds in the Treasurers hands to pay the same.

CHAP. XIX.

AN ACT to amend the Laws now in force regulating the Sale of Lands for arrear of Taxes, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

WHEREAS it is expedient to afford to the Proprietors of Land sold to pay Assessments in arrear, as much protection as may be consistent with the carrying fully into effect the Laws in that behalf: *And whereas* experience has shewn that the provisions hereinafter contained are 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,

Preamble.

All sales of land in any District for assessments shall take place in the town in which Quarter Sessions are held for such District on the second day of such sessions, at or near the Court house ; Sales to be advertised accordingly.

That from and after the passing of this Act, notwithstanding anything contained in any former Law to the contrary, all Sales of Land for the payment of Assessments, in whatever Township of any District the same may be situated, shall take place in the Town in which the Court of General Quarter Sessions of the Peace shall be holden for such District, on the second day of the sitting of the said Court, and at or near the Court House of the said District, and that every Sale shall be advertised accordingly.

Lands to be put up at 2s. 6d. per acre;

II. *And be it further enacted by the authority aforesaid,* That at every such Sale, the Land shall be put at an upset price of Two Shillings and Six Pence per Acre ; and only so much of the Land shall be exposed to sale, as will at such a price, produce the amount to be levied, leaving the quantity of Land to be reduced by bidding in the manner now provided by Law, according as bidders may appear, who will, for a less quantity of Land, pay the amount required ; and in case no bidder shall be found who will accept the quantity of Land exposed to sale, at its valuation, then the Sheriff of the District shall, without any new Writ, expose so much of the Land for sale, under the provisions of the Law now in force, as if this Act had not been passed, as may be necessary for making the amount he is directed to levy, together with lawful interest thereon, from the time the same became due, at the next Court of General Quarter Sessions, which shall occur after the expiration of the six months notice required by Law.

If no bidder at that rate, Sheriff shall proceed according to former Act ;

At the next court of Quarter Sessions after the expiration of six months notice.

III. *And be it further enacted by the authority aforesaid,* That no Treasurer, Sheriff, or Clerk of the Peace, nor any Deputy of any such Officer, shall directly or indirectly purchase any of the Lands hereafter to be sold within the District in which he is serving, for payment of Assessments in arrear, upon pain of forfeiture of office, upon conviction, by indictment, before a Court of Oyer and Terminer and General Gaol Delivery ; and any purchase made contrary to this provision, shall be wholly and absolutely void.

No Treasurer, Sheriff, Clerk of the Peace, or any of their Deputies, to purchase lands at such sales within their respective Districts.

Sheriff within one month after each sale to make a return of lots sold, &c. and transmit the same to the Secretary of the Province, who shall permit the same to be inspected.

IV. And to the end that ready means of reference may be afforded at some one public Office, where information respecting all the Lands sold for payment of Assessments throughout the Province may be acquired, within the period for redemption : *Be it further enacted by the authority aforesaid,* That the several Sheriffs in this Province shall, within one month after each Sale of Land by him made for the payment of Assessments, make out a General Return of the Lots or Parcels of Land by him sold ; the time of sale ; the amount for which the same was sold ; and the name of the purchaser thereof, and transmit the same to the

Secretary and Registrar of this Province, who shall permit the same to be inspected by any person applying for that purpose.

V. *And be it further enacted by the authority aforesaid, That in all future Sales of Land for arrear of Taxes, it shall be lawful for the Sheriff, or other Officer whose duty it is to offer the same, at his option to put up and adjudge to the purchaser of any part of a Lot liable to be sold for such arrears, such part of the said Lot as he may, in his discretion, think best for the interest of the proprietor, anything in any Act of the Parliament of this Province to the contrary notwithstanding.*

Sheriff on any future sale may adjudge such part of the lot to the purchaser as he shall think best for the interest of the owner.

CHAP. XX.

AN ACT to amend the Laws for the appointment of Parish and Township Officers.

[Passed 4th March, 1837.]

WHEREAS, from the great increase of Population in the principal Towns in this Province, it has become inconvenient to hold the annual Township Meetings in such Towns: *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 so much of an Act passed in the first Session of the twelfth Parliament, entitled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line-fences and Water-courses,' and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,' as relates to the office of Fence-Viewers being discharged by Overseers of Highways and Roads," as relates to the places for holding the annual Township Meetings in each Township, be, and the same is hereby repealed.

Preamble.

So much of 5th Wm. 4th, chap. 8; as relates to the places for holding township meetings repealed.

When any town shall be incorporated no township meeting for electing township officers shall be held therein.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, when any Town in any Township in this Province shall be Incorporated, or have Police Regulations established therein, no annual Township Meeting, for the purpose amongst other things, of electing Township Officers, shall thereafter be held in any such Town, but the said annual Township Meetings shall be holden in such convenient place out of any such Town, as the Magistrates, Commissioners, or other authorised persons, shall appoint.

CHAP. XXI.

AN ACT to authorise the Members of the Legislative Council and House of Assembly of this Province, to Frank Letters by the General Post, during the Sessions of the Legislature.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to extend the privilege of Franking to the Members of the Legislative Council and Assembly, during the Session of Parliament: *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 First day of January, One Thousand Eight Hundred and Thirty-eight, it shall and may be lawful to and for each and every Member of the Legislative Council and Assembly of this Province, to send by the General Post, to any place or places within His Majesty's Dominions in North America, free from the duty of Postage, during the sitting of any Session of the Provincial Parliament, any number of Letters or Packets not exceeding ten Letters or Packets in any one day, so as none of such Letters or Packets shall exceed the weight of one ounce, and so as each of them be superscribed or directed in manner hereinafter mentioned; and also that it shall and may be lawful to and for each and every Member of the Legislative Council and House of Assembly, during the sitting of any Session, to receive by the General Post, from places within His Majesty's Dominions in North America, any number of Let-

After 1st January 1838, Members of the Legislative Council and Assembly may, during the Session, frank Letters and receive Letters Postage Free, under certain restrictions.

ters and Packets, not exceeding ten Letters or Packets in any one day, so that each Letter or Packet do not exceed the weight of one ounce, and be directed to the Member, at the place where he shall actually be at the time of delivery thereof, or at his usual place of residence, or at the House of Parliament, of which he shall be a Member.

II. *Provided always, and be it further enacted by the authority aforesaid*, That no Letter or Packet whatsoever, directed by any Member of either the Legislative Council or Assembly of this Province, shall be exempted from the payment of Postage, unless the whole superscription upon any such Letter or Packet so sent, shall be of the hand-writing of the Member directing the same, and shall have endorsed thereon the name of such Member, together with the name of the Post Town from which the same is intended to be sent, and the day, month and year, when the same shall be put into the Post Office, the day of the Month to be in words at length, and the whole to be in the hand-writing of the Member; and also, unless every such Letter or Packet shall be put into the General Post Office, or other Post Office, or into any Receiving House, or place appointed by His Majesty's Post Master General, for the receipt of Letters and Packets, to be forwarded by the Post on the day of the date put upon such Letter or Packet, and unless the Member whose name shall be endorsed thereon, shall actually be in the Post Town into the Post Office of which every such Letter or Packet shall be put, or within twenty miles of such Post Town, on the day, or on the day before the day, on which such Letter or Packet shall be put into the Post Office.

No letter to be franked unless the whole superscription be in the hand-writing of the Member directing the same, and the Members name, Post Town, and day, month and year, must be endorsed on such Letter.

III. *Provided always, and be it further enacted by the authority aforesaid*, That whenever the number of Letters or Packets not weighing more than one ounce each, sent or received by any Member of the Legislative Council or Assembly, in any one day, shall exceed the number hereinbefore permitted to pass free from the duty of Postage, and the rates of Postage on the said Letters and Packets respectively, or any of them, shall differ, then such of the said Letters or Packets as would be chargeable with a higher rate of Postage than the remainder, shall be included in the number so exempted, in preference to any which would be chargeable with a lower rate of Postage, and the remainder of such Letters or Packets shall be chargeable with the several rates of Postage respectively, at which such Letters or Packets would by Law be chargeable, if sent or received by any persons not entitled to send or receive Letters or Packets free from the duty of Postage.

Regulations to be observed if the number of Letters sent or received by any Member exceed the number permitted to pass free.

After 1st January, 1838. Members may receive Petitions Postage free, if under cover, open at the sides, and not weighing more than six ounces.

IV. *And be it further enacted by the authority aforesaid,* That from and after the said First day of January, One Thousand Eight Hundred and Thirty-eight, it shall be lawful for each and every Member of the Legislative Council and Assembly of this Province, to receive by the General Post any Petition addressed to either House of Parliament, free from the duty of Postage: *Provided* the same be sent without a cover, open at the sides, and shall not exceed the weight of six ounces.

To prevent frauds,

V. *And whereas* frauds may be practised in sending Covers, Letters and Packets by Post, directed to Members of the Legislative Council and Assembly, at places where such Members do not usually reside, and are not then resident, and at different Houses and places in the same Post Town, and by directing Covers of Letters and Packets to Members, at their usual places of residence, containing Letters and Packets intended for others, and not intended for such Members to whom the Covers, Letters and Packets are so directed, on which Covers, Letters and Packets, so directed and enclosed, private marks may be put, whereby the persons for whom such Letters are really intended may receive such Covers, Letters and Packets, free from the duty of Postage, to the injury of the Revenue, for the remedy whereof, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Post Master General, and all persons acting under this Act, to charge the whole of such Covers, Letters and Packets, with the full duty of Letter Postage, according to the rates established by this Act, any thing herein contained to the contrary in anywise notwithstanding: *Provided always,* that if it shall appear by the Certificate of such Member, that such Cover, Letter or Packet so charged, was actually intended for such Member, and not covering a correspondence to any other person, that then and in every such case, the Postage so charged and paid for every such Letter, Cover or Packet, shall be returned to such Member.

Postage may, in certain cases, be charged in full on letters or packets addressed to Members;

which Postage shall be remitted on a certificate from a Member that such letter or packet was actually intended for him.

CHAP. XXII.

AN ACT to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the Navigation of the Waters of this Province.

[Passed 4th March, 1837.]

Preamble.

WHEREAS many serious accidents have of late occurred on the Lakes and Inland Waters of this Province, by Vessels navigating the same running foul of each other during the Night, by means whereof many lives

have been lost, and much property damaged and destroyed: *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, all Steam Boats, Schooners, Vessels and Rafts, that shall be navigated upon the Lakes and Rivers of this Province, and the British Channel of the Saint Lawrence River, between the Port of Kingston and the eastern boundary of the Province, shall have affixed, and the person and persons commanding or having charge of the same are hereby required to affix, one or more Light or Lights on the Bow or some conspicuous place of such Steam Boat, Schooner or other Vessel, during every night that such Vessel shall be navigating the said Lakes, Rivers and Channel, or either of them.

Steam-boats, &c. required to carry a Light during the night.

II. *And be it further enacted by the authority aforesaid,* That for the purposes of this Act, the night shall be construed, deemed and taken to extend, from one hour after the Sun Set to one hour before Sun Rise, at all seasons of the year.

Night to be construed to extend from one hour after Sunset to one hour before Sunrise.

III. *And whereas,* many accidents and loss of lives have happened from the insecurity of Gang-boards leading from Steam Boats and other Vessels, to Wharves and other landing places, as well as from the darkness and dangerous condition of such Wharves: *Be it further enacted by the authority aforesaid,* That every such Steam Boat or Vessel carrying Passengers, shall be provided with a good and sufficient Gang-board, or Gang-boards, with substantial Hand-rails; and the Master thereof shall, on stopping at any Wharf or landing place, cause the same to be firmly secured to the said Vessel, and Wharf, or landing place, for the safe and convenient transit of Passengers; and shall cause to be affixed to the Gangways (in the night time) good and sufficient Lights; and the Owners or Occupiers of every such Wharf or landing place, shall also (in the night time) cause to be shown conspicuously, on such Wharf or landing place, and at every angle or turn thereof, a good and sufficient Light.

Steam-boats or Vessels carrying Passengers, to be provided with a Gang-board.

IV. *And be it further enacted by the authority aforesaid,* That all Vessels navigating as aforesaid, shall be bound to take the Starboard or Right Hand side of every Channel in proceeding up or down the said

All Vessels to take the Starboard side of any Channel.

Lakes, Rivers or Channel, or any or either of them, so as to enable all Vessels meeting each other to pass in safety: And that when any two Vessels are trying to windward, and there may be a doubt which Vessel should pass to windward, the Vessel being on the starboard tack shall keep her wind, and the Vessel on the larboard tack shall bear up or go to leeward.

Vessel on the Starboard tack to keep the wind.

No Vessel passing ahead of another, or of a Raft, to approach nearer in passing than twenty yards.

V. *And be it further enacted by the authority aforesaid,* That whenever any Steam Boat, Schooner or other Vessel, or any Raft, as aforesaid, shall be going in the same direction with another Steam Boat, Schooner or other Vessel, or with any Raft or Rafts ahead of it, it shall not be lawful to navigate the first mentioned Boat, Schooner, Vessel or Raft, so as to approach or pass the other Boat, Vessel or Raft, so being ahead, within the distance of twenty yards; and it shall not be lawful so to navigate the Boat, Schooner, Vessel or Raft, so being ahead, as unnecessarily to bring it within twenty yards of the Steam Boat, Schooner, Vessel or Raft, following it.

Vessels, &c. at anchor in the night to shew a Light.

VI. *And be it further enacted by the authority aforesaid,* That all Steam Boats, Schooners, Vessels or Rafts, which shall be at anchor in the night time, the Master or person having charge of every such Boat, Schooner, Vessel or Raft, shall cause a good and sufficient Light to be shown in some part of her Rigging, or in some other conspicuous place of the said Boat, Schooner, Vessel or Raft, lying at anchor as aforesaid.

Persons offending liable to a penalty of £5;

how recoverable.

VII. *And be it further enacted by the authority aforesaid,* That any person commanding or having charge of any Steam Boat, Schooner or other Vessel, navigating the said Lakes, Rivers or Channel, or any or either of them, offending against the provisions of this Act, shall be liable to a penalty of Five Pounds, to be recovered upon Conviction of such Offence, upon the Oath of one credible Witness, before any two of His Majesty's Justices of the Peace; and on default of payment of such Penalty, together with the costs and charges of and incident to Conviction, it shall and may be lawful for the said Justice or Justices, to commit such person or persons to the Gaol of the County or District wherein such Conviction shall be made as aforesaid, for any period not exceeding Thirty days, as the said Justices in their discretion shall direct.

Owner of Vessels, &c. liable for damages arising from non-compliance with the provisions of this Act.

VIII. *And be it further enacted by the authority aforesaid,* That the Owner and Owners of all Steam Boats, Schooners and other Vessels, the persons commanding or in charge of which shall neglect to comply with the provisions of this Act, shall be liable for all damages to be sustained by any person or persons, from any accident arising from the non-compli-

ance with, or during such time as the provisions of this Act shall not be complied with, such damages to be recoverable by trial at Law, before His Majesty's Court of King's Bench in this Province.

CHAP. XXIII.

AN ACT to establish Agricultural Societies, and to encourage Agriculture in the several Districts of this Province.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it would greatly tend to the general improvement of this Province, if Agricultural Societies were re-established in every District therein, with a suitable endowment from the Public Funds: We therefore humbly 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 when any Agricultural Society, for the purpose of Importing valuable Live Stock, Grain, Grass Seeds, useful Implements of Husbandry, or whatever else might conduce to the improvement of Agriculture, shall be constituted in any District in this Province, and shall make it appear by certificate, under the hand of the Treasurer of such District Society, that a sum not less than Twenty-five Pounds, has been actually subscribed and paid to the said Treasurer, by the several Agricultural Societies of said District, and paid into the hands of the said Treasurer; and the President of the said Society shall make application, enclosing the said certificate to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for and in support of said Society; 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 in favour of the Treasurer of the said Society, for double the sum that shall have been paid or subscribed in said District, as aforesaid: *Provided always*, That the annual

Preamble.

When an Agricultural Society shall be formed in any District in this Province, and not less than £25 subscribed and paid;

Lieutenant Governor may issue a Warrant in favour of the Treasurer of the said Society, for double the amount so paid;

not however to exceed £200 annually.

sum to be granted to each District shall not exceed the sum of two hundred pounds.

Provision in favour of County, Riding, or Township Agricultural Societies.

II. *And be it further enacted by the authority aforesaid,* That in the event of there being County, Riding, or Township Agricultural Societies established, there shall not be more than one Society in each County or Riding of any District within this Province, and a proportion of the District Bounty shall and may be granted to each County, Riding, or Township Agricultural Society, and paid to them by the District Society, in proportion to double the money that each County, Riding, or Township Agricultural Society, shall have subscribed: *Provided nevertheless,* That the whole sum granted to the District and County Societies together, shall not exceed the sum of two hundred pounds in each year.

If more than £50 be subscribed by the Societies in any District, the grant of £200 to be proportionably divided amongst them.

III. *And be it further enacted by the authority aforesaid,* That in the event of more than fifty pounds being subscribed by the several Societies in any District, the said grant of two hundred pounds shall be divided to each Society in due proportion, according to the amount of their subscriptions respectively.

Agricultural Societies to elect Officers and make By-Laws.

IV. *And be it further enacted by the authority aforesaid,* That each Agricultural Society shall and may elect such Officers, and make such By-Laws for their guidance as to them shall seem best, for promoting the interest of Agriculture, according to the true intent and meaning of this Act.

Treasurers' accounts to accompany application for grants.

V. *And be it further enacted by the authority aforesaid,* That the Treasurer's account of the receipts and expenditure of the preceding year, shall, after the first year, always accompany the application for grants in aid of said Agricultural Societies.

Treasurer of County, &c. Societies to pay over monies subscribed to Treasurer of District Agricultural Society, who shall make an Abstract thereof.

VI. *And be it further enacted by the authority aforesaid,* That when County, Riding, or Township Societies, shall have been established in any District, the Treasurer of such County Societies shall, on or before the first day of September in each year, pay over the amount of Money subscribed by said Societies, into the hands of the Treasurer of the District Agricultural Society, who shall then make an abstract of the sums subscribed in said District, in the following form :

Abstract of sums of Money subscribed by the several Agricultural Societies in the ——— District, for the year 183—.

AGRICULTURAL SOCIETIES.	AMOUNT SUBSCRIBED BY EACH. Form of Abstract.		
	£	s.	d.
Total,.....£			

These are to certify that the sum of ——— Pounds, ——— Shillings, Certificate.
 have been paid into my hands, by the several Agricultural Societies in the
 ——— District, as above stated.

Given under my hand at ———, the ——— day of ——— 183 —.

Certified,

————— *Treasurer.*

————— *President.*

VII. *And be it further enacted by the authority aforesaid,* That the Accounting clause.
 Monies hereby granted and paid shall be accounted for to His Majesty,
 through the Lords Commissioners of His Majesty's Treasury, in such
 manner and form as His Majesty, his Heirs and Successors shall be gra-
 ciously pleased to direct.

VIII. *And be it further enacted by the authority aforesaid,* That if the Treasurer of Town-
 ship Society paying
 into the hands of
 Treasurer of the
 County or District
 Society, entitled to
 receive back the sum,
 with a proportion of
 the Legislative grant.
 Treasurer of any Township Society shall, on or before the first day of
 February in each and every year, pay into the hands of the Treasurer of
 the District or County Societies, he shall be entitled to receive the same
 again so soon as the Legislative grant shall have been received, with a
 proportion of the Legislative grant, equal to the amount so paid, or in

proportion to what shall fall to their share upon an equal division being made, in proportion to the sums paid in by the several Societies in the District or County.

Act in force four years.

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

CHAP. XXIV.

AN ACT to authorise the Erection, and provide for the Maintenance of Houses of Industry, in the several Districts of this Province.

[Passed 4th March, 1837.]

Preamble.

After the presentment of three successive Grand Juries, Justices in Quarter Sessions to procure plans, purchase site, and erect a House of Industry ;

not to cost more than £1000.

WHEREAS it is expedient and necessary to provide a House of Industry in the several Districts of this Province, and to provide employment for the Indigent and Idle: *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 Court of General Quarter Sessions of the Peace, to be holden in each District, after the presentment of three successive Grand Juries recommending the same, it shall be the duty of the Justices of the said District, to procure Plans and Estimates for the erection of suitable Buildings for the reception and employment of the Poor and Indigent, and of the Idle and Dissolute; and to procure or purchase a suitable Site whereon to erect the same, and to contract for the erection thereof: *Provided* the expense thereof shall not exceed the sum of One Thousand Pounds; and also to appoint five Inspectors, who shall have the Inspection and Government of the said House, with full power to appoint a Master, Mistress, and such needful assistance for the immediate care and oversight of the persons received into, or employed in that House; which Inspectors, once every month, and at such other times as occasion may require, shall meet for the purpose of determining the best method of discharging the duties of their Office

and at such Meetings shall have full power to make such needful Orders and Regulations for the Government of the said House, and to alter the same from time to time, as they may think expedient; and all such By-Laws for the ordering and regulating the said House, and the affairs thereof, as may be necessary, the same not being repugnant to the Laws of the Land.

II. *And be it further enacted by the authority aforesaid,* That the Monies requisite and necessary for the building, erecting, keeping and maintaining the said Houses of Industry, in the several Districts of this Province, shall be paid by the several Districts; and all the rateable property of the District shall be taxed in the same way, for this purpose, as it is for the purpose of erecting Gaols and Court-houses; and His Majesty's Justices of the Peace in General Quarter Sessions may declare the amount of such Assessment or Tax to be levied, which Rate, Assessment or Tax, shall be collected in the same manner as all other District Rates and Assessments are now by Law collected: *Provided always,* that it shall be the duty of such Justices of the Peace, to publish in one or more Newspapers of the District, if one is published in the District, and if not, then by affixing a copy on the Door of the Court-house, the amount of such Rate or Assessment, so to be levied as aforesaid.

Necessary expenditure to be paid by the respective Districts; and rateable property in the District to be taxed therefor.

Amount of rate to be published.

III. *And be it further enacted by the authority aforesaid,* That any two of His Majesty's Justices of the Peace, or of the Inspectors appointed as aforesaid, are hereby authorised, empowered and directed, to commit to such House, by writing under their hands and seals, to be employed and governed according to the Rules, Regulations and Orders of said House, any person or persons residing in the District that are by this Act declared liable to be sent thither.

Justices of the Peace may commit persons to the House of Industry.

IV. *And be it further enacted by the authority aforesaid,* That the persons who shall be liable to be sent into, employed and governed in the said House, to be erected in pursuance of this Act, are all Poor and Indigent Persons, who are incapable of supporting themselves; all persons able of body to work and without any means of maintaining themselves, who refuse or neglect so to do; all persons living a lewd dissolute vagrant life, or exercising no ordinary calling, or lawful business, sufficient to gain or procure an honest living; all such as spend their time and property in Public Houses, to the neglect of their lawful calling.

Who may be sent into Houses of Industry.

V. *And be it further enacted by the authority aforesaid,* That all Inspectors appointed in pursuance of this Act, shall keep an account of the

Inspectors to keep accounts.

charges of erecting, keeping, upholding and maintaining such House, together with an account of all materials found and furnished, together with the names of the persons received into such House, as well as of those discharged therefrom, and also of the Earnings; one copy of which shall be presented to the Justices of the Peace of each District, once in every year, or oftener, when required by such Justices in General Quarter Sessions assembled, and one copy to each Branch of the Legislature.

Persons sent to House of Industry to be diligently employed in labour.

VI. *And be it further enacted by the authority aforesaid,* That all and every person committed to such House, if fit and able, shall be kept diligently employed in labour, during his or her continuance there; and in case the person so committed or continued shall be idle and not perform such reasonable task or labour as shall be assigned, or shall be stubborn, disobedient or disorderly, he, she or they, shall be punished according to the Rules and Regulations made or to be made, for ruling, governing and punishing persons there committed.

CHAP. XXV.

AN ACT to amend the Laws relating to the Collection of Duties on Imports from the United States into this Province, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

4th Geo. IV. chap. 11, sec. 8, in part repealed.

WHEREAS it is expedient to amend the Laws now in force for the Collection of Duties on Imports from the United States of America into this Province: *Be it therefore enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 eighth Section of an Act passed in the fourth year of the Reign of our late Sovereign Lord King George the Fourth, entitled, "An Act to repeal an Act passed in the Forty-first year of His late Majesty's Reign, entitled, 'An Act for granting to His Majesty, his Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Mer-

chandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places; and also an Act passed in the Forty-third year of His late Majesty's Reign, entitled, 'An Act to explain and amend an Act passed in the Forty-first year of His Majesty's Reign, entitled, 'An Act for granting to His Majesty, his Heirs and Successors, to and for the uses of this Province, the like duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places, and to provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America into this Province; and also to establish a fund for the erection and repairing of Light-houses, and to make more effectual provision for the due collection of Duties on Goods imported into this Province," so far as the same applies to Collectors who shall collect One Thousand Pounds and upwards of Duties, in any one year, be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That every Collector shall be authorised to retain, Twelve Pounds and Ten Shillings out of every Hundred Pounds of Duties he shall Collect, until such Duties shall amount to the sum of One Thousand Pounds, and the sum of Five Pounds out of every Hundred Pounds of Duties he shall Collect, over and above the said sum of One Thousand Pounds.

Amount of per cent-
age to be retained by
Collectors.

III. *Provided always, and be it further enacted by the authority aforesaid,* That no Collector of Customs shall be authorised to retain a sum exceeding Three Hundred Pounds on the amount of Duties by him Collected in each year, any thing in this Act contained to the contrary notwithstanding.

No Collector to retain
more than £300 in
any year.

IV. *And be it further enacted by the authority aforesaid,* That with respect to such Collectors as shall or may collect Duties to the amount of One Thousand Pounds and upwards, annually, this Act shall be taken to be, and is hereby declared to be in force from the First day of January last.

This Act to take effect
from 1st January,
1837, as to Collectors
collecting duties to
the amount of £1000.

V. *And whereas,* doubts are entertained as to the liability to the payment of Duties of the personal Baggage of persons coming into this Province with the intention to Settle and Reside therein, or passing through the same: *Be it therefore enacted by the authority aforesaid,* That no Duties shall hereafter be levied on any articles of personal Baggage imported by any person coming into this Province, or passing through the same from the United States of America, such articles being bona fide

No duties to be levied
on any articles of
personal baggage,
bona fide imported
for domestic use.

imported for Domestic use of the person importing the same, or Tools used in the Trade or Business of the party importing the same: *Provided always*, that nothing in this Act contained shall extend or be construed to extend to Tea, Wine, Spirits, Sugar, or other articles of Goods, Wares and Merchandize, not made up or prepared for domestic purposes.

No fees allowed on a permit to land goods, &c. not subject to duty.

VI. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall not be lawful for any Collector to demand or receive any Fees for a Permit to land, or an Entrance on Goods, Wares or Merchandize, imported from any Country, which articles are not subject to the payment of any Duty.

CHAP. XXVI.

AN ACT to continue for a limited time An Act entitled, "An Act to promote the Public Health, and to guard against Infectious Diseases in this Province."

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act passed in the fifth year of His Majesty's Reign, entitled, "An Act to promote the Public Health, and to guard against Infectious Diseases, in this Province," will expire at the end of the present Session: *And whereas* it is expedient to continue 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 said recited Act be, and the same is hereby continued, from the close of this Session for one year, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

5th Wm. IV. chap. 10, continued for one year.

CHAP. XXVII.

AN ACT to continue for a limited time, "An Act to impose an additional Duty on Licenses to vend Wines, Brandy, and Spirituous Liquors."

[Passed 4th March, 1837.]

WHEREAS an Act passed in the second year of His Majesty's Reign, Preamble. entitled, "An Act to impose an additional Duty on Licenses to vend Wines, Brandy, and Spirituous Liquors," will expire at the close of the present Session: *And whereas*, it is expedient to continue and renew 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, 2nd Wm. IV. chap. 20. continued for four years. That the said Act shall be and continue in force for four years from the time of its expiration, and from thence to the end of the next ensuing Session of the Parliament of this Province, and no longer.

CHAP. XXVIII.

An Act to continue for a limited time, An Act for Licensing Ale and Beer Houses.

[Passed 4th March, 1837.]

WHEREAS an Act passed in the second year of His Majesty's Reign, Preamble. entitled, "An Act to continue in force, for a limited time, an Act passed in the fourth year of His late 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 Licensing the same,'" is about to expire: *And whereas*, it is expedient to continue the same: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue

2nd Wm. IV. chap. 21,
continued for four
years.

of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That the said Act shall be and continue in force for four years from the close of this Session, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

CHAP. XXIX.

AN ACT to revive and continue, for a limited time, an Act passed in the Third year of His present Majesty’s Reign, entitled, “An Act to continue an Act passed in the Eleventh year of His late Majesty’s Reign, entitled, ‘An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane Destitute Persons in that District,’ and to extend the provisions of the same to the other Districts of this Province.”

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act passed in the Eleventh year of the Reign of His late Majesty, entitled, “An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane Destitute Persons in that District;” and also an Act passed in the Third year of His present Majesty’s Reign, entitled, “An Act to continue an Act passed in the Eleventh year of His late Majesty’s Reign, entitled, ‘An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane Destitute Persons in that District,’ and to extend the provisions of the same to the other Districts of this Province,” expired at the end of the last Session of Parliament: *And whereas* it is expedient to revive the provisions of 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 Gov-

ernment of the said Province,” and by the authority of the same, That the said recited Acts shall be, and the same are hereby revived and continued for four years, and from thence to the end of the then next ensuing Session of Parliament.

11th Geo. IV. chap. 20, and 3rd Wm. IV. chap. 46, revived and continued for four years.

CHAP. XXX.

AN ACT to authorise the erection of the County of Oxford into a Separate District, by the name of the District of Brock.

[Passed 4th March, 1837.]

WHEREAS from the great extent of the District of London, as at present constituted, and the consequent distance of some parts of it from the District Town, the Inhabitants of those parts suffer great inconvenience, and it is therefore expedient that the said District should be divided, and that certain parts thereof should be set off and erected into a new and separate District: *Be it therefore enacted* by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions) Burford, Oakland, Norwich and Dereham, shall form a new and separate District, under the name of the District of Brock, and that the Town of Woodstock shall be the District Town thereof.

Preamble.

The District of Brock formed out of certain Townships.

Woodstock, District Town.

II. *And be it further enacted by the authority aforesaid,* That so soon as it shall be ascertained that a good and sufficient Gaol and Court House have been erected therein, for the security of Prisoners, and for accommodating such Courts as shall or may be held within the said new District, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, by and with the advice and consent of His Majesty’s Executive Council in this Province, to declare, by Proclamation, the said Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions) Burford, Oakland, Norwich and Dereham, to be a separate and distinct

District to be declared by Proclamation, so soon as Gaol and Court House are erected.

Jurisdiction of Court of King's Bench, Court of General Quarter Sessions, and District Court.

Actions and Indictments pending at the time the new District is set off, may be tried in District of London, unless otherwise agreed between parties.

Gaol and Court House to be erected on ground set apart for that purpose by His Majesty.

When District set apart, all Courts to possess like powers and Jurisdiction with those held in other Districts, and all other privileges enjoyed by other District;

Unless otherwise provided for.

Rules and Regulations contained in Acts relating to Gaols in other Districts, to be in force.

Courts to be held as in other Districts.

District, by the name of the "District of Brock": *Provided nevertheless*, that nothing herein contained shall affect, or be construed to affect, the jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the London District: *Provided also*, that if at the time the Townships aforesaid shall be set off as a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of an indictable offence, that has been committed within the Territory comprising the intended new District, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the District of London, unless all the parties shall agree that the same shall not be tried in the said District of London: *Provided always*, that such Gaol and Court House shall be erected at or near the Town of Woodstock, on such ground as may have been set apart and reserved by His Majesty for that purpose.

III. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Requests, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be holden, possessed and enjoyed, in and by the other Districts of this Province, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act; and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be and are hereby extended from thenceforth to that District, to be thereby declared and named as aforesaid, unless otherwise provided for by this or some other Act or Acts of the Parliament of this Province.

IV. *And be it further enacted by the authority aforesaid*, That all and every the Provisions, Rules and Regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of, or relating to Gaols, which shall be in force or operation at the time of declaring and naming such new District as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court-house; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius; General Quarter Sessions of the

Peace; Surrogate, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced, and from time to time holden at the aforesaid Court-house, or such other Court-house as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

V. *And be it further enacted by the authority aforesaid,* That from and after the declaring and naming the said new District, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October, in each and every year, and that the Terms of the said District Court, shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions, and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Court of General Quarter Sessions to be held at times specified.

VI. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said intended District, at the time the same shall be declared and named a separate District as aforesaid, shall continue to hold, enjoy and exercise the like Commission, Office, Authority, Power and Jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised the same in the District of London: *Provided* that the authority, power and jurisdiction previously exercised by His Majesty's Justices of the Peace, and other persons bearing Commission or Office, or lawful authority, within and residing within the said new District, shall not in anywise be longer exercised or continued within the District of London, but that the same within that District shall from thenceforth cease and determine: *Provided* that after the said new District shall have been declared and named as aforesaid, His Majesty's Justices of the Peace, and others, who thenceforward continue to hold Commission or Office, or bear lawful authority within the District of London, shall cease to hold such Commission or Office, or to exercise such lawful authority within the said District, to be declared and named as aforesaid; and that no Jurisdiction, power or authority, of whatever nature or kind soever, to the said District of London at the time of the formation of such new District as aforesaid belonging or appertaining, shall longer extend or be construed to extend to the said new District.

Authority of Justices of the Peace residing in new District, to continue.

Such authority not to be exercised, after District set apart, in the District of London.

Persons holding office in District of London to cease exercising the duties of such office, after new District is declared.

Rates to be levied and applied, as by Law appointed, in District of London.

VII. *And be it further enacted by the authority aforesaid,* That the ordinary Rates and Assessments levied within the contemplated new District for the current year, at the time the said District shall be declared and named a separate District, by virtue of this Act, and all future Rates and Assessments to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the District of London, except in so far as the same may be varied by this Act.

Provision made for establishment and support of Schools.

VIII. *And whereas,* it is necessary to make provision for the establishment and support of Schools within the said new District, when the same shall have been declared and named as aforesaid: *Be it therefore further enacted by the authority aforesaid,* That from and after the erection of the said Townships into a separate District, there be granted annually to His Majesty, His Heirs and Successors, from and out of the Monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated, applied and disposed of, in paying the Salary of the Teacher of the Public District School which may be hereafter erected in the said District.

District School to be opened in the Town of Woodstock.

IX. *And be it further enacted by the authority aforesaid,* That the said District School shall be open and kept at the Town of Woodstock, in the said new District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School established as in other Districts.

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same Rules, Regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

Provision made for establishment of Common Schools.

XI. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said new District as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of Two Hundred and Fifty Pounds, which said sum of Two Hundred and Fifty Pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner, and

under the same rules, regulations, provisions and restrictions, in every particular, mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless*, that nothing herein contained shall be construed, or taken to destroy or abridge, the right of the said new District to participate in the monies appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, entitled, "An Act to make permanent, and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage Education within the same," in addition to the above-mentioned sum of Two Hundred and Fifty Pounds.

Right to participate in monies granted by Provincial Act, passed in fourth year of His late Majesty's Reign, not abridged.

XII. *Provided always, and it is hereby further enacted by the authority aforesaid*, That the monies herein-before granted to His Majesty, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for the purposes aforesaid be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province; and the said Receiver General shall account for the same to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty, His Heirs and Successors, shall direct.

Monies granted to be paid by Warrant on Receiver General, and accounted for through Lords Commissioners of the Treasury.

XIII. *And be it further enacted by the authority aforesaid*, That the said Justices of the Peace within the said intended District be authorised, and they are hereby authorised, at a public meeting to be by them holden for that purpose, at some convenient place in the Town of Woodstock, so soon after the passing of this Act as may be convenient, on notice signed by two or more of the Justices fixing upon the time and place of such meeting, such notice having been published for the space of three weeks in some Newspaper printed within the District of London, or in any Newspaper published within the intended new District, previous to such meeting, to procure, by such means as to the said Justices, or the greater part of them present at the said meeting, shall seem fitting and proper, different Plans and Elevations of a Gaol and Court House, to be laid before them, for the purpose of selecting and determining upon one by the said Justices then and there assembled as aforesaid.

Justices authorised to obtain Plans and Estimates for Gaol and Court House.

XIV. *And be it further enacted by the authority aforesaid*, That at the said meeting as aforesaid, the Justices may nominate and appoint a Chair-

Justices authorised to appoint persons with whom Contracts for erection of Gaol and Court House may be made.

Duties and manner of proceeding by persons appointed to contract for building Gaol and Court House.

Contractors to give security for performance of Contract.

Justices to have like power possessed by Justices in other Districts for erection of Gaols, &c.

Building Committee to have power to fill vacancies.

man, Treasurer and Clerk, and also three other persons, who, together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorized, and they are hereby authorized and empowered, to contract for and superintend the erection and completion of the said Gaol and Court House, under the control of the said Justices, and in the name and on the behalf of the inhabitants of the said intended District, to contract with any person or persons who shall desire to erect and finish the same according to the plan approved of as aforesaid, upon the site or situation fixed upon by this Act, and for that purpose the Plan, Elevation, and Specification of the said Gaol and Court House shall continue and remain in the office of the said Clerk, for general inspection; and public notice shall be given to all persons desirous to contract for the building the said Gaol and Court-House, to deliver in, within a certain limited time, proposals in writing, under seal, of the sum of money for which he or they shall engage to build and complete the same, conformably to certain articles and conditions, to be agreed upon by the said Committee, or a majority of them; and that the said Committee shall, on a day previously to be fixed, openly examine the said proposals so given in as aforesaid, and if they shall approve thereof the said Committee shall be empowered, and they are hereby required, to contract with such person or persons as shall offer and undertake to build the said Gaol and Court House for the lowest price: *Provided*, the said person or persons making the said proposals shall give and enter into good and sufficient Security, to be approved of by the said Justices at some one of their meetings, as is hereinafter provided, for the due performance of his or their contract.

XV. *And be it further enacted by the authority aforesaid*, That the said Justices so assembled as aforesaid, shall have the like power and uthority within the said intened new District, as the Justices of the Peace in other Districts of this Province, in general Quarter Sessions assembled, have by law, so far as relates to building Gaols and Court Houses in their respective Districts, and no further, unless expressly provided for in this Act; and that they be authorised to adjourn the said Meeting, from time to time, and assemble again as often as the business relating to the building of the said Gaol and Court-house shall seem to require: that the said Building Committee be under their control and direction, and that the Clerk record all the Resolutions, Rules and Orders of the said Meetings, in a Book to be kept by him for that purpose; and if any vacancy shall occur of Chairman, Treasurer, Clerk or other appointments of the said Committee, before the said intended District shall be declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorized to supply the said vacancy so often as it may occur, by another appointment.

XVI. *And whereas*, it is just and expedient, that until the contemplated new District shall be declared and named a separate District, it should bear and contribute a just proportion of the ordinary expenses of the District of London: *Be it therefore further enacted by the authority aforesaid*, That from and out of the Rates and Assessments raised, levied and collected, within the limits of the intended new District, it shall and may be lawful for the Treasurer of the District of London, annually to retain for the purposes aforesaid, such a sum as the majority of the Magistrates in General Quarter Sessions assembled, in the month of April next, shall ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the intended new District; and it shall be the duty of the Treasurer of the District of London, after deducting such sum, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of the Rates and Assessments raised, levied and collected, or which may hereafter be raised, levied and collected, within the Territory comprising the intended new District of Brock, and which shall be applicable to the general benefit of the same, and may be applied by His Majesty's Justices of the Peace residing within the said intended District, towards the erecting and building of a Gaol and Court-house therein; and the said Treasurer of the District of London shall take receipts for the same, as the money shall be paid over, which receipts shall be allowed by the Justices of the District of London in their settlement with him.

Proportion of Rates levied within the limits of intended new District to be retained.

Balance to be paid over to Treasurer to be appointed for new District, to be applied by Justices residing within limits of new District, towards erecting Gaol and Court House.

XVII. *And be it further enacted by the authority aforesaid*, That the said Building Committee shall and may apply the Monies so received by the Treasurer to be appointed as aforesaid, from the Treasurer of the District of London, from time to time, towards the payment of any Contract that they may make with any person or persons whomsoever, for the building of the said Gaol and Court-house, in conformity to the intentions of this Act.

Payments to be made from Rates levied, to Contractors.

XVIII. *And be it further enacted by the authority aforesaid*, That the said Committee shall keep faithful and correct accounts of all Monies expended by them in the erection of the said Gaol and Court-house, and shall take Vouchers for the same from the Contractor or Contractors, and also, shall keep an account of all Monies which may from time to time come into their hands, applicable and available for building the said Gaol and Court-house; and that they shall exhibit a detailed Statement both in Debtor and Creditor, to the Justices of the said new District, at their first Court of General Quarter Sessions of the Peace, to be holden therein, after the same shall have been declared a separate District.

Committee appointed to build Gaol and Court House to render detailed accounts of expenditure.

Magistrates authorised to raise £6000 by way of loan.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates residing within the contemplated new District, so assembled as aforesaid, and they are hereby empowered by an Order of such Meeting, to authorise and direct the Treasurer to be appointed as aforesaid, to raise by loan, from such Person or Persons, Bodies Politic or Corporate, as may be willing to lend the same upon the credit of the Rates and Assessments to be raised, levied and collected, in the said intended District, a sum not exceeding Six Thousand Pounds, to be applied in defraying the expenses of building the said Gaol and Court-house.

Not more than six per cent interest to be paid on money borrowed.

£200 to be reserved out of Rates collected annually, besides interest, to be applied towards payment of loan.

XX. *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 intended 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 Two Hundred Pounds, together with the lawful interest on the whole sum, which may from time to time remain due, from and out of the rates and assessments so coming into his hands for the use of the said intended District.

Treasurer of District not to retain per cent-age on loan.

XXI. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said Meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any Poundage or Per Centage upon any sum or sums of money which shall or may be levied under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging or liquidating such Loan, with the interest thereon, as aforesaid.

Justices residing within the limits of new District may levy an additional Rate of one penny in the pound for four years;

XXII. *And whereas,* it is expedient that an additional Tax or Assessment should be levied on the property of the inhabitants residing within the limits of the intended new District, for the purpose of defraying the expenses of erecting a Court House and Gaol, *be it therefore enacted by the authority aforesaid,* That the Magistrates residing within the limits aforesaid, shall have power, and they are hereby authorised, at a Meeting convened for that purpose, to resolve that an increased Tax, not exceeding One Penny in the Pound over and above the ordinary Assessment, on all ratable property within such limits, shall be levied and collected, for a term of time not exceeding four years; which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within the said intended new District, and a copy of such resolution shall

two-thirds of the Justices agreeing to a Resolution to that effect.

be transmitted to the Clerk of the Peace of the District of London, signed by the Chairman of said Meeting.

Copy of Resolution to be sent to the Clerk of the Peace for the District of London.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace for the District of London, to add to the Assessment Lists of the several Townships and Lands comprising the intended new District, the increased rate, according to the Resolution furnished him by the Chairman of the said Meeting.

Clerk of the Peace for District of London to add such increased rate to Assessment Lists.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collectors of the several Townships and Lands hereinbefore mentioned, and they are hereby required, to collect the monies authorised to be raised under the authority of this Act, and shall pay the same over to the Treasurer of the District of London, in the same way and manner as the ordinary Assessments of the Districts have been heretofore paid.

Rates to be levied by Collectors and paid over to Treasurer of District of London.

XXV. *And be it further enacted by the authority aforesaid,* That the Magistrates for and residing within the contemplated District, shall expend the monies raised by virtue of this Act, in defraying the expenses of building a Gaol and Court House for the use of the said District.

Rates levied to be applied by Justices in new District, towards defraying expense of new Gaol and Court House.

XXVI. *And be it further enacted by the authority aforesaid,* That no Per Centage be allowed to the Treasurer of the District of London, nor to any Assessor or Collector, for the monies raised and collected under the provisions of this Act.

No per centage allowed Treasurer of District of London on Rates collected under this Act.

XXVII. *And be it further enacted by the authority aforesaid,* That so soon as the said part of the County of Oxford shall have been formed a separate District, by Proclamation as hereinbefore provided, all the Townships comprised within the limits of the said intended District, shall form and be called the County of Oxford, in the District of Brock.

Townships comprised within new District to form the County of Oxford, in District of Brock.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Court of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, shall not be held in said District until provision shall be made by Law, for increasing the number of Judges in His Majesty's Court of King's Bench in this Province.

No Court of Assize or Nisi Prius to be held in new District, until provision be made for increasing the number of Judges of Court of King's Bench.

CHAP. XXXI.

AN ACT to authorise the Erection of the County of Hastings into a Separate District.

[Passed 4th March, 1837.]

Preamble.

As soon as a Gaol and Court House is erected, Governor, with advice of Executive Council, may declare County of Hastings a separate District.

Nothing in this Act to affect the jurisdiction of the King's Bench or Quarter Sessions in the Midland District.

Proviso in case any suit be commenced or pending on any cause of action arising within the said County, or indictment be preferred and be pending, for an offence committed therein, at the time new District created.

WHEREAS from the increase of the Population of the County of Hastings, and the great Distance from the District Town, it is expedient to provide, under certain conditions, for erecting the said County of Hastings into a Separate District: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 so soon as the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein for the security of Prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare, by Proclamation, the said County of Hastings a separate and distinct District, by such name as he shall think fit:—*Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect, the Jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Midland District: *Provided also*, that if at the time the said County shall be set off into a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Midland District, unless all the parties shall agree that the same shall not be tried in the said Midland District: *Provided always*, that such Gaol

and Court House shall be erected in the Town of Belleville, on the ground set apart and reserved by His Majesty for that purpose.

Gaol and Court-House to be erected at Belleville.

II. *And be it further enacted by the authority aforesaid,* That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Request, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be holden, possessed and enjoyed, in and by the other Districts of this Province at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District to be thereby declared and named by virtue of this Act; and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be, and are hereby extended from thenceforth, to that District to be thereby declared and named as aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

All Courts held, &c. in other Districts at the time of the creation of the new District, to be thenceforth held in the new District.

Laws relating to other Districts generally, to be equally applied to the new District.

III. *And be it further enacted by the authority aforesaid,* That all and every the provisions, rules and regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such new District as aforesaid, shall be, and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius, General Quarter Sessions of the Peace, Surrogate, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced, and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses, to be applicable to new District.

Courts to be held in the Court House hereby authorised to be erected.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring and naming the said County of Hastings a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Courts of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the second Tuesday in the months of January and April, and the fourth Tuesday in the months of July and October in

Periods for holding the Court of Quarter Sessions, and District Courts.

each and every year, and that the terms of the said District Court shall respectively commence, on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and sitting of the said District Court are hereby appointed to be held, and such terms shall respectively end on the following Saturday.

Justices of the Peace and other persons holding offices, and residing in the new District at the time of its erection, to continue their functions within the new District.

Limitation of the period for holding such offices.

Justices and others continuing their authority within the Midland District, shall cease to exercise the same in the new District.

How Rates and Assessments are to be applied.

V. *And be it further enacted by the authority aforesaid*, That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said County of Hastings at the time the same shall be declared and named a separate District as aforesaid, shall continue to hold, enjoy and exercise, the like Commission, Office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the Midland District: *Provided*, that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing Commission or Office or lawful authority within, or residing within the said County of Hastings, shall not in anywise be longer exercised or continued within the Midland District, but that the same, within that District, shall from thenceforth cease and determine: *Provided*, that after naming and declaring such new District as aforesaid, His Majesty's Justices of the Peace, and others who thenceforward continue to hold Commission or Office, or bear lawful authority within the Midland District, shall cease to hold such Commission or Office, or to exercise such lawful authority, within the said new District to be declared and named as aforesaid, and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Midland District, at the time of the formation of such new District as aforesaid, belonging or appertaining, shall longer extend, or be construed to extend to the said new District.

VI. *And be it further enacted by the authority aforesaid*, That the ordinary Assessments and Rates levied within the said County of Hastings for the current year, at the time the said County shall be declared and named a separate District by virtue of this Act, and all future Assessments and Rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Midland District, except in so far as the same may be varied by this Act.

VII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Hastings, when the said County shall be declared a separate District by virtue of this Act:

Be it therefore further enacted by the authority aforesaid, That from and after the erection of the said County of Hastings into a separate District by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated, applied and disposed of, in paying the Salary of the Teacher of the Public District School which may be hereafter erected in the said District.

£100 granted annually to His Majesty, for the support of District School.

VIII. *And be it further enacted by the authority aforesaid,* That the said District School shall be open and kept in the Town of Belleville, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be kept at Belleville.

IX. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same Rules and Regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

District School to be under the like regulations as other District Schools are.

X. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Hastings into a separate District as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of Two Hundred and Fifty Pounds, which sum of Two Hundred and Fifty Pounds shall be appropriated, applied, and disposed of in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions, and restrictions, in every particular mentioned, specified, and contained in the several Acts of the Parliament of this Province, for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless,* that nothing herein contained shall be construed, or taken to destroy or abridge the right of such new District, to participate in the monies appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's Reign, entitled "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Pro-

£250 annually granted to His Majesty for the support of Common Schools; to be regulated in like manner as other Common Schools.

vince, and for granting to His Majesty a further sum of money to promote and encourage Education within the same," in addition to the above mentioned sum of Two Hundred and Fifty Pounds.

How monies to be accounted for.

XI. Provided always, and it is hereby further enacted by the authority aforesaid, That the monies hereinbefore granted to His Majesty, shall be paid by the the Receiver General of this Province, in discharge of such Warrant or Warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the said Receiver General shall account for the same to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as His Majesty, His Heirs and Successors shall direct.

Justices, after three weeks notice, may hold a Meeting at Belleville;

XII. And be it further enacted by the authority aforesaid, That the said Justices of the Peace, within the said County be authorised, and they are hereby authorised, at a Public Meeting to be by them holden for that purpose, at some convenient place in the Town of Belleville, so soon after the passing of this Act as may be convenient, on notice signed by two or more of the said Justices, fixing upon the time and place of such Meeting, having been three weeks published in some Newspaper within the Midland District, or in any Newspaper published within the said County, previous to such Meeting, to procure by such means as to the said Justices or the greater part of them present at the said Meeting shall seem fitting and proper, different Plans and Elevations of a Gaol and Court House, to be laid before them for the purpose of selecting and determining upon one by the said Justices then and there assembled, as aforesaid.

to adopt means for procuring Plans and Elevation of a Gaol and Court House;

and to select one.

Justices at such Meeting to appoint a Chairman, Treasurer, Clerk, and Committee of three Justices;

to contract for and superintend the erection of a Gaol and Court House.

Public notice to be given to persons desirous to contract.

XIII. And be it further enacted by the authority aforesaid; That at the said Meeting as aforesaid, the Justices may nominate and appoint a Chairman, Treasurer, and Clerk, and also three other persons, who, together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorised, and they are hereby authorised and empowered, to contract for and superintend the erection and completion of the said Gaol and Court House, under the control of the said Justices; and in the name and on the behalf of the inhabitants of the said intended District, to contract with any person or persons who shall desire to erect and finish the same, according to the plan approved of, as aforesaid, upon the site or situation fixed upon by this Act; and for that purpose the Plan, Elevation, and Specification of the said Gaol and Court House shall continue and remain in the Office of the said Clerk for general inspection, and public notice shall be given to all persons desirous to contract for the building the said Gaol and Court House, to deliver in, within a certain

limited time, proposals in writing, under seal, of the sum of money for which he or they will engage to build and complete the same, conformably to certain articles and conditions, to be agreed upon by the said Committee, or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said proposals, so given in as aforesaid; and if they shall approve thereof, the said Committee shall be empowered, and they are hereby required, to contract with such person or persons as shall offer to undertake and build the said Gaol and Court House for the lowest price: *Provided*, the said person or persons making the said proposals shall give and enter into good and sufficient security, to be approved of by the said Justices, at some one of their Meetings, as hereinafter provided, for the due performance of his or their contract.

Contract to be taken at the lowest tender;

Provided security be given.

XIV. *And be it further enacted by the authority aforesaid*, That the said Justices so assembled as aforesaid, shall have the like power and authority within the said County of Hastings, as the Justices of the Peace in other Districts of this Province, in General Quarter Sessions assembled, have by Law, so far as relates to building Gaols and Court-houses in their respective Districts, and no further, unless expressly provided for in this Act, and that they be authorised to adjourn the said Meeting, from time to time, and assemble again, as often as the business relating to the building of the said Gaol and Court-house shall seem to require; that the said Building Committee be under their control and direction, and that the Clerk record all the Resolutions, Rules and Orders, of the said Meetings, in a Book to be kept by him for that purpose; and if any vacancy or vacancies shall occur, of Chairman, Treasurer, Clerk, or other appointments of the said Committee, before the said County is declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorised to supply the vacancy so often as it may occur, by other appointments.

Such Justices within County of Hastings, to have the like power and authority as Justices in other Districts, so far as relates to the building Gaols and Court Houses.

May adjourn from time to time.

Clerk to record Resolutions, Orders, &c.

Vacancies, how be filled.

XV. *And whereas* it is just and expedient, that until the said County of Hastings be declared a separate District, that the said County should bear and contribute a just proportion of the ordinary expenses of the District, *be it therefore enacted by the authority aforesaid*, That from and out of the Rates and Assessments raised, levied and collected, in the said County of Hastings, it shall and may be lawful for the Treasurer of the Midland District, annually to retain for the purposes aforesaid, such a sum as the majority of the Magistrates in General Quarter Sessions assembled, in the Month of April next, shall ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the said County of Hastings; and it shall be the duty of the said

Treasurer of the Midland District may retain such sum as the Magistrates in the April Sessions shall determine, out of Rates raised in the County of Hastings, towards defraying expenses of the Midland District, until the new District is erected;

and shall pay the balance to the Treasurer, to be named;

which may be applied towards building the Gaol and Court House in the new District.

The Building Committee may expend such monies in payment of contracts made by them.

Building Committee to keep account of monies expended by them, and to take vouchers;

and to keep account of all monies received by them;

and to exhibit a statement to the Justices of the new District, at the first Quarter Sessions to be held therein.

Justices of Hastings at their said Meeting may authorise their Treasurer to raise a Loan on the credit of the new District;

not to exceed £6000.

Loan not to bear a higher interest than six per cent.

Treasurer of the Midland District, after deducting such sum, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of all Rates and Assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected, in the said County of Hastings, and shall be applicable to the general benefit of said intended District, and may be applied by His Majesty's Justices of the Peace residing within the said County, towards the erecting and building a Gaol and Court-house therein; and the said Treasurer of the Midland District shall take Receipts for the same, as the Money shall be paid over, which Receipts shall be allowed by the Justices of the Midland District, in their settlement with him.

XVI. And be it further enacted by the authority aforesaid, That the said Building Committee shall and may apply the said Monies so received by the Treasurer to be appointed as aforesaid, from the Treasurer of the Midland District, from time to time, towards the payment of any Contracts that they may make with any person or persons whatsoever, for the building of the said Gaol and Court-house, in conformity to the intentions of this Act.

XVII. And be it further enacted by the authority aforesaid, That the said Committee shall keep faithful and correct accounts of all Monies expended by them, in the erection of the said Gaol and Court-house, and shall take Vouchers for the same from the Contractor or Contractors, and also, shall keep an account of all Monies which may from time to time come into their hands, applicable or available for the building said Gaol and Court-house; and that they shall exhibit a detailed Statement both in Debtor and Creditor, to the Justices of said District, at their first General Quarter Sessions of the Peace, to be holden therein, after the same shall have been declared and named a separate District.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates of the said County, so assembled as aforesaid, and they are hereby empowered by an Order of such Meeting, to authorise and direct the Treasurer so to be appointed as aforesaid, 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 Rates and Assessments to be raised, levied and collected, in the said intended District, a sum not exceeding Six Thousand Pounds, to be applied in defraying the expenses of building the said Court-house and Gaol.

XIX. 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 intended 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 of not less than Two Hundred Pounds, together with the lawful interest on the whole sum, which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

Treasurer of new District annually to pay £200 of such Loan, besides the interest on the whole thereof, from time to time, remaining due.

XX. And be it further enacted by the authority aforesaid, That no Treasurer hereafter to be appointed, either by the said Meeting, or by the Magistrates of the said intended District, shall be entitled or authorised to receive any Poundage or Per Centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such Loan, with the interest thereon as aforesaid.

Treasurer appointed at such Meeting, or by Magistrates of said new District, not to receive per centage on Loan, or on monies coming into their hands to liquidate the same, or the interest thereof.

XXI. And whereas, the Inhabitants of the said County of Hastings have, by their petition, prayed that a tax be levied on the property of the said Inhabitants, for the purpose of defraying the expenses of erecting a Court House and Gaol in the said County; be it therefore further enacted by the authority aforesaid, That the Magistrates of and residing within said County shall have power, and they are hereby authorised, at a Meeting convened for that purpose, to resolve that an increased Tax, not exceeding One Penny in the Pound over and above the ordinary Assessment, on all ratable property within said County, shall be levied and collected, for a term of time not exceeding four years; which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within said County, and a copy of such resolution shall be transmitted to the Clerk of the Peace of the Midland District, signed by the Chairman of said Meeting.

Justices of Hastings may impose an additional Rate, not exceeding one penny in the pound, on ratable property within the said County, for a term not exceeding four years.

Two-thirds of Justices residing within the County to concur; and Resolution to be communicated to Clerk of the Peace for the Midland District.

XXII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace for the Midland District, to add to the Assessment List for the several Townships within the said County, the increased Tax, according to the Resolution furnished him by the Chairman of the said Meeting.

Clerk of the Peace to make a corresponding addition to the Assessment Lists of Townships in Hastings.

XXIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Collectors of the several Townships within the said County, and they are hereby required, to collect the monies authorised to be raised by the authority of this Act, and pay the same over to the Treas-

Collectors of Townships in Hastings to collect and pay over to the Treasurer of the Midland District the whole amount in the usual manner.

surer of the Midland District, in the same way and manner as the ordinary Assessments of the Districts have been heretofore paid.

Justices of Hastings to expend the monies so raised, in Building the said Gaol and Court House.

XXIV. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said County, shall expend the money raised by the authority of this Act, towards defraying the expenses of building a Gaol and Court House for the use of said County, as provided for by this Act.

No per centage to be allowed to any person for the monies so raised.

XXV. *And be it further enacted by the authority aforesaid,* That no Per Centage be allowed to the Treasurer of the Midland District, nor to any Assessor or Collector, for the monies raised and collected by the provisions of this Act.

After the erection of the new District, the Courts of Quarter Sessions for the Midland District to be held at Kingston.

XXVI. *And whereas,* by the Law now in force it is provided, that the Courts of General Quarter Sessions of the Peace in and for the Midland District, shall be holden in the Town of Adolphustown, on the fourth Tuesday in the Month of January, and on the second Tuesday in the month of July, and in the Town of Kingston, on the fourth Tuesday in the month of April, and the second Tuesday in the month of October: *And whereas,* by reason of the intended erection of the County of Hastings into a separate District, it will become inexpedient that the said provisions should be continued, *be it therefore enacted by the authority aforesaid,* That from and after the date of the Proclamation whereby the said County of Hastings shall be declared a separate and distinct District, so much of the several Laws of this Province as relates to the place of holding the Courts of Quarter Sessions of the Peace in and for the said Midland District, shall be and the same is hereby repealed, and from thenceforth the said Courts shall be held in the Town of Kingston, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October.

Time of holding the same.

This Act not to go into effect till the County of Hastings shall have paid, or provided for one-third of the debt now due by the Midland District.

XXVII. *And be it further enacted by the authority aforesaid,* That the provisions of this Act shall not go into effect until the County of Hastings shall have paid, or shall have provided for the payment of one-third part of the Debt now due by the Midland District.

No Court of Assize, &c. to be held in new District until an increase of the Judges of the King's Bench.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Courts of Assize and Nisi Prius, of Oyer and Terminer, and General Gaol Delivery, shall not be held in said District until provision shall be made by Law, for increasing the number of Judges in His Majesty's Court of King's Bench in this Province.

CHAP. XXXII.

AN ACT to authorise the Erection of the County of Simcoe into a separate District, by the name of the District of Simcoe.

[Passed 4th March, 1837.]

WHEREAS from the increase of the Population of the County of ^{Preamble.} Simcoe, and the great distance from the District Town, it is expedient to erect the said County of Simcoe, with the exception of certain Townships hereinafter mentioned, into a separate District: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 so soon as the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court-house has been erected therein, for the security of Prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this Province, to declare, by Proclamation, the County of Simcoe, as constituted by this Act, to be a separate and distinct District, by the name of the District of Simcoe: *Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect the Jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Home District: *Provided also*, that if at the time the said County shall be set off into a separate District, any Action shall have commenced or be pending for any cause of Action arising therein, or any Indictment of any Indictable Offence that has been committed within the said County, the said Action or Indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Home District, unless all the parties

The County of Simcoe may, by Proclamation, be declared a separate District so soon as a Gaol and Court House shall be erected.

Not to affect the Jurisdiction of any Courts.

Court House to be erected in the Town of Barrie.

shall agree that the same shall not be tried in the said Home District: *Provided always*, that such Gaol and Court-house shall be erected on such part of the Government Reservation in the Town of Barrie, as a majority of the Magistrates in the said County of Simcoe, who shall be present on the second day of the next Court of General Quarter Sessions, which shall be held after the passing of this Act, for the said Home District, shall fix upon.

New formation of the County of Simcoe, after such Proclamation ;

and of the County of Waterloo ;
and of the Fourth Riding of the County of York.

II. *And be it further enacted by the authority aforesaid*, That the County of Simcoe, from and after the issuing of the said Proclamation, shall consist of the Townships of West Gwillimbury, Tecumseth, Adjala, Mono, Mulmer, Tosorontio, Essa, Innisfil, Nottawasaga, Sunnidale, Vespra, Oro, Orillia, (north and south division,) Medonte, Flos, Tiny, Tay, and Matchedash, together with the Islands in Lakes Huron and Simcoe, lying wholly or in greater part opposite thereto ; and that thenceforward the Townships of Proton, Luther, Melancthon, and Amaranth, shall form part of the County of Waterloo ; and the Townships of Thorah, Mara, and Rama, shall thenceforward be attached to, and form part of the Fourth Riding of the County of York, in the Home District : *Provided always*, that so much of the seventh Clause of an Act passed in the second year of the Reign of His late Majesty King George the Fourth, entitled, “ An Act to repeal part of and amend an Act passed in the thirty-eighth year of His late Majesty’s Reign, entitled, ‘ An Act for the better division of this Province, and to make further provision for the division of the same into Counties and Districts,’ as relates to the formation of the County of Simcoe, be and the same is hereby repealed.

Courts established in the new District.

Laws relating to other Districts generally, to be equally in force in the new District.

III. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius, the Courts of General Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be held, possessed or enjoyed, in and by the other Districts of this Province, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District, to be thereby declared by virtue of this Act ; and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be and are hereby from thenceforth extended to that District, to be thereby declared as

aforesaid, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

IV. *And be it further enacted by the authority aforesaid,* That all and every the Provisions, Rules, Regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of, or relating to Gaols, which shall be in force and operation at the time of declaring such new District as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court-house; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius, General Quarter Sessions of the Peace, Surrogate Court, and every other of the aforesaid Courts, required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court-house, or such other Court-house as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses to be applicable to new District.

Courts to be held in the Court House hereby authorised to be erected.

V. *And be it further enacted by the authority aforesaid,* That from and after the declaring the said County of Simcoe a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October, in each and every year; and that the Terms of the said District Court shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions, and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Periods for holding the District Court and Quarter Sessions.

VI. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said County of Simcoe, as ascertained by this Act, at the time the same shall be declared a separate District as aforesaid, shall continue to hold, enjoy and exercise, the like Commission, Office, Authority, Power and Jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the said Home District: *Provided* that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing Commission or Office, or lawful authority, within or residing within the said County of Simcoe, shall not in anywise be longer exercised or continued within the Home District, but the same within that District shall from

Justices of the Peace and other persons holding offices, and residing in Simcoe at the time of its erection into a separate District, to continue their functions in the new District.

Their Jurisdiction thenceforth to cease in the Home District.

Justices and others continuing to exercise authority in the Home District, shall cease to do so in the new District.

thenceforth cease and determine : *Provided*, that after declaring such new District as aforesaid, His Majesty's Justices of the Peace, and others who thenceforth continue to hold Commission or Office, or bear lawful authority within the Home District, shall cease to hold such Commission or Office, or to exercise such lawful authority within the said new District to be declared as aforesaid ; and that no Jurisdiction, Power or Authority, of whatever nature or kind soever, to the said Home District at the time of the formation of such new District as aforesaid, belonging or appertaining, shall longer extend or be construed to extend to the said new District.

How Rates and Assessments are to be applied.

VII. *And be it further enacted by the authority aforesaid*, That the ordinary Assessments and Rates levied within the said County of Simcoe for the current year, at the time the said County shall be declared a separate District, by virtue of this Act, and all future Assessments and Rates to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Home District, except in so far as the same may be varied by this Act.

£100 granted annually to His Majesty, for the support of a District School.

VIII. *And whereas*, it is necessary to make provision for the establishment and support of Schools within the said County of Simcoe, when the said County shall be declared a separate District by virtue of this Act : *Be it therefore further enacted by the authority aforesaid*, That from and after the erection of the said County of Simcoe into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the Monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated, applied and disposed of, in paying the Teacher of the Public District School which may be hereafter erected in the said District.

District School to be kept in the Town of Barrie.

IX. *And be it further enacted by the authority aforesaid*, That the said District School shall be opened and kept in the Town of Barrie, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be subject to the same regulations as other District Schools.

X. *And be it further enacted by the authority aforesaid*, That the said District School shall be established in like manner, and under the same Rules, Regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province,

for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

XI. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Simcoe into a separate District as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of Two Hundred and Fifty Pounds, which sum of Two Hundred and Fifty Pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner, and under the same rules, regulations, provisions and restrictions, in every particular, mentioned, specified and contained, in the several Acts of the Parliament of this Province, for the regulation and support of the several Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be established: *Provided nevertheless,* that nothing herein contained shall be construed, or taken to destroy or abridge, the right of such new District to participate in the monies appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, entitled, "An Act to make permanent, and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage Education within the same," in addition to the above-mentioned sum of Two Hundred and Fifty Pounds.

£250 granted annually to His Majesty, for the support of Common Schools, which are to be subject to the same regulations as other Common Schools.

XII. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the monies herein-before granted to His Majesty, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for the purposes aforesaid be from time to time issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province; and the said Receiver General shall account for the same to His Majesty, 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 direct.

How monies to be accounted for.

XIII. *And be it further enacted by the authority aforesaid,* That the said Justices of the Peace within the said County be authorised, and they are hereby authorised, at a public meeting to be by them holden for that purpose, at some convenient place in the Town of Barrie, so soon after the passing of this Act as may be convenient, a notice signed by two or more of the said Justices fixing upon the time and place of such meeting, hav-

Justices of Simcoe may hold a Meeting after giving notice, for purpose of procuring Plans for a Gaol and Court House.

ing been three weeks published in some Newspaper within the Home District previous to such meeting, to procure, by such means as to the said Justices, or the greater part of them present at the said meeting, shall seem fitting and proper, different Plans and Elevations of a Gaol and Court House, to be laid before them, for the purpose of selecting and determining upon one by the said Justices then and there assembled as aforesaid.

At such Meeting Justices may appoint a Chairman, Treasurer, and Clerk, and three members, as a Committee;

for Contracting and Building the Gaol and Court House.

Notice to be given that Tenders will be received.

Lowest Tender to be accepted.

Good security for fulfilment of Contract to be given.

Justices so assembled to have the like power within Simcoe as the Justices of other Districts; so far as relates to Building Gaols and Court Houses. Meeting may be adjourned.

XIV. *And be it further enacted by the authority aforesaid,* That at the said meeting as aforesaid, the Justices may nominate and appoint a Chairman, Treasurer and Clerk; and also three other persons, who, together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorised, and they are hereby authorised and empowered, to Contract for and Superintend the erection and completion of the said Gaol and Court House, under the control of the said Justices; and in the name and on the behalf of the Inhabitants of the said intended District, to Contract with any person or persons who shall desire to erect and finish the same, according to the plan approved of as aforesaid, upon the site or situation fixed upon by this Act; and for that purpose the Plan, Elevation and Specification, of the said Gaol and Court House shall continue and remain in the Office of the said Clerk for general inspection; and public notice shall be given to all persons desirous to Contract for the Building the said Gaol and Court House, to deliver in, within a certain limited time, proposals in writing, under seal, of the sum of money for which he or they will engage to build and complete the same, conformable to certain articles and conditions to be agreed upon by the said Committee, or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said proposals so given in as aforesaid, and if they shall approve thereof, the said Committee shall be empowered, and they are hereby required, to Contract with such person or persons as shall offer to undertake and build the said Gaol and Court House for the lowest price: *Provided*, the said person or persons making the said proposals shall give and enter into good and sufficient Security, to be approved of by the said Justices at some one of their meetings, as hereinafter provided, for the due performance of his or their contract.

XV. *And be it further enacted by the authority aforesaid,* That the said Justices, so assembled as aforesaid, shall have the like power and authority within the said County of Simcoe, as the Justices of the Peace in the other Districts of this Province in General Quarter Sessions assembled have by law, so far as relates to Building Gaols and Court Houses in their respective Districts, and no further, unless expressly provided for in this Act; that they be authorised to adjourn the said Meeting, from time to

time, and assemble again as often as the business relating to the Building of the said Gaol and Court House shall seem to require; that the said Building Committee be under their control and direction, and that the Clerk record all the Resolutions, Rules, and Orders of the said Meetings in a Book, to be kept by him for that purpose; and if any vacancies shall occur of Chairman, Treasurer, Clerk, or other appointments of the said Committee, before the said County is declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorised to supply the vacancy so often as it may occur, by other appointments.

Clerk to record Resolutions.

Vacancies, how to be filled.

XVI. *And whereas*, it is just and expedient that, until the said County of Simcoe be declared a separate District, the said County should bear and contribute a just proportion of the ordinary expenses of the District, *be it therefore enacted by the authority aforesaid*, That from and out of the Rates and Assessments raised, levied, and collected in the said County of Simcoe, it shall and may be lawful for the Treasurer of the Home District annually to retain, for the purposes aforesaid, such a sum as a majority of the Magistrates in General Quarter Sessions assembled, in the month of July next, shall ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the said County of Simcoe; and it shall be the duty of the said Treasurer of the Home District, after deducting such sum, to pay over to the Treasurer, to be appointed as hereinbefore directed, the balance of all Rates and Assessments raised, levied, and collected, or which may hereafter be imposed, raised, levied, and collected in the said County of Simcoe, and shall be applicable to the general benefit of said intended District, and may be applied by His Majesty's Justices of the Peace, residing within the said County, towards the Erecting and Building a Gaol and Court House therein; and the said Treasurer of the Home District shall take receipts for the same, as the money shall be paid over, which receipts shall be allowed by the Justices of the Home District, in their settlement with him.

Treasurer of Home District to retain such sum annually, for ordinary expenses of that District, as the Justices in Quarter Sessions in July, 1837, shall determine, out of Rates raised in Simcoe.

Balance to be paid to Treasurer of Committee for Simcoe.

How to be applied.

XVII. *And be it further enacted by the authority aforesaid*, That the said Building Committee shall and may apply the said monies, so received by the Treasurer, to be appointed as aforesaid, from the Treasurer of the Home District, from time to time, towards the payment of any Contract they may make with any person or persons whatsoever, for the Building of the said Gaol and Court House, in conformity to the intentions of this Act.

Building Committee to apply monies to be received from Treasurer of Home District in payment of Contracts.

XVIII. *And be it further enacted by the authority aforesaid*, That the said Committee shall keep faithful and correct account of all monies ex-

Building Committee to keep account of monies expended by them, and to take vouchers; also of monies received by them; and to exhibit a statement to the Justices of the new District at their first Quarter Sessions.

pended by them in the erection of the said Gaol and Court House, and shall take Vouchers for the same from the Contractor or Contractors; and also shall keep an account of all monies which may, from time to time, come into their hands, applicable or available for the building such Gaol and Court-house; and that they shall exhibit a detailed statement, both in Debtor and Creditor, to the Justices of said intended District, at their first General Quarter Sessions of the Peace, to be holden therein, after the same shall have been declared a separate District.

Justices assembled as aforesaid, may authorise their Treasurer to raise a Loan on the credit of the new District;

not to exceed £4000

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said County, so assembled as aforesaid, and they are hereby empowered by an Order of such Meeting, to authorise and direct the Treasurer so to be appointed as aforesaid, 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 Rates and Assessments to be raised, levied and collected; in the said intended District, a sum not exceeding Four Thousand Pounds, to be applied in defraying the expense of building the said Court-house and Gaol.

Loan not to bear a higher interest than six per cent.

Treasurer of new District annually to pay off £200 of principal of Loan, as well as all interest due thereon.

XX. *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 for the said intended 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 Two Hundred Pounds, together with the lawful Interest upon the whole sum which may from time to time remain due, from and out of the Rates and Assessments so coming into his hands, for the use of the said intended District.

No Treasurer to receive per centage on the Loan, or on monies coming into his hands to liquidate the same, or the interest thereof.

XXI. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said Meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of Money which shall or may be loaned under the authority of this Act, or which may come into his hands, or for paying out any sum or sums of Money in discharging and liquidating such Loan, with the Interest aforesaid.

No Courts of Assize, &c. to be held in the new District, until the number of the Judges of the King's Bench is increased;

XXII. *And be it further enacted by the authority aforesaid,* That the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, shall not be held in said District, until provision shall be made by Law for increasing the number of Judges in His Majesty's Court of King's Bench in this Province; nor until provision has been made by Law

for securing the payment, by the County of Simcoe, of a just proportion of the Debt contracted on the credit of the Home District, for building the Gaol and Court-house in the Home District.

and until provision is made to secure payment of a just proportion of the Home District Gaol and Court House debt.

XXIII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend, to exonerate the Inhabitants of such of the aforesaid Townships as now form a part of the Home District, from being Assessed, to meet the payment of the principal sums heretofore borrowed, or which may be hereafter borrowed under any Act or Acts passed during the present Session of the Legislature, as well as the Interest thereon, for the purpose of Macadamizing certain Roads in the said Home District, in the same manner as if the said Townships had not been set apart into a separate District.

This Act not to exonerate inhabitants of Townships now forming part of the Home District, from contributing to pay any sums borrowed or to be borrowed for Macadamizing Roads in the Home District.

CHAP. XXXIII.

*AN ACT Erecting the County of Norfolk into a Separate District,
by the name of the District of Talbot.*

[Passed 4th March, 1837.]

WHEREAS from the increase of the Population of the County of Norfolk, and the great distance from the District Town, it is expedient to erect the said County of Norfolk into a separate District: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 so soon as the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein for the security of Prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the said Province, for the time being, by and with the advice and consent of His Majesty's Executive Council in this

Preamble.

The County of Norfolk may, by Proclamation, be declared a separate District as soon as a Gaol and Court House shall be erected.

Not to affect the
Jurisdiction of any
Courts.

Province, to declare, by Proclamation, the said County of Norfolk a separate and distinct District, by the name of "the District of Talbot": *Provided nevertheless*, that nothing in this Act contained shall affect, or be construed to affect, the Jurisdiction of His Majesty's Court of King's Bench in this Province, or to affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the London District: *Provided also*, that if at the time the said County shall be set off into a separate District, any action shall have been commenced or be pending, for any cause of action arising therein, or any indictment for any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the London District, unless all the parties shall agree that the same shall not be tried in the said London District: *Provided always*, that such Gaol and Court House shall be erected in the Town of Simcoe, in said County.

Court House to be
erected in the Town
of Simcoe.

Courts established in
the new District.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, and General Gaol Delivery, of Assize and Nisi Prius; the Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Courts of Requests, and every other Court and Jurisdiction, with all District Offices whatsoever held or to be held, possessed and enjoyed, in and by the other Districts of this Province at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District of Talbot; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing, which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation, as aforesaid, shall be and are hereby from thenceforth extended to that District, unless otherwise provided for by this Act, or any other Act or Acts of the Parliament of this Province.

Laws relating to other
Districts generally,
to be equally applied
to the new District.

Laws respecting
Gaols and Court
Houses, to be appli-
cable to new District.

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions, rules, regulations, matters and things, contained in any Act or Acts of the Parliament of this Province, for the regulation of or relating to Gaols, which shall be in force and operation at the time of declaring such new District as aforesaid, shall be, and are hereby from thenceforth extended to the said Gaol and Court House; and that the aforesaid Courts of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi Prius, General Quarter Sessions of the Peace, Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced, and from time to time holden at the

Courts to be held in
the Court House
hereby authorised to
be erected.

aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose, by virtue of any Act or Acts of the Parliament of this Province.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring of the said County of Norfolk a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the second Tuesday in the months of January, April, July and October, in each and every year; and that the Terms of the said District Court shall respectively commence, on the Monday of the week next but one preceding the week in which the Court of General Quarter Sessions, and sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Periods for holding the District Court, and General Quarter Sessions.

V. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said County of Norfolk at the time the same shall be declared a separate District, as aforesaid, shall continue to hold and enjoy, and exercise the like commission, office, authority, power and jurisdiction, within that District, in the same manner that they previously held, enjoyed and exercised, within the London District: *Provided,* that the authority, power and jurisdiction, previously exercised by His Majesty's Justices of the Peace, and other persons bearing Commission, or Office, or lawful authority, within or residing within the said new District, shall not in any wise be longer exercised or continued within the District of London, but the same within that District shall, from thenceforth, cease and determine: *Provided,* that after declaring such new District, as aforesaid, His Majesty's Justices of the Peace, and others, who thenceforth continue to hold Commission or Office, or bear lawful authority within the London District, shall cease to hold such Commission or Office, or to exercise such lawful authority within the said new District, to be declared as aforesaid, and that no jurisdiction, power, or authority, of whatever nature or kind soever, to the said London District at the time of the formation of such new District as aforesaid belonging or appertaining, shall longer extend or be construed to extend to the said new District.

Justices of the Peace, and other persons holding offices in Norfolk, at the time of its erection into a District, to continue their functions within the new District;

but no longer to act in the London District.

Justices, and others, continuing to hold authority in the London District, not to act in the new District.

VI. *And be it further enacted by the authority aforesaid,* That the ordinary Assessments and Rates levied within the said County of Norfolk for the current year, at the time the said County shall be declared a separate District, by virtue of this Act, and all future Assessments and Rates

How Rates and Assessments are to be applied.

to be levied therein, shall be applied and expended for the like purposes within such new District, as they at that time might be applied and expended, under and by virtue of any Act or Acts of the Parliament of this Province, in the London District, except in so far as the same may be varied by this Act.

Justices of Norfolk, after three weeks notice, may, at a Public Meeting,

VII. *And be it further enacted by the authority aforesaid,* That the said Justices of the Peace within the said County be authorised, and they are hereby authorised, by a Public Meeting to be by them holden for that purpose, at some convenient place within the said Town of Simcoe, so soon after the passing of this Act as may be convenient, a Notice, signed by two or more of the said Justices, fixing upon the time and place of such Meeting, having been three weeks published in some newspaper within the London District, previous to such Meeting, to procure, by such means as to the said Justices, or the greater part of them present at the said Meeting, shall seem fitting and proper, different Plans and Elevations of a Gaol and Court House, to be laid before them for the purpose of selecting and determining upon one by the said Justices of the Peace then and there assembled, as aforesaid.

take measures to obtain Plans, &c. for a Gaol and Court House.

Justices at such Meeting may appoint a Chairman, Treasurer, Clerk, and Committee, who may Contract for Building Gaol and Court House.

VIII. *And be it further enacted by the authority aforesaid,* That at the said Meeting as aforesaid, the Justices may nominate and appoint a Chairman, Treasurer, and Clerk, and also three other persons, who, together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorized, and they are hereby authorized and empowered to contract for, and superintend the erection and completion of the said Gaol and Court-house, under the control of the said Justices; and in the name and on the behalf of the Inhabitants of the said intended District, to contract with any person or persons who shall desire to erect and finish the same, according to the plan approved of as aforesaid, upon the site or situation fixed upon by this Act, and for that purpose the Plan, Elevation and Specification, of the said Gaol and Court-house, shall continue and remain in the Office of the said Clerk, for general inspection; and public notice shall be given to all persons desirous to Contract for the building the said Gaol and Court-house, to deliver in, within a certain limited time, Proposals in writing, under seal, of the sum of Money for which he or they will engage to build and complete the same, conformable to certain Articles and Conditions to be agreed upon by the said Committee, or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said Proposals so given in as aforesaid, and if they shall approve thereof, the said Committee shall be empowered, and they are hereby required to Contract with such person or persons as shall offer to undertake and build the said

Public notice to be given.

Contract to be taken at the lowest price tendered;

Gaol and Court-house for the lowest price: *Provided* the said person or persons making the said Proposals shall give and enter into good and sufficient Security, to be approved of by the said Justices, at some one of their Meetings, as is hereinafter provided, for the due performance of his or their Contract.

IX. *And be it further enacted by the authority aforesaid,* That the said Justices so assembled as aforesaid, shall have the like power and authority within the said County of Norfolk, as the Justices of the Peace in other Districts of this Province, in General Quarter Sessions assembled, have by Law, so far as relates to building Gaols and Court-houses in their respective Districts, and no further, unless provided for in this Act; and that they be authorized to adjourn the said Meeting, from time to time, and assemble again, as often as the business relating to the building of the said Gaol and Court-house shall seem to require: that the said Building Committee be under their control and direction, and that the Clerk record all the Resolutions, Rules and Orders, of the said Meetings, in a Book to be kept by him for that purpose; and if any vacancy or vacancies shall occur, of Chairman, Treasurer, Clerk, or other appointments of the said Committee, before the said County is declared and named a separate District, by death, resignation or removal, the said Justices shall be authorized to supply the vacancy, so often as it may occur, by other appointments.

provided security be given.

Such Justices, so assembled, to have the same power as Justices in other Districts, in regard to Building Gaols and Court Houses;

May adjourn Meetings.

Clerk to record Proceedings.

Vacancies, how to be filled.

X. *And whereas* it is expedient, that until the said County of Norfolk be declared a separate District, that the said County should bear and contribute a just proportion of the ordinary expenses of the District: *Be it therefore further enacted by the authority aforesaid,* That from and out of the Rates and Assessments raised, levied and collected, in the said County of Norfolk, it shall and may be lawful for the Treasurer of the London District, annually, to retain for the purposes aforesaid, such a sum as a majority of the Magistrates in General Quarter Sessions assembled, in the month of July next, shall ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the said County of Norfolk; and it shall be the duty of the said Treasurer of the London District, after deducting such sum, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of all Rates and Assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected, in the said County of Norfolk, and shall be applied to the general benefit of the said intended District, and may be applied by His Majesty's Justices of the Peace, residing in the said County, towards the erecting and building a Gaol and Court-house therein; and

Treasurer of London District may retain such sum as the Magistrates in the July Sessions next shall determine, out of the Rates raised in the County of Norfolk:

and pay the residue to the Treasurer, to be named;

to be applied to the use of the new District; and towards Building Gaol and Court House.

the said Treasurer of the London District shall take Receipts for the same, as the Money shall be paid over, which Receipts shall be allowed by the Justices of the London District in their settlement with him.

Building Committee may expend such monies in payment of Contracts made by them.

XI. And be it further enacted by the authority aforesaid, That the said Building Committee shall and may apply the said Monies, so received by the Treasurer to be appointed as aforesaid, from the Treasurer of the London District, from time to time, towards the payment of any Contract that they may make with any person or persons whatsoever, for the building of the said Gaol and Court-house, in conformity to the intentions of this Act.

Building Committee to keep account of their expenditures, and to take vouchers;

and keep an account of receipts;

and exhibit a statement at the first Quarter Sessions in the new District.

XII. And be it further enacted by the authority aforesaid, That the said Committee shall keep faithful and correct account of all monies expended by them, in the erection of the said Gaol and Court House, and shall take vouchers for the same from the Contractor or Contractors, and shall also keep an account of all monies which may from time to time come into their hands, applicable or available, for the building said Gaol and Court House, and that they shall exhibit a detailed statement, both in Debtor and Creditor, to the Justices of the said intended District, at their first General Quarter Sessions of the Peace to be holden therein, after the same shall have been declared a separate District.

Justices of Norfolk may authorise their Treasurer to raise a Loan on the credit of the new District;

not to exceed £5000.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates of the said County, so assembled as aforesaid, and they are hereby empowered, by an order of such meeting, to authorize and direct the Treasurer so to be appointed as aforesaid, to raise by loan, from such person or persons, Bodies Corporate or Politic, who may be willing to lend the same on the credit of the Rates and Assessments to be raised, levied and collected, in the said intended District, a sum not exceeding Five Thousand Pounds, to be applied in defraying the expense of building the said Court House and Gaol.

Loan not to bear a higher rate of interest than six per cent.

Treasurer to pay off £250 annually of the Loan, besides all interest due.

XIV. 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 for the said intended 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 Two Hundred and Fifty Pounds, together with the lawful Interest upon the whole sum which may from time to time remain due,

from and out of the Rates and Assessments so coming into his hands, for the use of the said intended District.

XV. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said Meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money, in discharging and liquidating such loan, with the interest thereon as aforesaid.

No Treasurer to receive per centage on the Loan or the monies coming into their hands to liquidate the same or the interest.

XVI. *And be it further enacted by the authority aforesaid,* That the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, shall not be held in said District, until provision shall be made by Law for increasing the number of Judges in His Majesty's Court of King's Bench in this Province.

No Court of Assize, &c. to be held in the new District until provision has been made to increase the number of the Judges.

XVII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Norfolk, when the said County shall be declared a separate District by virtue of this Act: *Be it therefore further enacted by the authority aforesaid,* that from and after the erection of the said County of Norfolk into a separate District, by virtue of this Act, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated, applied and disposed of, in paying the salary of the Teacher of the Public District School, which may be hereafter erected in the said District.

£100 granted annually to His Majesty, for the support of a District School.

XVIII. *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Town of Simcoe, in the said District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

District School to be kept at the Town of Simcoe.

XIX. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner, and under the same rules, regulations and restrictions, in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province, for the regulation of similar Schools in the other Districts of this Province, in force and operation at the time such School shall be established.

District School to be under the same regulations as other District Schools.

£250 granted annually to His Majesty for the support of Common Schools in the new District;

to be under the same regulations as other Common Schools.

Monie., how to be accounted for.

XX. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Norfolk into a separate District as aforesaid, there be granted annually to His Majesty, His Heirs and Successors, from and out of the monies now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, the sum of Two Hundred and Fifty Pounds, which sum of Two Hundred and Fifty Pounds shall be appropriated, applied and disposed of, in the establishment of Common Schools in the said District, in manner, and under the same rules, regulations, provisions and restrictions, in every particular mentioned, specified and contained, in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be so established: *Provided, nevertheless,* that nothing herein contained shall be construed or taken, to destroy or abridge the right of such new District to participate in the monies appropriated to the use of Common Schools in this Province, by a certain Act of the Parliament of this Province, passed in the fourth year of His late Majesty's reign, entitled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage Education within the same," in addition to the above-mentioned sum of Two Hundred and Fifty Pounds.

XXI. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the monies hereinbefore granted to His Majesty shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the said Receiver General shall account for the same to His Majesty, 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 direct.

CHAP. XXXIV.

AN ACT to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to Sue and be Sued in the name of any one of the Local Directors, or Manager, for the time being, of the said Company in this Province, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

WHEREAS several persons have formed themselves into a Company, or Partnership, called or known by the name of “the Bank of British North America,” for the purpose of establishing and carrying on Banks of Issue and Deposite at various Cities, Towns and places, within this Province, as well as in other British Provinces and Colonies in North America, and adjacent to British North America, and have subscribed a considerable sum of money in order to carry on the business of the said Bank: *And whereas*, it is expected that this Province will be greatly benefited by the formation of such Company: *And whereas*, difficulties may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle, the property of, or who may commit or be guilty of any other offence against, or with intent to injure or defraud the said Company, since, by the law, all the said Proprietors or Shareholders, for the time being, of the said Company, must in such cases sue and be sued, and prosecute by their several and distinct names and descriptions; wherefore, for obviating and removing the difficulties 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 from and after the passing of this Act, all actions and suits whatsoever, at Law or in Equity, which may be brought, instituted or prosecuted, within this Province, against any person or persons already indebted, or who may be hereafter indebted to the

Preamble.

All actions against persons indebted to the Bank of British North America;

or for any wrong to their real or personal estate ;

or on any liabilities to the said Company ;

or upon any bonds, &c. given to the said Company.

or any proceeding against insolvent debtors ;

and generally, all proceedings in law or equity wherein the Company is concerned against any person or Corporation ;

whether shareholder in the said Company or not ;

may be brought in the name of any one of the local Directors or Manager of the Company in this Province, as nominal Plaintiff.

And all proceedings at law or in equity against the said Company ;

may be instituted against any one of the local Directors or Manager as the nominal Defendant.

said Company, called “ the Bank of British North America ” ; and all actions, suits and other proceedings whatsoever, in Law or in Equity, within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may, for the time being, be vested, whether in the said Company, or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof ; or upon, or in respect of any present or future liability or liabilities to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; or upon any Bonds, covenants, contracts or agreements, which already have been, or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested ; and all instruments, petitions or proceedings, for issuing or prosecuting any Writ of Attachment or proceeding under any law against Insolvent or Absconding Debtors, now or hereafter to be in force in this Province, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; and generally, all other proceedings whatsoever, at Law or in Equity, within this Province, wherein the said Company is or shall be concerned or interested against any person or persons, or Body or Bodies Politic or Corporate, or others, whether such person or persons, or any such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall, and lawfully may be commenced, made, instituted and prosecuted, in the name of any one of the local Directors, or of the Manager of the said Company in this Province, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Plaintiff, or as acting in any other character for or on behalf of the said Company ; and all actions, suits, and other proceedings, at Law or in Equity, within this Province, to be commenced, instituted or prosecuted, against the said Company, by any person or persons, or Body or Bodies Politic or Corporate, whether such person or persons, or any of such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof, respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall, and lawfully may be commenced, instituted and prosecuted, against one of the local Directors or Manager of the said Company, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Defendant in such

last-mentioned action, suit or proceeding, for and on behalf of the said Company; and the death, resignation or removal, or any other act of such local Director or Manager, shall not abate or prejudice any action, suit, or other proceeding, at Law or in Equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended, in the name of any other local Director, or of the Manager for the time being in this Province, of the said Company.

Death &c. of any such Director or Manager not to abate the action.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be lawful for the said Company, by any local Director or Manager for the time being within this Province, of the said Company, to prefer any indictment or indictments, information or informations, or other criminal proceeding or proceedings, in any Court or Courts within this Province, against any person or persons, for any offence already committed, or which shall hereafter be committed, against the said Company; and on all indictments, informations, and other proceedings against any person or persons, whether such person or persons, or any of such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds, or any securities, monies, effects, or any real or personal property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company or in some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, such goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, of the Bank of British North America; and in all indictments, informations, or other proceedings against any person or persons, whether such person or persons, or any such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company, or not, for any conspiracy, crime, fraud or offence, already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud the Bank of British North America; and it shall not be necessary to state in any such indictment, information, or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Company; and any offender or offenders shall or may, thereupon, be lawfully convicted of such conspiracy, crime, fraud or offence, in as full, valid, and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company,

Criminal proceedings may be instituted on behalf of said Company by any Local Director or Manager;

and in all proceedings for offences against the property of the Company;

the property may be laid as the property of the Bank of British North America;

And in all indictments &c. for an offence with intent to injure or defraud the said Company;

the same may be laid as done with intent to injure or defraud the Bank of British North America;

and the names of persons composing the Company need not be stated;

and any offender may be convicted as effectually as if all names, &c. had been mentioned.

and the name or names of the person or persons in whom the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property, relating to which such indictment, information, or other proceeding, shall be preferred, were inserted or used in such indictment, information, or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

Shareholder of the Company having a claim thereon, may sue Local Director or Manager, as nominal Defendant;

and Local Director or Manager may sue (as nominal Plaintiff) any Shareholder in the Company, against whom the Company have a demand.

Death of Local Director or Manager, not to abate suits.

Any Proprietor other than Local Director or Manager may, at the Plaintiff's option, be included in proceedings in Equity.

III. *And be it further enacted by the authority aforesaid,* That any person being or having been a Proprietor or other holder of any Share or Shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may for such claim or demand commence, prosecute and carry on, any Action, Suit, or other proceeding, either at Law or in Equity, within this Province, against any local Director or Manager, for the time being, of the said Company, in this Province, as the nominal Defendant; and any local Director, or the Manager, for the time being, of the said Company, in this Province, may, as the nominal Plaintiff, commence and carry on in his own name any Action, Suit, or other proceeding, at Law or in Equity, within this Province, against any individual Proprietor or other holder of any Share or Shares in the said Company, against whom the said Company may have any claim or demand, and all such Actions, Suits, or other proceedings, shall be as valid and effectual as if all the Proprietors or other holders of Shares in the said Company had been made parties thereto, and every Judgment, Decree and Order, made therein shall be binding, for or against the said Company, and all the Proprietors or other holders of Shares in the said Company, and no abatement shall arise from the death, resignation, removal, or any other act of the said local Director or Manager, pending any such Action, Suit, or other proceeding, but that the same may be continued, defended, prosecuted or carried on, in the name of any other local Director or Manager, for the time being, of the said Company, in this Province.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That in case, for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall be desirous to include any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, beside such local Director or Manager as aforesaid, as a Defendant or Defendants in any Bill or other proceeding, in any Court of Equity, it shall be lawful for him, her or them, so to do, any thing in this Act contained to the contrary notwithstanding.

V. *Provided always, and be it further enacted by the authority aforesaid,* That every person being a Proprietor or other holder of any Share or Shares in the said Company, shall, in all cases, be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such Actions, Suits and other proceedings, in such and the same manner, as effectually and with such and the same legal consequences, as if such person had not been a Proprietor or other holder of any Share or Shares in the said Company.

Shareholders may be proceeded against for the benefit of the Company, as fully as if they had no Shares therein.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no person or persons, or body or bodies politic or corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any of such persons shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall bring more than one Action or Suit in respect of such demand; and in case the merits in respect of any demand shall have been determined, in any Action or Suit, against any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, against any other local Director or Manager of the said Company, in this Province; and in case the merits in respect of any demand which the Company now has, or hereafter may have, on any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall have been determined in any Action or Suit commenced and prosecuted by any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, which may be commenced or prosecuted by the same or any other local Director or Manager of the said Company, in this Province.

Not more than one action to be brought in respect of a demand against the Company.

In case the merits have been determined in an action against any Director, &c.

such Judgment may be pleaded in bar of any other action for the same demand; and if the merits have been determined in any suit brought by the Company in the name of any Director, &c.

the Judgment may be pleaded in bar of any other suit for the same demand.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That any local Director or Manager of the said Company, in this Province, being the Plaintiff or Prosecutor, or being the Defendant in any Action, Suit, Proceeding, Prosecution or Indictment, commenced, instituted, prosecuted or preferred, under the authority of this Act, or any other Proprietor or holder of any Share or Shares in the said Company, shall not, by reason thereof, be deemed incompetent to be Witness in any such Action, Suit, Proceeding, Prosecution or Indictment, but such local Director, Manager, or other Proprietor or Proprietors, or other holder or holders, shall and may, if not otherwise interested or objectionable, be a

Local Director or Manager being Plaintiff or Prosecutor, or Defendant in any proceeding,

or other Shareholder, not incompetent witnesses in any such action, &c ;

but such Director, Manager, or Shareholder, if not other-

wise interested or objectionable, may be as competent witnesses, as if their names had not been made use of as Plaintiff, Prosecutor or Defendant.

good and competent Witness, or good and competent Witnesses, and be admissible and be admitted as such in all Courts, by and before all Judges, Justices and others, in any such Action, Suit, Proceeding, Prosecution or Indictment, in the same manner as he or they might have been, if his or their name or names had not been made use of as the Plaintiff, Prosecutor or Defendant, in such Action, Suit, Prosecution, Proceeding or Indictment, or as if he or they had not been a local Director or Manager, or Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company.

Execution upon any Judgment or Decree against Local Director or Manager,

may be issued against any Stockholder;

and if such Execution against any Shareholder be ineffectual,

Execution may issue against any one who was a Shareholder,

at the time the contract was made in respect whereof such suit was instituted:

no such Execution to issue without leave of Court.

Past proprietors not liable excepting when as partners they would have been liable if originally sued;

This Act not to enable more to be recovered of any proprietor &c. than he would have been liable for, if this Act had not passed;

VIII. *And be it further enacted by the authority aforesaid,* That execution upon any Judgment or Decree in any Action or Suit, or other proceeding under this Act, obtained against any local Director or Manager, for the time being, of the said Company, in this Province, whether as Plaintiff or as Defendant, may be issued against any Proprietor or Proprietors, or other holder or holders, for the time being, of any Share or Shares in the said Company: *Provided always,* that in case such execution against any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, shall be ineffectual for obtaining payment of, and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a Judgment or Decree against any local Director or Manager, for the time being, of the said Company, in this Province, to issue execution against any other person or persons who was or were a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, at the time the contract or contracts was or were entered into, upon which such Action, Suit or other proceeding, may have been brought or instituted, but no such execution as last mentioned, shall be issued without leave first granted by the Court in which such Action, Suit or other proceeding, may have been brought or instituted, which leave shall be applied for, on motion to be made in open Court, on notice to the person or persons sought to be charged: *Provided also,* that nothing herein contained shall render such past Proprietor liable for payment of any Debt for which such Action, Suit or other proceeding, may have been brought, to which they would not have been liable by operation of Law, as Partners, in case any Action, Suit or other proceeding, had been originally brought against them for the same: *Provided also,* that nothing herein contained shall be deemed or taken to enable any Plaintiff, Prosecutor or Defendant, in any Action, Suit or other proceeding, under this Act, to recover from any Proprietor or other holder, for the time being, of Shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such Proprietor or other holder, or person, would or might have been liable to pay, either at Law or in Equity, un-

der any contract for the time being subsisting, if this Act had not been passed: *Provided also*, that every local Director or Manager in whose name any Action, Suit or proceeding under this Act, shall be commenced, prosecuted or defended, and every Proprietor or other holder of any Share or Shares in the said Company, against whom any execution upon any Judgment or Decree obtained in any such Action, Suit or proceeding, shall be issued as aforesaid, shall always be reimbursed and repaid out of the funds of the said Company, all such costs, charges, losses, and damages, as by the event of such action, suit, or proceeding, he or they shall be put unto or become chargeable with; and if the funds of the said Company, for the time being, shall be insufficient to pay such costs, charges, losses, and damages in full, then the deficiency shall be made good by the Proprietors, or other holders for the time being, of Shares in the said Company.

Director or shareholder against whom execution shall have issued, to be reimbursed.

IX. And be it further enacted by the authority aforesaid, That all and every Judgment or Judgments, Decree or Decrees, which shall, at any time after the passing of this Act, be obtained or recovered in any action, suit, or other proceeding, in Law or Equity, against any Local Director or Manager of the said Company in this Province, shall have the like effect and operation upon and against the funds or property of the said Company, as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company, in any Action, Suit or proceeding, in Law or Equity, brought or commenced against the said Company, by or in the several and distinct names and descriptions of the several Proprietors or other holders of Shares in the said Company, and as if this Act had not been passed; and further, that the insolvency of such local Director or Manager, in his individual character or capacity, shall not be, or construed to be the insolvency of the said Company; and the said Company, and the funds and property thereof, shall, notwithstanding the insolvency of any such local Director or Manager, be attached or attachable, and be in all respects liable to the lawful claim and demands of the Creditor or Creditors of the said Company, in like manner as if no such insolvency had happened or taken place.

Judgments and decrees against local Directors &c.

to be as effectual against property of the Company,

as if obtained against the Company;

Insolvency of the Director &c. not to be considered the insolvency of the Company.

X. And be it further enacted by the authority aforesaid, That it shall be the duty of the said Company, to cause a Memorial of the names of the several local Directors or Managers, for the time being, of the said Company, within this Province, and of the names, residences and description, of the several Proprietors or other holders of Shares in the said Company, whether in this Province or elsewhere, in the form or to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, which shall be verified by a declaration in writing,

Memorial of the Directors &c. within the Province;

And of Shareholders in the Province or elsewhere,

verified by declaration;

to be enrolled in the office of the Secretary of the Province in 12 months after passing of this Act ;

and between the 1st August and 1st Nov. in each succeeding year ;

Memorial of change of Directors &c. to be enrolled ;

and of changes of Shareholders,

and of new Proprietors ;

A general memorial of all such changes may be made and enrolled.

in the form (or as near thereto as the circumstances of the case will admit) prescribed in the Schedule to this Act, which shall be made by one of the local Directors or Manager, for the time being, of the said Company, before the Chief Justice, or one of the Puisne Judges of His Majesty's Court of King's Bench, in this Province, and when so verified, to be enrolled in the Office of the Secretary of this Province, within twelve calendar months next after the passing of this Act, and between the first day of August and the first day of November, in every succeeding year ; and when any new local Director or Directors, Manager or Managers, shall be appointed, a memorial of the name or names of the new Director or Directors, Manager or Managers, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such appointment or appointments, in the form or to the effect expressed in the said Schedule for that purpose ; and when any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors ; and when any new Proprietor or Proprietors shall be admitted into the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after any such new Proprietor or Proprietors shall have been so admitted into the said Company ; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new local Director or Directors, or Manager or Managers of the said Company, in this Province, and also of any person or persons who shall have ceased or discontinued to be a Proprietor or Proprietors of the said Company, and also of any person or persons who shall have been admitted a new Proprietor or Proprietors into the said Company, or to memorialize the names of any two or more of the above classes of persons, the names of such persons, respectively, may be contained in one and the same memorial, to the form and effect expressed in the said Schedule, and to be verified and enrolled as hereinbefore directed : *Provided always*, that if any declaration so made shall be false or untrue, in any material particular, the person wilfully making such false declaration, shall be deemed guilty of a misdemeanor.

XI. *Provided always, and be it further enacted by the authority aforesaid,* That until the first Memorial shall have been duly enrolled, in manner by this Act directed, no Action, Suit or other proceeding, shall be commenced, made or instituted, under the authority of this Act; and until the Memorial by this Act required to be enrolled, in the event of any person or persons ceasing or discontinuing to be a local Director or Directors, or Manager or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company, shall have been enrolled as hereinbefore mentioned, the person whose name shall appear in the last Memorial which shall have been made as hereinbefore required, shall be and continue liable to all such Actions, Suits, Executions and other proceedings under this Act, and shall be entitled to be reimbursed out of the funds or property of the said Company, all costs, charges, losses, damages and expenses, incurred or sustained thereby, in the same manner as if he, she or they, had not ceased or discontinued to be a local Director or Manager, or local Directors or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company.

No Action &c. to be commenced by virtue of this Act, until the first Memorial shall have been enrolled.
And until new Memorial be enrolled,

Persons whose names appear in the last Memorial to continue liable,

And be entitled to be reimbursed, as if they had not ceased to be Director, Manager, or Shareholder.

XII. *And be it further enacted by the authority aforesaid,* That an examined copy of the enrollment of every Memorial to be enrolled, pursuant to this Act, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was, at the time of such verification, one of the local Directors or Manager of the said Company, in this Province.

Examined copy of enrolled Memorial to be received as evidence.

XIII. *And be it further enacted by the authority aforesaid,* That this Act and the provisions herein contained shall extend, and be construed and taken to extend, to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore, from time to time, or shall hereafter be composed of all or some of the persons who were the original Proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be, at the time of passing this Act, composed altogether of persons who were not original Proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original Proprietors thereof, or of persons all of whom shall have become Proprietors of the said Company, subsequent to the passing of this Act.

This Act to extend to the Bank of British North America, during the continuance thereof,

notwithstanding any change in the Shareholders.

XIV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall extend, or be deemed, con-

Nothing in this Act to extend to incorporate the Company.

strued or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Proprietors or other holders of Shares in the said Company, from any responsibility, contract, duty or obligation whatsoever, to which, by Law, they, he or she now are, or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual Proprietors, or other holders of Shares in the said Company and others, or as between or among themselves, or in any other manner howsoever.

Fees of Registrar on enrolling Memorials, &c.

XV. *And be it further enacted by the authority aforesaid,* That for registering every such Memorial, which the Secretary of the Province, on receipt of the same, with the declaration hereinbefore mentioned, is required immediately to do, it shall and may be lawful for the said Secretary, to demand and receive the sum of Two Shillings and Six Pence for the first folio consisting of one hundred words, and at the rate of One Shilling per folio for the residue of every such Memorial; and for every search into such Memorial or Memorials, so registered, the said Secretary is authorised to demand and receive from the person making any such search, the sum of One Shilling and Six Pence, and for every examined copy of such Memorial or Memorials, which copy or copies the said Secretary is hereby required to make, or cause to be made and delivered, certified as aforesaid, to any person or persons requiring the same, the sum of One Shilling for every folio of one hundred words, and the sum of Two Shillings and Six Pence for every such certificate.

Penalty for neglecting to render Account and to renew same.

XVI. *And be it further enacted by the authority aforesaid,* That if the said Company shall neglect or omit to cause such account or return to be made and renewed yearly, and every year, between the days and times hereinbefore appointed for that purpose, such Company shall, for each and every week they shall so neglect to make such account or return, forfeit the sum of Five Hundred Pounds.

Fines and Forfeitures, how recoverable.

XVII. *And be it further enacted by the authority aforesaid,* That all pecuniary penalties and forfeitures imposed by this Act, shall and may be sued for and recovered in any Court of Record having Jurisdiction in this Province, and that no Suit, shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty's Attorney General of the Province for the time being.

Return of affairs to be laid before the Legislature.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall, once in every year, if thereto required by either branch of the Legislature of the Province, lay the same account before

the Legislature, of their affairs and concerns, within this Province, as is now by law required of the Bank of Upper Canada.

XIX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, carrying on business under the provisions of this Act, to issue any Note or Bill under the value of Five Shillings, of lawful money of the Province of Upper Canada, or to issue any Note or Bill (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province; and in case the said Company shall issue any Bill or Note under the value of Five Shillings, of lawful money aforesaid, or shall issue any Bill or Note (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province, the said Company so offending, shall for every such offence forfeit and pay the sum of Twenty-five Pounds.

No Notes under Five Shillings to be issued,
Nor payable otherwise than on demand.
Penalty for offending against this provision.

XX. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said Manager or Directors shall refuse, on demand being made at their Banking House or Office now established, or hereafter to be established, during the regular hours of doing business, to redeem in Specie, or other Lawful Money of this Province, any of their Bills, Notes, or other evidences of debt, issued by the said Company, they shall wholly discontinue their Banking operations, either by way of Discount or otherwise, until such time as they shall resume the redemption of their Bills, Notes, or other evidences of debt, in Specie, or other Lawful Money of this Province.

On failure to redeem Notes &c. in specie, Company to discontinue Banking operations.

XXI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions, as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary; nor shall anything herein contained, be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions, which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks in Upper Canada.

Nothing in this Act to prevent Legislature from making other provisions to affect the said Company.

SCHEDULE TO WHICH THE ACT REFERS.

Memorial, made the _____ day of _____ of the names of the present Local Directors and Managers, in the Province of Upper Canada, of "The Bank of British North America," and the Proprietors of the said Bank in this Province and elsewhere, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth,

entitled, “An Act to enable the Proprietors and Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province.”

A. B. of _____	}	Local Directors.
C. D. of _____		
E. F. of _____		Manager.
G. H. of _____	}	Proprietors.
I. K. of _____		
&c. &c.		

L. M., one of the Local Directors (or Manager) of the said Company, doth declare, that the above-written Memorial doth contain the names of the present Local Directors and Manager of the said Company in this Province, and of all the present Proprietors of the said Company, as the same appear in the Books of the said Company, by the latest returns received in this Province.

In case of a change of Directors, or Manager.

Memorial, made the _____ day of _____, of the names of the new Local Directors, (or Manager) in this Province, of the Bank of British North America, and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors or Manager, for the time being, of the said Company, in this Province.”

E. F. of _____ in the place of A. B. of _____,
G. H. of _____ in the place of C. D. of _____,

H. I. of _____ one of the _____ Local Directors (or Manager) of the said Company, doth declare that the above written Memorial contains the names of the new local Directors or Manager of the said Company, in this Province, and of the persons in whose places they have (or he has) been appointed, as the same appear in the Books of the Company.

Signed, H. J.

N.B. The last Memorial as to new local Directors (or Manager) was enrolled on the _____ day of _____.

In case of Persons ceasing to be Proprietors.

Memorial, made the _____ day of _____ of the names of the persons who have ceased or discontinued to be Proprietors of the Bank of British North America, since the _____ day of _____, being the date of the

Memorial last registered, respecting the Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

A. B. of _____

E. F. of _____ one of the Local Directors (or Manager) of the said Company, in this Province, doth declare, that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Proprietors of the said Company, since the _____ day of _____, so far as the latest Returns received in this Province shew.

Signed,

E. F.

In case of Persons becoming new Proprietors.

Memorial, made the _____ of _____ of the persons who have become new Proprietors in the Bank of British North America, since the _____ day of _____ (being the date of the Memorial last enregistered, respecting new Proprietors of the said Company,) enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

J. K. of _____,

L. M. of _____,

A. B. of _____, one of the Local Directors (or Manager) of the the said Company, in this Province, doth declare, that the above Memorial doth contain the names of the persons who have become new Proprietors of the said Company, since the _____ day of _____ so far as the latest Returns received in this Province shew.

Signed,

A. B.

In case of Memorializing several changes at the same time.

Memorial, made the _____ day of _____ of the names of the new local Directors, and of the Manager, in this Province, of the Company called the Bank of British North America, and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or

Shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province."

Names of the New Directors, and of the Persons in whose place they have been appointed.

E. F. of _____ in the place of A. B. of _____
G. H. of _____ in the place of C. D. of _____

Name of the Manager, and of the Person in whose place he has been appointed.

E. F. of _____ in the place of A. B. of _____

Names of Persons who have ceased to be Proprietors.

A. B. of _____
C. D. of _____

Names of new Proprietors.

J. K. _____ L. M. _____

E. F. of _____ in the District of _____ (description) one of the local Directors (or Manager) of the said Company, in this Province, doth declare, that the above written Memorial doth contain the names of the new local Directors, and of the Manager of the said Company, in this Province, and of the persons in whose place they have been appointed, and of the persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear in the Books of the said Company, so far as the latest Returns received in this Province shew.

Signed, E. F.

N.B. The last Memorial as to new Directors was enrolled on the _____ day of _____. The last Memorial as to the appointment of Manager was enrolled on the _____ day of _____. The last Memorial as to the ceasing and discontinuing of Proprietors was enrolled on the _____ day of _____. The last Memorial as to new Proprietors was enrolled on the _____ day of _____.

CHAP. XXXV.

AN ACT to authorise the President, Directors, and Company of the Bank of Montreal, to collect debts due to them in this Province, notwithstanding the expiration of their Charter, under certain restrictions therein mentioned.

[Passed 4th March, 1837.]

WHEREAS the President, Vice President, and Directors of the Bank of Montreal, in the Province of Lower Canada, have by their Petition, signed on their own behalf and on behalf of the Stockholders of the said Institution, represented that the Act of Incorporation, under which they have heretofore conducted the business of the said Bank, will expire on the first day of June next: *And whereas* the said Petitioners have represented, that in the course of their business large sums of money have been lent and advanced upon promissory notes, bills, and other negotiable securities, to Merchants and others resident in this Province, and have also represented, that on the expiration of the said Act of Incorporation, the said Bank will be exposed to the liability of loss, as well in such of the said sums as may have previously become due and shall then remain unpaid, as those which may become due and remain payable after that date, unless by Legislative enactment the said Petitioners, or some other person or persons in trust for them, be authorized to recover such debts, notwithstanding such act of incorporation shall have expired: *And whereas* it is reasonable and just to grant the prayer of the said petition: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said President, Directors, and Company of the Bank of Montreal, by their Corporate name, or in the name of their Assignee or Assignees, to prosecute any action or actions that they may deem necessary, for the recovery of any debt or debts that may be due and owing, or which having been contracted may afterwards become due and owing to the said President, Directors, and Company of

Preamble.

Bank of Montreal, by their Corporate name or in the name of their Assignee, may sue for Debts due or contracted, at the expiration of their Charter,

As they might have done before their Charter expired.

No authority given to bring any Action which could not have been sustained, if their Charter was in force.

the Bank of Montreal, at the time of the expiration of the said act of incorporation, in the same manner and under the same limitations and restrictions, that they or their assignee or assignees might or could do, if the said act of incorporation had not expired, but continued in full force and effect: *Provided always*, that nothing in this Act contained shall extend or be construed to extend, to authorize the said Corporation to bring any action after the expiration of their Charter, which they could not have done previous to the expiration thereof.

CHAP. XXXVI.

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

[Passed 4th March, 1837.]

Preamble.

WHEREAS William Johnson, of the Township of Georgina, in the Home District, Esquire, hath by Petition requested Legislative authority to convey a certain piece or parcel of Land on the front of Lot number six, in the seventh Concession of said Township of Georgina, containing two acres, upon which a School-house has been erected, to Trustees, for the purpose of having a School taught in the said Building: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said William Johnson 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 purpose aforesaid, any Law or Statute to the contrary notwithstanding: *Provided, nevertheless*, that such person or persons, and their successors aforesaid, as well as the Master and Teachers employed in such School as aforesaid, shall be British Subjects.

William Johnson may convey a certain lot of Land to Trustees, for a School, in Georgina.

Trustees, Master and Teachers, to be British Subjects.

CHAP. XXXVII.

AN ACT to appoint Trustees to carry into effect the provision of the Will of John White, Esquire, deceased.

[Passed 4th March, 1837.]

WHEREAS John White, in his life time of the Town of York, in the Home District, and Province of Upper Canada, Esquire, deceased, in and by a Codicil to his last Will and Testament, duly executed according to Law, for the passing of Real Estate, and bearing date the second day of January, in the year of our Lord One Thousand Eight Hundred, did, among other things, give and devise unto the Honorable Peter Russell, his Executor in the said Will named and appointed, certain Real Estate, situated in the Home District aforesaid, in trust, for the disposal and sale thereof, and the monies arising therefrom to dispose of for the payment of his just Debts: *And whereas* the said John White departed this life soon after making the said Will and Codicil, without revoking or altering the same: *And whereas* the said Peter Russell also afterwards died, without disposing of the said Real Estate, or paying the Debts for the satisfaction whereof the said Devise was made: *And whereas* there is no Heir of the said Peter Russell residing or known in this Province, by whom the trust aforesaid can be carried into effect; and it is just and reasonable that the said Real Estate should be vested in another Trustee, or in other Trustees, for the purpose of carrying into effect the provisions of the said Codicil: *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, all the Real Estate devised by the said John White, to the said Peter Russell, upon the trusts aforesaid, and not heretofore alienated by the said Trustee, or his Heirs, shall henceforth vest in William Henry Draper, of the City of Toronto, Esquire, and Clarke Gamble, of the same place, Esquire, and their Heirs, or the Heirs of the Survivor of them, saving the right of His Majesty, His Heirs

Preamble.

Trustees appointed to carry into effect the Will of the late John White.

and Successors, and of all and every other person and persons, other than the said John White, and the said Peter Russell, and their respective Heirs, in trust, to dispose of the same, and out of the monies arising from the sale thereof, to pay the just debts of the said John White, still remaining due and unpaid, and the residue of the monies arising from such sale or sales to pay over to such person or persons as shall be by law entitled thereto, deducting all necessary expenses.

Trustees may bring Actions for waste or damage committed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person or persons in whom the title to any Lands shall become vested, as Trustee or Trustees, under this Act, to sue for and recover damages for any waste or injury committed heretofore, or that may be hereafter committed upon such Lands, in the same manner as the said Peter Russell could or might do if he were living.

CHAP. XXXVIII.

AN ACT to authorise His Majesty's Justices, under certain provisions therein mentioned, to hold Courts of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, in the Ottawa District.

[Passed 4th March, 1837.]

Preamble.

WHEREAS from the increase of the Population and business of the District of Ottawa, it has become expedient that the Courts of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery, should, under certain provisions herein mentioned, be held in the said District, and that the said District shall enjoy all the privileges possessed by the other Districts of this Province: *Be it therefore enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, the fifth, sixth, seventh, eighth, ninth and tenth Clauses of a certain Act of the Parliament of this Province, passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, entitled, "An Act to repeal part of an Act of the Parliament of this Pro-

Sections 5, 6, 7, 8, 9, and 10, of 56 Geo. III. ch. 2, repealed.

vince, passed in the thirty-eighth year of His Majesty's Reign, entitled, 'An Act for the better division of this Province, and more effectually to provide for the administration of Justice, by constituting the Counties of Prescott and Russell, under certain modifications, a separate District," be and the same are hereby repealed: *Provided always, nevertheless*, that the expense of maintenance of any Prisoner or Prisoners, which before the passing of this Act has been conveyed from the District of Ottawa to the Eastern District, pursuant to the provisions of said Act, shall be borne by the District of Ottawa.

Expenses of certain Prisoners to be borne by Ottawa District.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, and every Court and Jurisdiction whatsoever, held or to be held, enjoyed and possessed, in and by the other Districts of this Province, shall from henceforth, with the like power and authorities, be held, possessed and enjoyed, in and by the said District of Ottawa, and shall have the same power and authority to hear and determine all causes, whether criminal or civil, as such Courts have or may have in other Districts of this Province; and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which hath or have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, shall be and are hereby extended to that District.

Courts to be held in the Ottawa District.

Laws relating to other Districts generally, to be equally applied to the new District.

III. *And be it further enacted by the authority aforesaid*, That the said Courts shall be holden at the Court-house of the said District, in the Village of L'Original, in the Township of Longueil.

Courts to be held at L'Original.

IV. *And be it further enacted by the authority aforesaid*, That this Act shall not take effect, until provision shall be made by Law for increasing the number of Judges in His Majesty's Court of King's Bench, in this Province, and for defraying such contingent charges of the Circuits, in respect to the said District of Ottawa, as were accustomed to be paid before the surrender by the Crown of the Duties levied under a certain Act of the Parliament of Great Britain, passed in the fourteenth year of His late Majesty King George the Third, 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."

This Act not to take effect till the number of Judges of King's Bench be increased;

And provision be made for contingent charges of Circuit.

CHAP. XXXIX.

AN ACT to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto."

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to alter and amend the law relating to the qualification of persons voting at any future election for the Aldermen and Common Council-men of the City of Toronto, and also to alter the qualification of Aldermen and Common Council-men, and to provide for the due proof of such qualification, and to make other amendments in the Act Incorporating the said City: *And whereas* the several laws now in force relative to the levying and collecting Rates and Assessments within this Province have, in their application to the City of Toronto, been found to produce well-founded complaint on the part of the Inhabitants of the said City, and it is therefore expedient to provide for the more equal and just levying of Rates and Assessments in the said City: *And whereas* it is also expedient that the whole of the Rates and Assessments, rated and assessed on property within the said City, should be paid and applied to the uses of the said City, the said City paying to the funds of the Home District a certain yearly sum as the just proportion which the said City ought to bear and pay in the general expenses of the said District: *And whereas* the several laws of this Province relating to Road or Statute Labour will, in consequence of the repeal of the Assessment Laws of this Province hereinafter mentioned, become inapplicable to the said City, and it is therefore expedient to repeal the said Laws relating to the Road or Statute Labour aforesaid, in so far as the same affect the said City and Liberties: *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 several Laws now in force relative to the levying and collecting Rates and Assessments therein, that is to say: An Act passed in the fifty-ninth year of the reign of His late Majesty King

George the Third, entitled, “An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province”; and a certain other Act passed in the sixth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal the Laws now in force relative to the levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands, and other ratable property throughout this Province, and to render more effectual the several Laws of this Province, imposing Rates and Assessments, by providing, under certain restrictions, for the levying Rates and Assessments, by a sale of a portion of the Lands on which the same are charged”; and a certain other Act passed in the ninth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend the Assessment Laws of this Province”; and also, the several Laws now in force in this Province, relating to Road and Statute Labour, that is to say: An Act passed in the fiftieth year of the reign of His late Majesty King George the Third, 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 several Laws now in force for that purpose”; a certain other Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal and amend part of an Act passed in the fiftieth year of His 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;’” a certain other Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, 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”; a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, 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, and 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’”; and a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to repeal part of and amend an Act passed

6 Geo. 4, ch. 7;

9 Geo. 4, ch. 3;

50 Geo. 3, ch. 1;

56 Geo. 3, ch. 39;

59 Geo. 3, ch. 8;

4 Geo. 4, ch. 9;

4 Geo 4, ch 10,

so far as relates to the City of Toronto repealed.

Exception.

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,' and also to repeal part of and amend the provisions of 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," so far as the same Acts relate to or affect Land, and other ratable property within the said City of Toronto and the Liberties thereof, and the Rates or Assessments to be rated, levied, or collected therein, or the performance of Road or Statute Labour, or the composition therefor within the said City and Liberties, shall be, and they are hereby repealed, save and except only so far as the same Acts respectively may have repealed any prior Act or enactment, affecting or concerning the land or property within the said City or Liberties, and the Rates or Assessments to be rated, levied, or Assessed thereon, or the Road or Statute Labour, or composition therefor, within the said City and Liberties.

Part of the 22d clause 4th Wm. 4, ch. 23;

part of the 55th clause,

the 16, 17, 18, 24, 34, 39, 56, & 62d clauses of the said Act repealed.

II. *And be it further enacted by the authority aforesaid,* That so much of the twenty-second clause of an Act passed in the fourth year of the reign of His present Majesty, entitled, "An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto," as relates to the levying and collecting annually, by Tax upon the real and personal property in the said City and the Liberties thereof, a sum of money in addition to the Rates and Assessments payable to the General Funds of the Home District; and also, so much of the fifty-fifth clause of the said Act, as relates to the collecting or paying over into the General Funds of the Home District, the Rates and Assessments to be levied and raised upon the inhabitants of the said City and Liberties, under the General Assessment Laws of the Province; and so much of the said clause as relates to the appointment of one Assessor and one Collector for each Ward of the said City and the Liberties thereof; and also, the sixteenth, seventeenth, eighteenth, twenty-fourth, thirty-fourth, thirty-ninth, fifty-sixth, and sixty-second clauses of the said last-mentioned Act, shall be, and the same are hereby repealed.

Chamberlain in January in every year to pay to the Treasurer of the Home District, £400.

III. *And be it further enacted by the authority aforesaid,* That in lieu of the payment of any part of the Rates or Assessments heretofore payable to the General Funds of the Home District, the Chamberlain of the said City shall, some time in the month of January in each and every year, out the monies in his hands, of the said City, pay to the Treasurer of the Home District, for the general uses of the said District, the yearly sum of four hundred pounds, the first payment thereof to begin and be made some

time in the month of January next ensuing the passing of this Act: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to prevent or excuse the said City from paying to the General Funds of the Home District, all such sum and sums of money as are or may be hereafter collected within the said City, for or on account of the Assessment already imposed by the General Assessment Laws of this Province, and due and payable by the inhabitants of the said City and Liberties, for the year before the passing of this Act.

Proviso as to former assessments.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Corporation, and they are hereby required, within five years after the passing of this Act, to build or cause to be built, at the expense of the said Corporation, on some convenient site, to be by them procured for that purpose within the said City or the Liberties thereof, a good and sufficient Gaol and House of Correction, for the confinement and imprisonment of all and every offender or offenders, who shall, at any time after the completion of such Gaol and House of Correction, be committed or adjudged to be imprisoned under any order or warrant of the Mayor or any of the Aldermen of the said City; and from and immediately after the completion of such Gaol and House of Correction, no person adjudged to be imprisoned under and by virtue of any order or warrant of the Mayor, or any of the Aldermen aforesaid, shall be committed to the Gaol of the Home District, except in cases of parties charged with offences, which, from their nature, require to be tried before a Court of Oyer and Terminer and General Gaol Delivery: *Provided always*, that so soon as such Gaol and House of Correction shall be built and finished, as aforesaid, the payment of the said sum of four hundred pounds to the Treasurer of the Home District, hereinbefore mentioned, shall cease and determine.

Corporation authorised to build a Gaol and House of Correction.

Persons committed by the Civic authorities, not to be sent to Gaol of the Home District.

When Gaol, &c. finished, payment of £400 to District to cease.

V. *And be it further enacted by the authority aforesaid*, That the better to enable the said Corporation to build such Gaol and House of Correction, it shall and may be lawful for them to borrow, for a term not to exceed twelve years, a sufficient sum of money for that purpose, not exceeding Five Thousand Pounds, from any person or persons willing to advance the same, at a rate of Interest not exceeding that fixed by law.

Corporation may borrow £5000.

Rate of interest.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen, and Common Council of the said City, from time to time, to appoint two fit and discreet persons, being inhabitant Householders of the said City, or the Liberties thereof, Assessors for the said City, and the Liberties thereof; and in like manner from time to time, to appoint one or more fit and discreet person or persons to be Collector or Collectors of the said City, and the Liberties thereof.

Two Assessors to be appointed.

One or more Collectors.

VII. *And be it further enacted by the authority aforesaid,* That for carrying the several purposes of the said Act, entitled “An Act to extend the limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto,” into execution, and for the securing, raising and paying, any monies which shall or may be borrowed under the authority of the same, or this Act, and the interest of such monies, there shall be made, levied and assessed, under the authority of the Mayor, Aldermen and Commonalty, of the said City, in Common Council assembled, at yearly periods, upon all and every person who shall inhabit, hold, use or occupy, any House, Shop, Warehouse, Building, or piece or parcel of Land, or any part or portion of a House, Shop, Warehouse, Building, or piece or parcel of Land, being a separate Tenement, situate, lying and being, within the said City, or Liberties thereof, according to the yearly value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly Rate or Assessment for the present year shall be so Rated and Assessed, shall be held to have commenced from the second Monday in February, One Thousand Eight Hundred and Thirty-seven, and shall end on the day next preceding the second Monday in February, in the ensuing year, both days inclusive; and the time for which every future yearly Rate shall be so Rated or Assessed, shall commence from the period at which the time for the last Rate ended, and not otherwise.

Assessments to be made on real property,

according to yearly value of property;

Time of the commencement of the rate.

Description of chattel property to be rated.

Not to extend to property of the Crown.

VIII. *And be it further enacted by the authority aforesaid,* That the Rate or Rates aforesaid, shall also be raised, levied or assessed, upon the owners or possessors of the following Chattel Property, that is to say:—Stone Horses, kept for the purpose of covering Mares; other Horses, of the age of three years, and upwards; Horned Cattle, at the age of three years, and upwards; Phaetons, Carriages, Curricles, Gigs, Wagons, Sleighs, and other Carriages kept for pleasure only, according to the yearly value thereof, ascertained as hereinafter mentioned: *Provided always,* that nothing in this Act contained shall extend, or be construed to extend, to any House, Lands, Property, Goods, Effects, matters or things, herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of His Majesty, His Heirs or Successors, unless the same shall be actually leased to Individuals, nor to any Churches, Chapels, places of Public Worship, or Burying Grounds.

Rates, with certain exceptions, to be imposed on the yearly value of real property.

IX. *And be it further enacted by the authority aforesaid,* That except as respects vacant grounds, or other Property hereinafter specially mentioned and provided for, the annual value of all such Houses, Shops, Warehouses, Buildings, Gardens, Grounds, Lands, Tenements, and parts and portions thereof, being separate Tenements as aforesaid, so to be

rated and assessed as aforesaid, shall be settled according to the real rack-rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessors, once in each year.

X. *And be it further enacted by the authority aforesaid,* That every Lot or Parcel of Ground, whereon any House or other Building, or Houses or Buildings, to be valued as aforesaid, are situate and being, held therewith as the same Tenement, when such Lot of Ground is not above an Acre in extent, and to the amount of an Acre thereof shall be assessed and valued, with the House or Building, Houses or Buildings, thereon, and the overplus, if any, above an Acre, shall be valued as a separate Tenement and vacant ground, as hereinafter mentioned.

Every lot of Ground to the extent of an Acre to be valued, with the Buildings thereon.

The overplus beyond an Acre to be considered a separate Tenement.

XI. *And be it further enacted by the authority aforesaid,* That the possessors or owners of all cultivated, vacant or unoccupied Ground, Farms, Gardens, and other Lands not valued with any House or Building as above mentioned, situate or partly situate within the said City, and also the said Horses, Cattle and Carriages, hereinbefore mentioned, as well within the Liberties of the City as within the City itself, shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to the certain fixed rates following, that is to say:—

every Lot or piece of ground, being a separate Tenement, under half an Acre in extent, shall be valued at Five Pounds, of yearly value; every Lot or piece of ground, being a separate Tenement, above half an Acre in extent, and not containing an Acre, at Ten Pounds, of yearly value; every Lot or piece of ground, being a separate Tenement, containing an Acre in extent, and not containing two Acres, at Twenty Pounds, yearly value; and every Lot or piece of ground, being a separate Tenement, containing two Acres in extent, or upwards, shall be valued at Twenty Pounds, yearly value, for the first Acre, Ten Pounds, yearly value, for the second Acre, Five Pounds, yearly value, for the third Acre, and One Pound Ten Shillings, yearly value, for every subsequent Acre; every Stone Horse, kept for the purpose of covering Mares for hire or gain, at Forty Pounds, yearly value; every other Horse, Mare or Gelding, above the age of three years, at Three Pounds, yearly value; Milch Cows and other horned Cattle, above the age of two years, at One Pound, of yearly value; every close Carriage with four wheels, kept for pleasure only, at Fifty Pounds, of yearly value; every Phaeton, or other open Carriage, with four wheels, kept for pleasure only, at Twenty-five Pounds, of yearly value; and every Waggon or other Carriage, or Gig, kept for pleasure only, at Ten Pounds, of yearly value; every two-horse Sleigh, kept for pleasure

Land not valued with any Building, and Chattel Property.

Value at fixed rates;

Lots under half an Acre.

Lots containing one Acre.

Lots containing two Acres, and upwards.

Stallions.

Horses, &c.

Cows.

Horned Cattle.

Close Carriages.

Open Carriages.

Waggons &c., kept for pleasure.

Double Sleigh.

Single Sleigh.

only, at Twenty-five Pounds, yearly value; and every one-horse Sleigh, kept for pleasure only, at Ten Pounds, of yearly value.

Assessors to be sworn.

XII. *And be it further enacted by the authority aforesaid,* That every Assessor of the City, before entering on the duty of such Assessor, shall be first sworn by the Mayor of the City, well, faithfully and impartially, to perform and fulfil the duties of Assessor, to the best of his knowledge and ability, which said Oath the Mayor of the said City is hereby authorised to administer.

Duty of Assessors.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Assessors of the said City, to make such valuation as aforesaid, as soon as conveniently may be, on the requisition of the Mayor, in pursuance of any resolution of the Common Council, authorising such valuation as aforesaid; and also, to leave for every person so rated, whether he or she shall reside within the Ward in which such property is situate, or elsewhere, in the said City or Liberties, at the residence of such person, a notice, of the rent or yearly value of the Property in respect whereof he or she shall be so rated, and immediately after such Assessment or yearly value shall be completed, the Assessor or Assessors, respectively, shall deposite with the Clerk of the Common Council of the said City, distinct Rent or Assessment Rolls, Books or Returns, of the said yearly rents or value which shall be rated as aforesaid; and in case any person shall think himself or herself overcharged in such Rent or Assessment Roll, Book or Return, it shall and may be lawful for such person within six days next after the said notice shall have been given, or left at his or her residence as aforesaid, to give notice in writing to the Clerk of the Common Council of the said City, of the overcharge complained of, and the same shall be tried by a Court of five Members of the Common Council aforesaid, to be appointed by the said Common Council, for the purpose of hearing and determining such complaints, at such times and Meetings of the said Court, as the Members composing the same shall direct and appoint, reasonable notice of such time and meeting to be given to the same complaining party, and to the Assessor who shall have made such rate; and the Court after hearing the complaining party, and his or her Witnesses, upon oath, (or affirmation, as the case may be) shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor or Assessors accordingly: *Provided always,* that if the said complaining party shall neglect to appear at such Meeting of the said Court, he or she having had reasonable notice thereof as aforesaid, the said Court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more Members of the Common Council aforesaid, that the

Remedy provided in case of overcharge.

Court of five members to be appointed,

to determine complaints.

Notice.

Court to decide by a majority.

If complainant neglect to attend,

Court may proceed.

Remedy in case any property be under-rated.

rent or yearly value has been in any case or cases given in or returned by the Assessor too low, they shall cause the Clerk aforesaid to give to the person or persons so rated as aforesaid, and to the person who shall have made such rate, notice of the time of meeting of the Court aforesaid, at which the same matter shall be heard, and the same shall be finally determined by the said Court, in like manner as aforesaid, after hearing the said parties and Witnesses, upon oath or affirmation as aforesaid, or in default of their appearance as aforesaid: *Provided always*, that any three or more Members of the said Court shall be a quorum for the despatch of business, and that the said Court shall have power to adjourn from time to time, as they shall see fit.

Three Members of the Court to form a quorum. Court may adjourn.

XIV. *And be it further enacted by the authority aforesaid*, That any Member of the said Court shall have full power and authority, to administer such oath or affirmation as aforesaid, and the Mayor or any one of the Aldermen of the said City shall have full power and authority, to issue a Summons for each Witness, who shall be required to attend before the said Court; and if any person shall neglect or refuse to obey such Summons, upon being tendered a reasonable remuneration for his services, not exceeding Two Shillings and Six Pence per day, he shall be liable to such fine, not exceeding Five Pounds, as the Mayor and Aldermen of the City, in the next Mayor's Court assembled, on proof upon oath, (or affirmation, as the case may be) of the due service of such Summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said Mayor's Court to commit such person or persons to the Gaol of the Home District, or other House of Correction, for the said City, until such fine shall be paid: *Provided always*, that such imprisonment shall not exceed, in any case, thirty days; and if any person shall knowingly swear or affirm falsely, in any of the cases referred to in this or the next preceding Section of this Act, he or she shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having Jurisdiction thereof.

Power to administer oaths.

Summons for Witnesses.

Penalty for not obeying.

Fine.

Imprisonment;

not exceeding thirty days.

False swearing, perjury.

XV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City, at some convenient time after the return of the Rent or Assessment Rolls aforesaid, to pass a yearly Act, declaring the amount in the Pound on such rent or valuation, which shall be raised and levied for the year in which such Act shall be passed.

Common Council to declare the amount in the pound to be raised for the year.

XVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Court so constituted in the thir-

Court of five members authorised to compound and remit rates in certain cases.

teenth section of this Act mentioned, to hear on memorial or petition the case or cases of such person or persons as during any one year, for which the Rates aforesaid shall be respectively levied, shall have been assessed for any House or Building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year; and also, the case or cases of such person or persons, not assessed in respect of any property in the said City or Liberties thereof, who, from sickness or extreme poverty, shall be unable to pay any Rate by this Act imposed, and on hearing such case or cases, it shall and may be lawful for the said Court to compound for, or remit the whole or any part of such Rate or Rates.

Landlords as well as Occupiers liable for rates.

XVII. And be it further enacted by the authority aforesaid, That all Proprietors, Lessees, and others who shall let for rent Premises within the said City or liberties, for a space less than one year, shall themselves, as well as the Occupiers of such Premises, be liable and responsible for the Rates and Assessments aforesaid; and such Assessment shall and may be recovered from the said Proprietors, Lessees, and others, or from the said Occupiers, as the Collector or Collectors of the said City, or Liberties thereof, shall judge convenient.

Every male inhabitant between twenty-one and sixty years old, not otherwise rated, and liable to perform Statute Labour, to pay 10s. yearly.

XVIII. And be it further enacted by the authority aforesaid, That each Male Inhabitant of the said City and Liberties, of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the laws now in force would be liable to perform statute labor, shall be rated and assessed in the sum of Ten Shillings yearly, which said sum shall be paid to the general uses of the said City, in like manner as the other Rates, Levies and Assessments, under the authority of this Act; and it shall be the duty of the Assessor of the said City to return, with the Rent or Assessment Rolls to be made and returned under the authority of this Act, a true and correct List of the Persons within the City and the Liberties attached thereto, who shall be liable to pay the said last mentioned sum; to give notice to the persons respectively who shall be so liable and placed upon the said list; and it shall be the duty of the Collector of the City to collect and receive such Sum and Sums of Money, and pay over the same, in like manner as other monies to be levied and raised under the authority of this Act.

Assessor to return list of such persons.

Notice.

Collector to collect the same.

Penalty for neglecting or refusing to pay.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons rated or assessed as in manner herein directed, shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the space of Fourteen Days next after such

Rates shall be due and demanded by any one of the Collectors of the City; it shall and may be lawful for the said Collector to apply to the Mayor, or one of the Aldermen of the said City, for a Warrant to the High Bailiff, or any Constable of the said City, to enter into the house or houses, other dwellings or premises of such person or persons, and to seize and take possession of his, her, or their Goods and Effects, (whether in the Ward in which the Assessed Property is situate, or elsewhere in the said City or Liberties,) which Warrant the said Mayor or Alderman is hereby authorised to grant, upon a Certificate signed and sworn to by such Collector of a demand of such Rate having been made, and of such person or persons being in arrear to the amount stated in such Certificate; and if such Rate or Assessment shall not be paid within Five Days next after such seizure, the said Collector is hereby authorised to sell by Public Auction, at such place as may be proper, such part of the said Goods and Effects as shall be sufficient to pay the said Rates and Assessments, with the Costs and Charges attending such seizure and sale, returning the overplus, if any there be, to the owner or owners.

Warrant to levy.

Sale.

Overplus.

XX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every Landlord, Proprietor, Factor, or Agent, who shall wilfully grant a certificate or receipt, which contains a less sum than the rent really paid or payable for the premises therein-mentioned or referred to, and every Tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such Rate or Assessment, shall be liable to a penalty not exceeding five pounds, to be recovered and disposed of in like manner as other penalties are recovered and disposed of in the said City, for breach of any of the By-Laws or Ordinances thereof.

Penalty for giving false Receipts for Rent.

XXI. *And be it further enacted by the authority aforesaid,* That every Tenant, for a term of years, or for one year, or for any shorter period, who shall pay any Rates, Levies, or Assessments, under the authority of this Act, shall, when such Rate or Assessment shall be paid and discharged, be at liberty to deduct the amount of such Rate or Assessment out of the rent due, or to fall due, next after the payment of such Rate or Assessment, excepting always, when there shall be any covenant, stipulation, or agreement between the Landlord and the Tenant, for the payment of Rates or Taxes by the Tenant, or for the payment of the rent by such Tenant, without abatement, for or on account of such Rates or Taxes.

Tenants paying Rates may deduct the amount from their rent.

Exception.

Yearly Rates to be in the proportion of a certain sum in the pound on the yearly rent or value of the property

Rate in the pound on property in the Liberties to be one-fourth of property in the City.

Rates not to exceed 1s. 6d. in the pound.

Qualification of Special Jurors.

Clerk of Common Council to make an Annual Return of persons liable to serve on Special Juries.

Rates on certain real property remaining in arrear, the same to accumulate with interest, and payable by any future proprietor or occupier.

XXII. *And be it further enacted by the authority aforesaid,* That the yearly Rate so to be Rated and Assessed, as aforesaid, shall be in the proportion of a certain sum in every pound of yearly rent or value so ascertained, as aforesaid, within the said City and Liberties; and that the said Rate or sum in the pound, within the said Liberties, shall be one-fourth of the sum in the pound which shall be rated within the said City, and no more: *Provided always, and it is hereby further enacted by the authority aforesaid,* that except, as hereinafter provided, the Rate or Rates so to be levied and Assessed, as aforesaid, shall not exceed in any one year the amount or sum of one shilling and sixpence in the pound of such yearly rent or value on the premises within the said City.

XXIII. *And whereas,* it is necessary to provide for the qualification and summoning of Special Jurors within the said City and Liberties, *be it further enacted by the authority aforesaid,* That all male inhabitants of the said City and Liberties, not by Law exempt or disqualified from service upon Juries, who shall be rated in respect of any premises within the said City or Liberties, in fifty pounds of yearly rent or value, or upwards, shall be liable and qualified to be summoned and to serve upon Special Juries within the Home District, in like manner as other inhabitants of the said District, who are liable and qualified to be summoned and to serve upon such said Juries; and from and after the passing of this Act, it shall be the duty of the Clerk of the Common Council of the said City, once in every year, within one month after the said Rent or Assessment Rolls of the said City and Liberties shall have been returned, as aforesaid, to deliver to the Clerk of the Peace of the Home District, a correct list of all male inhabitants of the said City and Liberties, who shall be so liable to serve upon such Special Juries, as aforesaid.

XXIV. *And be it further enacted by the authority aforesaid,* That in all cases where the person or persons, who shall be rated in respect of any vacant ground or other real property within the said City or Liberties, shall not reside within the said City or Liberties, and the Rates and Assessments payable in respect to such vacant ground or other property, shall remain unpaid, the Rates or Assessments payable in respect of such vacant ground or other property, shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof, who shall reside within the said City or Liberties, at any time after the said Rates and Assessments shall be due and in arrear, together with interest on the sum and sums so in arrear, from the time at which they shall respectively become payable, after the rate of six per centum per annum, and the said sum or sums so in arrear, and the interest thereon, shall be

recovered in like manner as hereinafore provided, for the recovery of other Rates and Assessments. Mode of recovery.

XXV. *And be it further enacted by the authority aforesaid,* That the wages of any Member or Members of the House of Assembly representing the said City and Liberties in Parliament, shall be paid and payable to such Member or Members by the Chamberlain of the said City, out of the monies in his hands for the uses of the said City, on warrant from the Mayor, and without any particular rate or assessment being raised or rated in respect thereof: *Provided always, nevertheless,* that nothing in this Act contained shall extend or be construed to extend, to prevent the recovery of any rates or assessments for the year now last passed, under the laws hereby repealed, which now are and shall be actually in arrear and unpaid at the time of the passing of this Act. City Members' wages to be paid by Chamberlain.

XXVI. *And be it further enacted by the authority aforesaid,* That at every future Election of Aldermen and Common Council-men, or any of them, within the said City, no person shall be eligible to be elected an Alderman of the said City, unless he shall have been resident within the said City, or Liberties thereof, for one year next before the Election, and being so resident at the time of such Election, shall be possessed to his own use and benefit, of real property within the said City or Liberties, either in freehold, or for a term of years, or as Tenant from year to year, which shall be Assessed under this Act at sixty pounds, or in the receipt of sixty pounds or upwards of yearly rent or profit accruing from or out of real property within the said City or Liberties; and that no person shall be eligible to be elected as Common Council-man of the said City, unless he shall have been resident within the said City or Liberties for the space of one year next before such Election, and being so resident at the time of such Election, shall be possessed to his own use and benefit, either in freehold, or for a term of years, or as Tenant from year to year, of real property within the said City or Liberties, which shall be rated under this Act at forty pounds yearly rent or value, or in the receipt of forty pounds or upwards of yearly rents or profits, accruing from or out of real property within the said City and Liberties; and that every Candidate at such Election, shall, if thereunto required by any Elector for the Ward where such person is a Candidate, make and subscribe an oath or affirmation of his qualification, and of the particulars of the property in respect whereof he is so qualified, which oath or affirmation the Returning Officer is hereby authorized and required to administer. Qualification of Aldermen at future Elections.
Qualification of Common Council-men at future Elections.
Candidate may be required to take oath of qualification.

XXVII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Council-men of the said City shall be elected

Qualification of Voters
for Aldermen and
Common Council-men

respectively by the majority of votes of such persons, being male Inhabitant Householdors of the said City or the Liberties thereof, as shall be possessed at the time of being Registered as Electors, as hereinafter provided, and shall have been possessed three months prior thereto, either in freehold, or as tenants for a term of years, or from year to year, of a Town-lot or Dwelling-house within the Ward for which the Election shall be holden, or the Liberties attached thereto, which shall be rated at the yearly value of Ten Pounds, and shall have had their names duly Registered as Electors in manner hereinafter mentioned, and shall have actually paid their rents and taxes due at the time of his being registered as a Voter: *Provided always*, that a portion of a house in which any Inhabitant shall reside as a House-holder, and not as a Boarder or Lodger, and having a distinct communication with the street by an outer door, shall be considered a Dwelling-house within the meaning of this clause: *And provided also*, that no person shall vote at any such Election, who has not been a resident Inhabitant within the said City or Liberties thereof, for a period of twelve calendar months next before the Election.

Registry of Voters.

What to be considered
a distinct Tenement.

No person not being
a twelve-months'
Resident to vote.

Coroners to be
appointed.

XXVIII. *And be it further enacted by the authority aforesaid*, That the Common Council of the said City shall and may, from time to time, appoint two fit and discreet persons to be Coroners of the said City, and may in their discretion remove the person or persons so appointed, and appoint others in their room and stead.

Clerk of the Common
Council to make out
annually a list of
Voters.

XXIX. *And whereas* no provision has yet been made for a Register of Electors or Voters for Aldermen, Common Council-men, or other elective Officers of the said City: *be it further enacted by the authority aforesaid*, that the Clerk of the Common Council of the said City shall, on or before the first Monday of December in each and every year, make out an alphabetical list of every person residing within each Ward, entitled to vote under the provisions of this Act, and shall put up a correct copy of such list in the City Hall on the same day, and continually keep the same there until the next ensuing Election.

Court of five Members
to sit at certain times,

XXX. *And be it further enacted by the authority aforesaid*, That a Court of five Members of the Common Council, to be appointed by the Common Council, shall sit in the City Hall, on days whereof due notice shall be given, and not less than once in every week after such lists shall have been made out as aforesaid, and before the then next ensuing Election, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for hearing and deciding upon all objections which may be made by any Elector of the City to the insertion or omission of names in the said lists, and for the purpose of expunging, retaining or inserting,

to decide on objections
to the lists;

names from or in the said lists according to the best of their judgment ; and such Court may adjourn from time to time as they may deem expedient ; and such Court are not to expunge any name to which no valid objection shall be made and established, either by the admission of the party himself, or by the oath of some person or persons deposing to such objection ; and the said Court are hereby required to add to and insert in such lists the name or names of any person or persons not therein inserted, and whose right to vote shall be satisfactorily established : *Provided always*, that no person's name shall be expunged without a notice, to be signed by the Clerk of the Common Council, shall be given to him, or left at his usual residence, that his right to vote is disputed, at least four days before such expunging ; and that no persons name shall be inserted in such list or lists unless he shall have given four days notice of his intention to apply to have his name inserted therein, to the Clerk of the Common Council, who shall forthwith communicate the same to the said Court.

may adjourn.

No name to be expunged without valid objection.

Names may be added.

No person's name to be expunged without notice ;

nor any person's name inserted.

XXXI. *And be it further enacted by the authority aforesaid*, That the said Court of five Members, shall have power to administer an oath to all persons making an objection to the insertion or omission of any name in such list as aforesaid, and to all persons objected against, or requiring their names to be inserted, and to all Witnesses tendered on either side, and the Member of the Court presiding shall sign his name to the lists, after the validity of the claims and objections shall have been decided on, and the names inserted or expunged accordingly ; and that such lists so signed shall be held to contain the names of all the Electors entitled to vote at the Election next ensuing the making and signing such lists.

Power to administer oaths.

Lists to be signed.

Lists considered to contain the names of all the voters.

XXXII. *And be it further enacted by the authority aforesaid*, That the list for each Ward, when so settled and signed, shall be filed in the Office of the Clerk of the Common Council, and a certified copy thereof shall be by him transmitted to the Returning Officer for the several Wards in the City, not less than five days before any such Election ; and that every person whose name shall appear in such list shall be entitled to vote at the Election for such Ward, without any further inquiry as to his qualification, and without taking any oath or affirmation, other than that he is the person named in such list, and has not before voted at such Election, which oath or affirmation the Returning Officer is hereby required and authorised to administer.

List for each ward to be filed ;

Copy to be sent to the Returning Officers ;

Persons named in such lists entitled to vote.

Oath.

XXXIII. *And be it further enacted by the authority aforesaid*, That except, as hereinafter provided, the Aldermen and Common Council-men

Aldermen and Common Council-men to continue in office two years ;

Exception.

Majority of Council to decide who goes out in certain cases.

Parties going out capable of immediate re-election.

Twelve members of Common Council, including Mayor or President, to be a quorum ;
A smaller number may adjourn.

who shall be elected at any Election after the passing of this Act, shall act in their Offices for two years : *Provided always*, that the Aldermen and Common Council-men for each Ward, who shall have the fewest votes at the Election next after the passing of this Act, shall go out of Office at the expiration of one year from such Election : *And provided also*, that in case of an equal number of votes having been given for both Aldermen or both Common Council-men in any Ward, then it shall be decided by a majority of votes of the said Common Council which of such Aldermen or Common Council-men shall vacate his seat, as aforesaid : *Provided also*, that every Alderman or Common Council-man so going out of Office shall be capable of being forthwith re-elected, if then duly qualified, according to the provisions of this Act.

XXXIV. *And be it further enacted by the authority aforesaid*, That twelve Members of the Court of Common Council, including the Mayor or President for the time being, shall be a quorum for the despatch of business : *Provided always*, that a smaller number may adjourn from time to time, and may be authorised to compel the attendance of absent Members, in such manner and under such penalties as may be provided by Act of Common Council.

Form of Collector's Certificate, for the purpose of procuring a Distress Warrant.

I, _____, one of the Collectors for the City of Toronto, do hereby certify, that the sum of _____, rated against _____, an inhabitant of the said City or Liberties, in respect of Ratable Property in the Ward of _____, or Liberties attached to the said Ward, or not Assessed in respect of Ratable Property in the said City or Liberties, is now in arrear and unpaid ; and further, that I did on the _____ day of _____, duly demand the said sum of _____, from the said _____.

_____,
COLLECTOR.

Form of Attestation.

I, _____, one of the Collectors of the City of Toronto, do swear, that the above Certificate is true in all its particulars.

Form of Warrant of Distress thereon.

To _____, High Bailiff, or one of the Constables of the City of Toronto,
(as the case may be.)

You are hereby authorised and required to Distrain the Goods Chat-

tels, and Effects of ———, which you shall find upon the premises of the said ———, in the City or Liberties thereof, for the sum of ———, Rated against him or her, and now in arrear and unpaid; and in default of payment of such Rate or Rates, and the lawful costs and expenses of the said Distress, to sell and dispose of the said Distress or Distresses, according to Law, for the recovery of the said Rate or Rates, together with the said costs and expenses, according to Law; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, at the City of Toronto aforesaid, this ——— day of ———, one thousand eight hundred and ———.

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

CHAP. XL.

AN ACT to authorise the Magistrates of the Home District to erect a New Gaol within the said District.

[Passed 4th March, 1837.]

WHEREAS, it appears by the Petition of the Magistrates of the Home District, that the Gaol of the said District is become so unsafe, that it is absolutely necessary for the safe keeping of Prisoners, that a new one should be erected, and that the situation of the present Gaol in the centre of the City of Toronto is highly objectionable, and that it is necessary to provide by Law for the erection of a new one: *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 Justices of the Peace for the said Home District, in General Quarter Sessions assembled, either at the next General Quarter Sessions after the passing of this Act, or at any subsequent General Quarter Sessions, shall be authorised, and they are hereby authorised, by such means as to them shall seem most fitting and convenient, to procure different

Preamble.

Justices of the Home District in general Quarter Sessions may procure plans &c. for a new Gaol and Court-house.

Plans and Elevations of a Gaol and Court House, or either of them, to be laid before them, for the purpose of selecting one of the said Plans and Elevations, which shall be approved by a majority of the Justices then and there assembled.

Contracts for new Gaol and Court-house may be entered into.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any two or more of the said Justices, assembled in manner and form aforesaid, together with any other person or persons whom they may appoint in the name and on the behalf of the inhabitants of the said District, to contract, and they and the said other person and persons are hereby enabled and authorised, to contract with any person or persons who shall be willing to build the said Gaol and Court House, or either of them, according to the Plan so approved of, as aforesaid, upon any site within the City of Toronto,—which the said Justices may approve of.

New Gaol, when completed, the common Gaol of the Home District.

III. *And be it further enacted by the authority aforesaid,* That the said new Gaol, when completed for the reception of Prisoners, shall be, and the same is hereby declared to be the Common Gaol of the Home District.

CHAP. XLI.

AN ACT to establish two additional Markets in the City of Toronto.

[Passed 4th March, 1837.]

Preamble.

WHEREAS, certain Inhabitants of the City of Toronto have Petitioned to have a Market established in the West End of the said City, on a piece of Land set aside and reserved for the same in the recent Survey of the Government Reserve in the said West End of the said City; and situate at the corner formed by the intersection of Brant Street with Adelaide Street, and bounded on the North by Simcoe Street, on the East by Brant Street aforesaid, on the South by Adelaide Street aforesaid, and on the West by an open space left on the Plan for a Public Street or Highway: and also, to have another Market established on that part of Park Lot Number Thirteen, which has been set apart for the purpose, being ninety feet wide on Lot Street, and running northerly three hundred feet: *And whereas*, it is expedient and necessary, and would promote the benefit and convenience of the said Inhabitants, and of a large portion of the population of the said City in general, to have the said Markets established: *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, Markets shall be established and kept on each of the said pieces or parcels of Land respectively, so soon as a Title for the same respectively shall be obtained by the City of Toronto for the purpose.

Two new Markets to be established in the City of Toronto, when the sites shall be conveyed to the Corporation.

II. *Provided always, and it is hereby enacted by the authority aforesaid,* That the said pieces or parcels of Land hereby established as sites for Markets, and every thing relating thereto, shall be and the same are hereby declared to be, under and subject to the control of the Common Council of the said City of Toronto, and to be managed and conducted by such Rules and Regulations as they shall, from time to time make concerning the same, in like manner and to the same extent as the Market already established in the said City by the Act of Incorporation, is managed and controlled by the Common Council of the said City.

Land and markets subject to the control of the Common Council.

CHAP. XLII.

AN ACT to establish a Police in the Town of Cobourg, and to define the limits of the said Town.

[Passed 4th March, 1837.]

WHEREAS from the great increase of Population of the Town of Cobourg, in the Newcastle District, it is necessary to make further provision than by Law exists, for the internal regulation thereof: *Be it therefore enacted,* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That there shall be in

Preamble.

Board of Police constituted in Cobourg as a body corporate.

the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be, and is hereby declared to be a Body Corporate and Politic, in fact and in law, by the name of "The President and Board of Police of Cobourg;" and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all Courts, and in all actions, causes and complaints whatsoever; and may have a Common Seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding, and conveying any Estate, real or personal, for the uses of the said Town.

Limits of the town of Cobourg.

II. *And be it further enacted by the authority aforesaid,* That the said Town of Cobourg shall be comprised within the following limits or boundaries, that is to say, commencing on the Lake Shore, at the South East Angle of Lot number Fourteen, in Concession B; thence North, sixteen degrees West, to the centre of the First Concession; thence South, seventy-four degrees West, to the centre of Lot number Twenty-one, in said Concession; thence South, sixteen degrees East, to the Lake Shore; thence along the Water's edge, to the place of beginning.

Town divided into three wards;

South ward;

East ward;

West ward.

III. *And be it further enacted by the authority aforesaid,* That for the purpose of electing the Members of the said Corporation, the said Town shall be divided into three Wards, in the following manner, that is to say: That part of the Town of Cobourg south of King Street, shall compose the South Ward; all that part of the Town, East of the Centre of the Street between Lots number Sixteen and Seventeen, and North of King Street, shall compose the East Ward; and all that part of the Town, West of the Centre of the Street between Lots number Sixteen and Seventeen, and North of King Street, shall compose the West Ward.

East and west wards to elect two Members, South ward to elect one;

Qualification of candidates;

Qualification of voters.

IV. *And be it further enacted by the authority aforesaid,* That the East and West Wards shall each elect, annually, two Persons, and the South Ward one Person, annually, to be Members of the said Corporation, from among the Inhabitants of the said Town, who, being subjects of His Majesty, shall be Freeholders therein to the assessed value of Sixty Pounds; and that the persons entitled to vote at the Election of either of the said Wards, shall be subjects of His Majesty, and male inhabitant Householders, resident within such Ward, who shall severally be possessed for their own use and benefit, of a Dwelling-house and Lot of Ground within the Ward in which they shall so vote, such Dwelling-house being by them held in Freehold, or who at the time of such Election shall bona fide have paid, within one year next before the Elec-

tion, one year's Rent for the Dwelling-house or Dwelling-houses, (if they shall within one year have changed their place of residence within the said Ward in which they shall have resided) at the rate of Ten Pounds per Annum, or upwards.

V. *And be it further enacted by the authority aforesaid,* That the first Election of Members of the said Corporation shall be holden on the first Monday in the Month of June next, at some place within each Ward respectively, to be appointed by the Sheriff of the District of Newcastle, who shall give public Notice thereof, at least Six Days before the said Election, and who shall preside at the said Election for one of the said Wards, and the Deputy Sheriff and High Constable, or some other person authorised by the said Sheriff, shall preside at the first Election of the other Wards, and shall declare the persons in such other Wards, who shall have the greatest number of votes, to be duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected in the said Wards, as Members of the said Corporation, within Six Days after such Election.

First election ;
Notice thereof ;
Who to preside ;
Notice to party elected.

VI. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation, so chosen, shall serve until the first Monday of June in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned ; and that on the first Monday of June, in each year, an Election shall be holden for each Ward in the said Town, for a Member of the said Corporation, before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said Election, and shall give Notice thereof, and proceed in all respects as the Sheriff is required to do at and after the first Election to be holden as aforesaid.

Members to serve
till first Monday in
June 1838 ;
Elections to be on the
first Monday in June ;
Before the Bailiff of
the ward ;
Notice.

VII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an Election under this Act, he shall take the following oath, which any Justice of the Peace for the District of Newcastle is hereby authorised to administer. "I do solemnly swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer, at the Election which I am about to hold, for a Member of the Board of Police of the Town of Cobourg. So help me God."

Oath to be taken by
Presiding Officer at
elections.

VIII. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any Election under this Act, shall have authority, and he is hereby required, at the request of any person qualified to vote at such Election, to examine on oath or affirmation, when the party is allow-

Presiding Officer at
election may examine
parties on oath as to
qualification as Can-
didate.

Or as Voter.

ed to affirm, any Candidate for the office of Member of the said Corporation, respecting his qualification to be elected to the said Office; and shall also have authority and is hereby required, upon such request aforesaid, to examine upon oath or affirmation, when the party is allowed to affirm, any person tendering his vote at any Election, respecting his right to vote; and that the oath to be administered for either of the said purposes shall and may be in the following form: "You shall true answer make to all such questions as the Officer presiding at this Election shall put to you, respecting your qualification to be elected at this Election, or respecting your qualification to vote at this Election, as the case may be. So help you God." And that the affirmation to be taken shall be in the common form of an affirmation to the same effect.

False swearing
perjury.

IX. *And be it further enacted by the authority aforesaid,* That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

Proceedings where
any return is con-
tested, at the first elec-
tion.

Scrutiny.

Summoning
Witnesses.New election in
certain cases.Mode of trial of con-
tested return, on
subsequent elections.

X. *And be it further enacted by the authority aforesaid,* That if the election of any Member of the Board of Police aforesaid, shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such Election, it shall be the duty of the Sheriff, after the first Elections to take place under this Act, upon receiving, within forty-eight hours after the termination of the Election, a written requisition signed by any three Inhabitants of the Town having a right to vote at such Election, to appoint a time and place within the Town or Ward for which the Election was held, for entering into a scrutiny of the matters complained of, and that such time shall be within Six Days after the Election, and the Sheriff shall have power to summon Witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the Election or return, as shall appear to him to be right, according to the evidence; and in case an Election shall be declared void, but it shall not appear proper to the Sheriff for any cause to amend the Return, by substituting the name of any other person, as entitled to have been returned at such Election, then he shall, after giving eight days notice thereof, hold a new Election for a Member to serve according to this Act; and that if after any Election to be holden after a Board of Police under this Act shall have been completely organized, a requisition signed as aforesaid shall, within forty-eight hours after the termination of such Election, be served upon the President, or any other Member of the Corporation, it shall be lawful for the said Corpora-

tion, and they are hereby required to appoint a time for entering upon a scrutiny of the matters complained of, at any place within the said Town, which time shall be within six days after the Election; and the Corporation, or such Member or Members thereof as shall not be individually concerned in the questions to be determined, shall have power to summon Witnesses and to take evidence on oath respecting the matters to be enquired into, and shall determine upon the validity of the Election or return, as shall appear to be right, according to the evidence; and in case an Election shall be declared void, but it shall not appear proper for any cause to amend the Return, by substituting the name of any other person, as entitled to have been returned at such Election, then the Corporation shall issue their precept for a new Election, as in other cases under this Act.

Scrutiny.

Witnesses to be summoned.

New election.

XI. *And be it further enacted by the authority aforesaid,* That before the Sheriff or any Member of the Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following form, before some one of the Justices of the Peace for the District of Newcastle, that is to say, “I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A. B. So help me God.”

Oath to be taken before trial of contested election.

XII. *And be it further enacted by the authority aforesaid,* That any Witness who being duly summoned to attend upon such Trial or Scrutiny, shall wilfully neglect or refuse to attend upon such Trial or Scrutiny, shall, upon conviction before any one of His Majesty’s Justices of the Peace for the District of Newcastle, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Gaol of the District, for a time not exceeding one month.

Penalty for Witnesses refusing to attend.

XIII. *And be it further enacted by the authority aforesaid,* That the person Presiding at any such Election, shall give Public Notice immediately upon declaring the result of the Election, of the time and place at which the Members of the Corporation are first to meet, which Meeting shall be within six days after the Election, and at some place within the said Town.

Notice of meeting of Corporation to be given.

XIV. *And be it further enacted by the authority aforesaid,* That the said five Members elected as aforesaid, shall, within ten days after their election, appoint one of their number President; and the said President and Members shall form the said Corporation, and shall hold their Office

President to be chosen.

until the first Monday in June in the ensuing year, and until the election and formation of the new Board.

Penalty for Members refusing to take the oaths of office.

XV. And be it further enacted by the authority aforesaid, That if either of the Members elected as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the Oath of Office hereinafter contained, which any of the said Members so to be elected, as aforesaid, is hereby authorised to administer to the others, he shall, for such neglect or refusal, forfeit the sum of Ten Pounds, to be recovered with costs, by information before any Justice of the Peace, who is authorised to proceed in the same manner as hereinafter is provided, for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided*, that no person having been elected a Member of the said Corporation without his knowledge or consent, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Exception.

How vacancies to be filled up.

XVI. And be it further enacted by the authority aforesaid, That in case it shall at any time happen that a vacancy occurs among the Members of the said Corporation, by neglect or refusal to take the Oath of Office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward, to hold an Election for such Ward of said Town, giving notice of the time and place of holding the said Election, and the Member so elected shall hold his Office until the next Annual Election, or until another is chosen in his place.

Corporation not dissolved by reason of default in making an election.

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

Corporation may make By-Laws.

Victualling Houses.

Hay; Wood, &c. Cuts.

Slaughter Houses.

Fire-Arms and Fire-Works.

Destroying Trees.

Defacing Sign Boards.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Corporation, from time to time, to establish such Ordinances, By-Laws, and Regulations, for the said Town, as they may think reasonable, to regulate Victualling Houses and Ordinaries, where Fruit and Victuals shall be sold; to regulate the Weighing of Hay; Measuring of Wood; to regulate Carts and Carmen; to regulate Slaughter Houses; to prevent the Firing of any Guns, Muskets, Pistols, Squibs, and Fire Balls; or injuring or destroying Trees, planted or growing for Shade or Ornament in the said Town; to prevent the pulling down or defacing

of any Sign-Boards; or inscribing or drawing any Indecent Words or Figures, or Pictures, on any Building, Wall, Fence, or other Public Place; and generally, to prevent vice, and preserve good order in the said Town; to enter into and examine all Dwelling-Houses, Ware-Houses, Shops, Yards, and Out-Houses, to ascertain whether any such places are in a dangerous state with respect to Fires, and to direct them to be put in a safe and secure condition; to appoint Fire Wardens, and Fire Engineers; to appoint and remove Firemen; to make such Rules and By-Laws, as may be thought expedient for the conduct of such Fire Companies as may be raised, with the sanction of the said Corporation; to compel any person to aid in the extinguishment of any Fire; to require the inhabitants to provide and keep Fire Buckets and Scuttles, and Ladders to their Houses; to stop, or authorise any other person to stop any one riding or driving immoderately in any Street, or riding or driving on any Side-walk, and to inflict Fines for any such offence; to regulate the Assize of Bread; to prevent, and abate, and remove any Nuisances; to restrain and prevent any Horses, Cattle or Swine, from running at large; to prevent and remove encroachments in any Streets; and to make such Rules and Regulations for the improvement, order, and good government of the said Town, as the said Corporation may deem expedient, the same not being repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act; and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-Law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings; and to fix upon and to appoint such days and hours for the purpose of Selling Butchers' Meat, Butter, Eggs, Poultry, Fish, and Vegetables, and to make such other Orders and Regulations relative thereto, as they shall deem expedient.

Indecency.
To examine houses, &c.
Fire Wardens.
Fire Companies.
Fire Buckets and Ladders
Furious driving.
Assize of Bread.
Nuisances.
Cattle running at large.
General Rules.
Penalties.

XIX. *And be it further enacted by the authority aforesaid,* That any Rule or Regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the Newspapers of the said Town; and that in like manner shall be published, in each and every year, before the Annual Election, an account of all Monies received and in the Treasury, and the amount expended, and for what purpose.

Rules and Regulations,
And Money Accounts, to be published.

XX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a Fund to provide for purchasing any Real Estate for the use of the said Town; to procure Fire Engines, Aqueducts, and a supply of pure and wholesome Water; for Lighting, Paving, Flagging, and repairing the Streets; and for all other purposes deemed expedient and necessary by the said Corporation, for the welfare and im-

Corporation may impose an Assessment.

provement of the said Town, it shall and may be lawful for the said Corporation to lay an Assessment, annually, upon the persons rated or liable to be rated upon any Assessment for Property in the said Town, not exceeding Three Pence in the Pound, exclusive of the sum such persons may be rated for upon any other Assessment of this Province; and it shall be the duty of the Clerk of the Peace of the said District, to select from a General Assessment of the Township of Hamilton, a List or Assessment of the Ratable Property that every person owns or possesses in the said Town, and lay the same before the Corporation, annually, upon its organization after every General Election.

Limitation.

Clerk of the Peace to make Assessment Roll.

Town Lots, how rated.

XXI. *And be it further enacted by the authority aforesaid,* That every Town Lot in the said Town of Cobourg shall be rated upon the Assessment Roll at Twenty-five Pounds, and that every Lot or portion of a Lot on which a House shall be built, shall be deemed and taken to be a Town Lot.

If rates unpaid, Collector may levy same by distress.

Warrant.

XXII. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the Sum or Rate for which he or she stands rated as aforesaid, for the space of Ten Days after demand duly made of the same by the Collector, to be appointed by the Corporation for that purpose, the said Collector shall, and he is hereby required to levy the same by distress and sale of the Goods and Chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorized to grant the same, upon information made on oath before him of the neglect or refusal to pay the said Assessment, and to render the overplus, if any there shall be over and above the said Rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Corporation may appoint certain Officers.

Salaries.

Security.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and reappoint, a Surveyor of Streets for the said Town, a Clerk and three Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other Officers as they may require, and assign the duty or services to be performed by each, with such Salaries and Allowances as to them may seem meet, and may take such reasonable Security for the due performance of the duties assigned to any Officer or Servant, as they shall think proper.

XXIV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the Orders or Regulations made by the said

Corporation, under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such Order, Rule, or Regulation shall be specified, with Costs, to be recovered by Information before the said Corporation, to be levied of the Goods and Chattels of such offender; and in default of such Goods and Chattels, the offender shall be liable to be committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall be convicted; and that no person shall be deemed an incompetent Witness upon any Information under this Act, by reason of his being an Inhabitant of the said Town of Cobourg: *Provided always*, that the information and complaint for the breach of any Orders or Regulations of the said Corporation, shall be made within Fifteen Days of the time when the offence was committed.

Penalty for transgressing Rules and Regulations.

How recovered.

Commitment.

Witnesses.

Limitation of Informations.

XXV. *And be it further enacted by the authority aforesaid*, That all Penalties recovered under the provisions of this Act, shall be paid into the Treasury of the said Corporation, and applied in the same manner as other Monies coming into the Treasury may be applied, for the public uses of the said Town.

Application of penalties.

XXVI. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may, in the said Town of Cobourg, perform all the functions and exercise the authority, now by law given to the Board of Police, in other Police Towns within this Province, with respect to making or amending any Street or Highway, or Road, within the said Town: *Provided always*, that it shall not be lawful for the said Board of Police, to lay out, open or establish, any new Street which might interfere with the powers conferred upon the Cobourg Harbor Company, by the third clause of an Act passed in the tenth year of the reign of His late Majesty George the Fourth, entitled "An Act to improve the Navigation of Lake Ontario, by authorizing the construction of a Harbor at Cobourg, by a Joint Stock Company."

Authority of other Boards of Police, respecting roads, extended to this Corporation.

Not to interfere with Harbour Company.

XXVII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Corporation to fix upon a site for a Market in the said Town, and to enter into and make such arrangements or agreements, in behalf of the said Town, for the purchase of such site, as to them or a majority of them appear just and reasonable; and the said Corporation shall give at least Six Weeks' Notice in the Newspapers, published in the said Town of Cobourg, of the site intended for such Market, and if any objection in writing to such site shall, within the period of Six Weeks, be presented or declared to the said Corporation, or any Member thereof, signed by twelve persons entitled to vote

Market.

Purchase of site.

Notice.

In case of objection, public meeting to be held.

within the said Town, a Public Meeting of the Inhabitants shall be called, and a time and place for such Meeting shall be fixed by the said Corporation, who shall give at least Six Days' Notice thereof, and a majority of the persons present at such Meeting, entitled to vote under this Act, shall decide whether such proposed site shall be confirmed or not, and the President of such Corporation shall preside at such Meeting, and conduct the proceedings thereof; and that when the site for the said Market shall be confirmed, or in case of its being rejected, then when any other site which may be afterwards proposed shall be agreed to, or if objected to in like manner, shall be confirmed, such site shall be the Market Place of the said Town, any thing herein contained to the contrary in any wise notwithstanding.

Majority to decide on site.

Site finally agreed to, shall be the Market place.

Corporation authorised to borrow £1,000.

For what purposes.

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation to borrow the sum of One Thousand Pounds, of or from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market House, and for purchasing one or more Fire Engine or Fire Engines, as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

Portion of yearly Assessments to be set aside for payment of interest:

And principal, within ten years.

XXIX. *And be it further enacted by the authority aforesaid,* That the Corporation shall set apart so much of the Assessments as are authorised by this Act, to be raised for the use of the said Town, as will be sufficient to pay the yearly Interest of the said sum of One Thousand Pounds, and to liquidate the principal in a term not longer than Ten Years from and after the time such Loan shall have been made.

In case of equality at an election of Members of the Corporation, the Presiding Officer may give a casting vote.

XXX. *And be it further enacted by the authority aforesaid,* That in case an equality of Votes shall happen at any Election for Members of the said Corporation, in any of the said Wards, it shall and may be lawful for the person presiding at the said Election to give a casting Vote, and he shall not be required to be possessed of the qualifications necessary to enable him to vote at the said Election for the said Wards respectively.

Form of Oath.

I, A. B., do swear, that I will faithfully discharge the duties of a Member of the Police of the Town of Cobourg, to the best of my skill and knowledge—*So help me God.*

CHAP. XLIII.

AN ACT authorising the Magistrates of the Midland District to make Rules and Regulations for the prevention of accidental Fires, in the Town of Kingston, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

WHEREAS by an Act passed in the thirty-second year of His late Majesty George the Third, entitled, “ An Act to prevent accidents by Fire in this Province,” the Magistrates of each and every District of this Province, in Quarter Sessions assembled, are authorised to make such orders and regulations for the prevention of accidental Fires within the same, as to them shall seem meet and necessary in any Town or Towns, or other place or places, in each District, where there may be forty Store-houses or Dwelling-houses, within the space of half a mile square: *And whereas* doubts have arisen as to the power of the Magistrates of the Midland District to make rules and regulations respecting the Sweeping of Chimnies in the Town of Kingston, and the imposition and collection of fines for the breach of such rules and regulations: *And whereas* it is necessary to authorise and empower the Magistrates of the said Midland District, at any Special or General Sessions, to make such prudential rules respecting the prevention of Fires in the Town of Kingston, and to impose and collect fines for any neglect thereof: *Be it therefore enacted*, by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘ An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That it shall and may be lawful for the Justices of the Peace of the Midland District, in General Quarter Sessions, or a majority of them, to make, ordain, constitute and publish, such prudential rules and regulations as they may deem expedient, relative to the Sweeping of Chimnies, and the building and construction thereof, and the prevention of accidental Fires, and all matters touching the premises; and to enforce all these said rules and regulations by fine, in the same manner as prescribed in certain cases by the fifth clause of an Act of this Province, entitled, “ An Act to make more ample provision for regulating the Police of the Town of Kingston”:

Preamble.

Justices of the Midland District may make rules relating to Chimnies;

And to prevent fires in the town of Kingston, and may enforce such rules.

Provided always, that such fines shall be paid to the Treasurer of the Midland District for the use of the said Town of Kingston, to be applied in such manner as the said Justices may direct.

II. *And whereas* it is necessary to provide for the more equal mode of levying the Rates and Assessments in the said Town, and to enable the Justices, in General or Special Sessions, to remit a portion or the whole of the said Rates and Assessments whenever they may think it necessary, and are satisfied that the persons applying for such remission are unable to pay such Rates and Assessments, or that the amount at which such person is Assessed is too great: *Be it therefore further enacted by the authority aforesaid*, that all Proprietors, Lessees and others, who shall let for rent, Premises within the Town of Kingston, for a space less than one year, shall themselves be liable and responsible for all Rates and Assessments to which such Premises are liable by law, and such Assessment shall and may be recovered from the said Proprietors, Lessees and others, or from the Tenants or Occupiers of such Premises: *Provided always*, that the Magistrates in General Quarter Sessions shall have power, in all cases of appeal for over-charges, or errors in the Assessment, to apportion, modify, or annul the same, in such way as to them, or a majority of them, may seem just and equitable.

Proprietors, &c.
letting premises for
less than a year,
responsible for Rates
and Assessments.

Magistrates may
hear appeals on
over charges.

CHAP. XLIV.

AN ACT to Incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.

[Passed 4th March, 1837.]

Preamble.

WHEREAS from the great increase of Population of the Villages of Hallowell and Picton, in the District of Prince Edward, it is necessary for the better internal regulation thereof, that the two Villages be Incorporated together, and that further provision be made therefor than by law now exists: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the

Government of the said Province,” and by the authority of the same, That the said Villages of Hallowell and Picton be Incorporated in one Town, under the name of the Town of Picton; and that there be in the said Town of Picton a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared a Body Corporate and Politic, in fact and in law, by the name of the “President and Board of Police of Picton,” and that by that name they and their successors may have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all Courts, and in all actions, causes, and complaints whatsoever; and shall be, in law, capable of purchasing, holding, and conveying any Estate, real or personal, for the uses of the said Town; and may have a Common Seal, and may alter the same at pleasure.

Villages of Hallowell and Picton incorporated in one Town, under the name of Picton.

Board of Police created a Body Corporate. Name.

Seal.

II. *And be it further enacted by the authority aforesaid,* That the said Town of Picton shall be comprised within the following limits or boundaries, that is to say: commencing on the side line on the South side of Lot letter A, fifty chains from the front; thence at a right angle, across Lot letter A and Lot number One, in the First Concession, North of the Carrying-place, in the Township of Hallowell; thence in a South-easterly direction, along the side line between said Lot number One and Lot number Two, twenty-five chains; thence at a right angle, across said Lot number Two, number Three, and number Four; thence on the side line, between said Lot number Four and Lot number Five, to the Water's edge; thence across the Bay to the line between Lots number Seventeen and Eighteen, in the Concession South-east of the Carrying-place; thence along the Water's edge to the limits between Lots number Nineteen and Twenty, in the said Concession; thence along the line between the said Lots number Nineteen and Twenty, fifty-five chains; thence at right angles, across Lots number Twenty, Twenty-one, and Twenty-two, in the last mentioned Concession; thence along the line of the South-west side of said Lot number Twenty-two, to the front of the Lot; thence along the line on the East side of Lot number Twenty-four, in the Third Concession of the Military Tract, in a Southerly direction, twenty-five chains; thence, at a right angle, across the said Lot number Twenty-four and Lots numbered Twenty-three and Twenty-two; thence along the Westerly side of said Lot number Twenty-two to Lot letter A, including the Harbour in the above-mentioned boundaries.

Limits of the Town of Picton.

Harbour included.

III. *And be it further enacted by the authority aforesaid,* That all the persons entitled to vote for Members of the said Corporation shall be subjects of His Majesty, and shall be male inhabitant householders or

Qualification of Electors of Members of the Board of Police.

leaseholders of a shop or other tenement within the said Town, who shall severally be possessed, for their own use and benefit, of a Dwelling-house, Shop, Store, or other tenement therein, such Dwelling-house, Shop, Store, or other tenement being by them held in Freehold or Leasehold, or who, being subjects of His Majesty, and male inhabitants of the said Town at the time of such Election, shall bona fide, for one year next before the Election, have paid one year's Rent on a Dwelling-house, Shop, Store, or other tenement, at the rate of Ten Pounds per annum or upwards: *Provided always*, that if they shall within the year have changed their place of residence within the said Town, or occupied a different Shop, Store, or other tenement, they shall not thereby be disqualified from voting.

Qualification of Candidates.

IV. *And be it further enacted by the authority aforesaid*, That no person shall be qualified or eligible to be elected a Member of the said Board of Police, unless he be a subject of His Majesty, and shall have been a resident Freeholder in the said Town of Picton to the assessed value of Sixty Pounds or upwards, for the space of one year previous to the said Election: *Provided always*, that no person shall be capable of serving as a Member of the said Board who shall be a Minister, Priest, Ecclesiastic, or Teacher under any form or profession of Religious faith or worship.

Picton divided into three Wards.

First Ward.

Second Ward.

Third Ward.

Each Ward to elect one Member.

V. *And be it further enacted by the authority aforesaid*, That for the purpose of electing the Members of the said Corporation, the said Town of Picton shall be divided into three Wards, in the following manner, that is to say: all that part of the said Town of Picton situated West of Elizabeth Street, shall be and compose the First Ward; and that part of the Town lying East of the said Elizabeth Street and North of the Bay, shall be and compose the Second Ward; and all that part of said Town lying on the South side of the Bay, shall be and compose the Third Ward; and that each of the said Wards shall elect, annually, one Member.

First election on the first Monday in June.

Notice.

Person to preside.

VI. *And be it further enacted by the authority aforesaid*, That the first Election of Members of the said Corporation, under this Act, shall be holden on the first Monday in June next, at some place within each Ward respectively, to be appointed by the Sheriff of the District for the time being, who shall give public Notice thereof at least Six Days previous to the Election; and that the said Sheriff shall appoint a fit and proper person to preside at the first Election for each of the said Wards, which persons so appointed shall hold the said Election for each Ward respectively, and shall declare the person in each Ward, who shall have

the greatest number of votes, duly elected Members of the said Corporation, and shall give Notice thereof to the persons so elected, within Six Days after such Election.

The person having the greatest number of votes, to be the Member.

VII. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen, shall serve until the first Monday in March in the next year, and until a new Board shall be chosen and formed, as hereinafter mentiond; and that on the first Monday in March, in every year, an Election shall be holden in each Ward of the said Town of Picton, for choosing Members of said Corporation, before the Bailiff of such Ward, who shall be appointed, from time to time, by the Corporation, and who shall appoint the place of holding the said Election, and shall give notice thereof, and proceed in all respects according to the general provisions of this Act.

Future elections to be held on the first Monday in March.

VIII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an Election under this Act, he shall take the following Oath, which any Justice of the Peace for the District of Prince Edward may administer:—

Oath to be taken by person holding the elections.

“I solemnly swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election which I am about to hold, for a Member of the Board of Police in the Town of Picton—*So help me God.*”

IX. *And be it further enacted by the authority aforesaid,* That the Officer Presiding at any Election, under this Act, shall have authority, and he is hereby required, at the request of any person qualified to vote at such Election, to examine on Oath (or Affirmation, where the party is allowed to affirm,) which Oath or Affirmation the said Officer presiding at such Election is hereby authorised to administer to any Candidate for the Office of Member of the said Corporation, respecting his qualification to be elected to the said Office; and shall also have authority, and is hereby required, upon such request as aforesaid, to examine on Oath (or Affirmation, where such party is allowed to affirm,) any person tendering his vote at any Election, respecting his right to vote at such Election; and that the Oath or Affirmation to be administered for either of the said purposes, shall and may be in the following form:—“You shall well and truly answer all such questions as the Officer presiding at this Election shall put to you, respecting your qualification to be elected at this Election, (or respecting your qualification to vote at this Election, as the case may be)—*So help you God;*” and the Affirmation to be taken shall be in the common form of an Affirmation to the same effect.

Returning Officer may administer oaths,

To Candidates,

And to Voters.

Form of Oath.

False Swearing,
Perjury.

X. *And be it further enacted by the authority aforesaid,* That if any person being examined on Oath or Affirmation, under this Act, touching his qualification to vote, or be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer as in other cases of wilful and corrupt perjury.

Provisions for trying
Contests respecting
the first Election.

Requisition by three
inhabitants.

Scrutiny.

Summoning Wit-
nesses;

determination.

New Election, in
certain cases.

Future Election, if
Contested.

Requisition.

Scrutiny

Summoning Wit-
nesses ;
determination.

New Election.

XI. *And be it further enacted by the authority aforesaid,* That if the Election of any Member of the Board of Police aforesaid, be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such Election, it shall be the duty of the person appointed by the Sheriff of the District to preside at the Election for the Ward in which such person or persons, against whose return such complaint shall have been made, may have been elected after the first Election, to take place after the passing of this Act, upon receiving, within forty-eight hours after the termination of the Election, a written requisition signed by three inhabitants of the Town, having a right to vote at such Election, to appoint a time and place within the Town for which the Election was held, for entering upon a Scrutiny into the matters complained of, and that such time shall be within six days after the Election ; and that such person, so appointed as aforesaid, shall have power to summon Witnesses, and take evidence, under oath, respecting the matters to be enquired into ; and shall determine upon the validity of the Election or Return, as shall appear to him to be right, according to the evidence ; and in case an Election shall be declared void, but it shall not appear proper for any cause, to amend the Return by substituting the name of any person as entitled to have been returned at such Election, then he shall, after giving eight days notice thereof, hold a new Election of a Member to serve, according to this Act ; and that if after any Election to be holden, after a Board of Police under this Act shall have been completely organized, a requisition signed as aforesaid, shall, within forty-eight hours after the termination of such Election, be served upon the President or any other Member of the said Corporation, it shall be lawful for the said Corporation, and they are hereby required to appoint a time, for entering upon a Scrutiny of the matters complained of, at any place within the said Town, which time shall be within six days after the Election ; and the Corporation, or such Member or Members thereof as shall not be individually concerned in the question to be determined, shall have power to summon Witnesses, and take evidence, on oath, respecting the matters to be enquired into, and shall determine upon the validity of the Election or Return, as shall appear to be right, according to the evidence ; and in case an Election shall be declared void, and it shall not appear proper, for any cause, to amend the Return or substitute the name of any other person as entitled to have been returned at such Election, then the

Corporation shall issue their Precept for a new Election, as in other cases under this Act.

XII. *And be it further enacted by the authority aforesaid,* That before the person Presiding at such Election, or any Member of the said Corporation, shall enter upon any such Trial or Scrutiny, as aforesaid, he shall take an Oath, in the following form, before some one of the Justices of the Peace for the District of Prince Edward, that is to say:—I do solemnly swear, that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A. B. as a Member of the Board of Police of the Town of Picton—So HELP ME GOD.

Oath to be taken before scrutiny entered into.

XII. *And be it further enacted by the authority aforesaid,* That any Witness who, being duly summoned to attend upon such Trial or Scrutiny, shall wilfully neglect or refuse to attend, shall, upon conviction before any one of His Majesty's Justices of the Peace for the District of Prince Edward, having been summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Gaol of the District, for a time not exceeding one month; and if any Witness shall, upon any Trial or Scrutiny, wilfully and corruptly swear falsely, he or she shall be deemed guilty of wilful and corrupt Perjury.

Penalty on Witnesses neglecting or refusing to attend.

Imprisonment.

XIV. *And be it further enacted by the authority aforesaid,* That the three Members elected as aforesaid, shall, within ten days after their election or appointment as aforesaid, appoint one of their number President; and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of a new Board.

President to be chosen.

XV. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, shall neglect or refuse, after ten days notice thereof, to take the Oath of Office hereinafter contained, which any of the said Members, so to be elected or appointed, is hereby authorised to administer to the others, he shall for such neglect or refusal, forfeit the sum of Ten Pounds, to be recovered, with costs, by information before any Justice of the Peace for the District of Prince Edward, who is hereby authorised to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any Order or Regulation of the said Corporation: *Provided,* that no person having been elected a Member of said Corporation during his absence from said Town, or who, at the time of the Election, shall openly give notice to the Presiding Officer that he will not accept the Office, shall be

Penalty on Members elected refusing to take the Oath of Office.

Exception.

subject to the penalty hereinbefore stated, for his refusal to act as a Member of the said Corporation.

XVI. And be it further enacted by the authority aforesaid, That in case any vacancy shall at any time happen among the Members of the said Corporation, by neglect or refusal to take the Oath of Office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the remaining Members shall, under their hands, within ten days after notice of such vacancy, appoint a person duly qualified, according to the provisions of this Act, to fill such vacancy; and in case the said remaining Members cannot agree on such appointment, then, and in such case, the Corporation shall issue a Precept to the Bailiff to hold such Election, giving notice of the time and place of holding such Election; and the Member so appointed or elected, shall hold his Office until the next Annual Elections; and in case any such vacancy shall happen amongst the Members elected at the first Election of Members of the said Corporation, by one of the Members neglecting or refusing to take the Oath of Office as aforesaid, or otherwise, then the Precept from the remaining Members shall be issued to either of the persons appointed by the Sheriff of the said District, as hereinbefore provided.

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

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Corporation, from time to time, to establish such Ordinances, By-Laws, and Regulations, as they may think reasonable, in the said Town; to regulate Victualling-houses and Ordinaries, where fruit and victuals shall be sold; to regulate Wharves and Quays; to regulate the weighing of Hay and measuring of Wood; to regulate Carts and Carmen; to regulate Slaughter-houses; to prevent the firing of any guns, muskets, pistols, squibs and fire-balls, or injuring or destroying trees growing for shade or ornament in said Town; to prevent the pulling down or defacing of sign-boards, or inserting or drawing any indecent words, or figures or pictures, on any building, wall, fence, or other public place, and generally to prevent vice and preserve good order in said Town; to enter into and examine all Dwelling-houses,

Vacancies happening;

to be filled by remaining Members;

if they cannot agree, a new Election to be holden

Corporation not to be dissolved for want of an Election at the proper time.

Corporation may make By-Laws to regulate

Victualling Houses;
Selling Fruit;
Wharves;

Hay and Wood;
Carts;

Slaughter Houses;
Firing Guns, &c ;
Injuring Trees;

Sign-Boards;

Indecency;

To preserve order;

To examine Houses;

Warehouses, Shops, Yards, and Outhouses, to ascertain whether any such places are in a safe and secure condition ; to appoint Fire Wardens and Fire Engineers ; to appoint and remove Firemen ; to make such Rules and By-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation ; to compel any person to aid in the extinguishment of any fire ; to require the Inhabitants to provide and keep fire-buckets and scuttles and ladders to their houses ; to stop, or authorise any other person to stop, any one riding or driving on any side walk, or riding or driving immoderately in any street, or to inflict fines for any such offence ; to prevent and abate and remove any Nuisance ; to prevent or license the public exhibition of any Shew-men or Mountebanks ; to regulate the weight of Bread ; to restrain or prevent any Cattle, Horses or Swine, from running at large ; to prevent and remove encroachments in any Street ; and to make such Rules and Regulations for the improvement, good order, and government of the said Town, as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act ; and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-laws or Ordinances of the said Corporation, not exceeding One Pound Ten Shillings, Currency ; and to fix upon and appoint such days and hours for the purpose of selling Butcher's Meat, Butter, Eggs, Poultry, Fish and Vegetables ; and to make such other orders and regulations relative thereto as they may deem expedient.

Fire Wardens, &c. ;

Fire Companies ;
Fire Buckets, &c. ;
Persons Driving ;

Abating Nuisances ;
Public Shows ;
Bread ;
Cattle running at large ;
Encroachments on Streets ;
General Rules ;

To inflict Penalties, not to exceed thirty shillings ;

To appoint hours for selling Meat, &c.

XIX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for the procuring of Fire Engines, Aqueducts, and a supply of pure and wholesom Water, for lighting, paving and flagging, and repairing the Streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an Assessment annually upon the persons rated, or liable to be rated on any Assessment for Property in said Town, not exceeding Two Pence in the Pound, exclusive of the sum such person may be rated for in and upon any other Assessment of this Province ; and it shall be the duty of the Clerk of the Peace of said District, to select from a General Assessment of the Township of Hallowell, a List or Assessment of the Ratable Property that every person owns or possesses in the said Town, and lay the same before the Corporation, annually, upon its organization after every General Election.

Corporation may impose Assessments, not exceeding 2d. in the pound.

Clerk of the Peace to furnish an Assessment Roll for the said Town.

XX. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the Sum or Rate for which he or she stands

If Rates are imposed,

Collector to levy the same by distress.
 Warrant.
 Information.
 Overplus.

rated in manner aforesaid, for the space of Ten Days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required to levy the same, by distress and sale of the Goods and Chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same, upon Information made on Oath before him of the neglect or refusal to pay the said Assessment, and to render the Overplus, if any there shall be over and above the said Rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Corporation to appoint Surveyor of Streets; Clerk; Assessors; Bailiff; Collector; Treasurer; and other Officers.
 Salaries or allowances.

XXI. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and reappoint, a Surveyor of Streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector, a Treasurer, and so many and such other Officers as they may require, and assign the duty and services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable Security for the due performance of the duties assigned to any Officer or Servant, as they shall think proper.

Rules inflicting Penalties to be published before going into operation.
 Account of monies to be also published.

XXII. *And be it further enacted by the authority aforesaid,* That any Rule or Regulation of said Corporation, for the infraction of which any penalty is inflicted, before it shall have effect, shall be published in one or more of the Newspapers published within the District, and shall be affixed in four public places in said Town of Picton; and that in like manner shall be published, in each and every year, before the Annual Election, an Account of all Monies received into the Treasury, and the amount expended, and for what purpose.

Penalties under any Rule of the Corporation, how to be recovered.
 Levy.
 Imprisonment.
 Competency of Witnesses.

XXIII. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the Orders or Regulations made by the said Corporation, under the authority of this Act, such person shall for every such offence forfeit the sum which in every Order, Rule, or Regulation shall be specified, with Costs, to be recovered by Information before the said Corporation, to be levied of the Goods and Chattels of such offender; and in default of such Goods and Chattels, the offender shall be liable to be committed to the Common Gaol of the District for a term not exceeding Thirty Days, in the discretion of the said Corporation, before whom such offender shall have been convicted; and that no person shall be deemed an incompetent Witness, upon any Information under this Act, by reason of his being a resident of said town: *Provided always,*

that the Information and Complaint for any breach of any Order or Regulation of the said Corporation, shall be made within Fifteen Days after the time of the offence committed.

Time within which complaint to be made.

XXIV. *And be it further enacted by the authority aforesaid,* That all Penalties recovered under the provisions of this Act, shall be paid into the Treasury of the said Corporation, and applied in the same manner as other Monies coming into the Treasury, for the public uses of the said Town.

Application of Penalties.

XXV. *And be it further enacted by the authority aforesaid,* That the said Corporation shall and may, in the said Town of Picton, perform all the duties of, and exercise the authority now by law given to Justices of the Peace and Township Commissioners, with respect to making or amending any street, highway, or road within the said Town.

Corporation to have the authority of Justices of the Peace; and of Township Commissioners as to Streets and Highways in the Town.

XXVI. *And be it further enacted by the authority aforesaid,* That in case an equality of Votes shall happen at any Election for the Members of the said Corporation, it shall and may be lawful for the person presiding at the said Election to give a casting Vote; and that, except in cases of the Votes being equal, it shall not be lawful for the person presiding at any Election under this Act, to Vote at any such Election.

Presiding Officer at any Election may give a casting vote;

otherwise not to vote.

XXVII. *And be it further enacted by the authority aforesaid,* That if any Action or Suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such Action or Suit shall be brought within Six Calendar Months next after the fact committed, and not afterwards; and the defendant or defendants in such Actions or Suits may plead the General Issue only, and give this Act and the special matter in evidence on the trial.

Limitations of actions for any thing done under this Act.

Defendant may plead the general issue.

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful, after the passing of this Act, to alter the width of any Street already laid out in the said Town of Picton, or in the protraction of any Street or Streets, to vary from the width already established in those parts of any such Street or Streets, which shall have been already laid out: *Provided always,* that every new Street shall be laid out under the direction of the said Board of Police, and shall in no case be less than forty feet in width.

Width of Streets laid out in Picton not to be altered.

No new Street to be less than forty feet wide.

XXIX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall hold their Sittings in the Court House of the said

Corporation to hold their sittings in the Court House of the District.

Sheriff and Gaoler to receive Prisoners.

District of Prince Edward, in the said Town of Picton ; and the Sheriff and Gaoler of the said District shall be bound, and they are hereby authorised and required to receive and safely keep, until duly discharged, all persons lawfully committed thereto by the said Corporation, or under the authority thereof.

Every lot on which there is a dwelling-house, to be considered a Town Lot ; Rated at £25 value.

XXX. And be it further enacted by the authority aforesaid, That each Lot, piece or parcel of Land, in the said Town of Picton, held by Lease or otherwise, on which a Dwelling-house or Shop has been erected, shall be taken and considered to be a Town Lot, and be rated at the valuation of twenty-five pounds.

Form of Oath :

Oath.

“ I, A. B. swear that I will faithfully discharge the duties of a Member of the Board of Police of the Town of Picton, to the best of my skill and knowledge—*So help me God.*”

CHAP. XLV.

AN ACT to amend the Law for the Improvement of the Navigation of the Saint Lawrence.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to repeal and amend certain parts of an Act passed in the third year of His present Majesty's reign, entitled, “An Act granting to His Majesty a sum of money, to be raised by Debenture, for the Improvement of the Navigation of the River Saint Lawrence” :— *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 thirty-first clause of the said Act be, and the same is hereby repealed.

31st clause of 3rd Wm IV. chap. 18, repealed.

Bridges not to be erected over Saint Lawrence Canal, in certain cases ;

II. And be it further enacted by the authority aforesaid, That the Commissioners appointed under the provisions of the said Act, shall not con-

struct any Bridge or Bridges over the said Canal, in case the same is likely to obstruct or impede the Navigation thereof; that instead of Bridges the Commissioners shall provide Scows to keep up the communication, or erect a Floating-bridge or Bridges, where they may deem it absolutely necessary for the public convenience.

but Scows to be provided in lieu.

III. *And whereas* the construction of a Towing-path, between the Head of the Long Sault and Prescott, will greatly facilitate the Navigation of that part of the River Saint Lawrence; *be it further enacted by the authority aforesaid*, that nothing in the thirteenth Clause of the said recited Act shall extend, or be construed to extend, to prevent or restrain the said Commissioners from constructing such Towing-path or paths as they may think necessary, from the Head of the Long Sault to Prescott aforesaid.

Towing-path between the head of the Long Sault and Prescott, may be constructed.

CHAP. XLVI.

AN ACT to Incorporate certain persons under the style and title of the President, Directors and Company, of the Fort Erie Canal Company.

[Passed 4th March, 1837.]

WHEREAS Alexander Douglass, Charles Jones, Benjamin P. Hall, John March, James Stanton, Timothy S. Hoyt, John Hardison, George Rainsford, Cyrenus Hall, William Forsyth, John Anderson, John J. Harris, Henry Teal, Isaac Thompson, William Smith, William Sutherland, John W. Lewis, and others, of the Townships of Bertie and Willoughby, in the District of Niagara, have by their Petition represented, that great inconvenience has been experienced by the Inhabitants of that section of the Province from its earliest settlement up to the present time, and more especially by those engaged in Agricultural and Commercial pursuits, by the natural impediments opposed to a free Water communication, between Lake Erie and the Niagara River, caused by the Rapids called or known as the "Fort Erie Rapids," which render Transport by that route by the Lake, not only dangerous, but laborious and expensive: *And whereas*, the said Petitioners have prayed that they, together with such other persons as shall become Stockholders, as hereinafter mentioned, may be Incorporated for the purpose of forming a Canal for Ship Navigation, in order to remedy the said inconvenience: *And whereas*, the promotion of such a work will greatly tend as well to the prosperity of the Province, as to develop the

Preamble.

resources of that part of the country : *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Alexander Douglass, Charles Jones, Benjamin P. Hall, John March, James Stanton, Timothy S. Hoyt, John Hardison, George Rainsford, Cyrenus Hall, William Forsyth, John Anderson, John J. Harris, Henry Teal, William Smith, William Sutherland, John W. Lewis, Isaac Thompson, or such of them, together with such other persons as shall become Stockholders of the Company, as 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 Fort Erie Canal Company;" and by that name they and their successors shall have continued succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors shall have a Common Seal, and may change and alter the same at their will and pleasure: *And also*, that they and their Successors, by the same name of The Fort Erie Canal Company, shall be capable in law of purchasing, having, and holding any Estate, real, personal or mixed, to and for the use of the said Company, conveying or otherwise departing with the same for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to allow the said Company to carry on the trade or business of Bankers.

Alexander Douglass,
and others, incorpo-
rated,

by the name of the
"Fort Erie Canal
Company;"

Powers.

Common Seal.

Estate.

Not to carry on the
business of Bankers.

Company may explore
the country between
Fort Erie and the
River Niagara;

may purchase and
hold the line of the
intended Canal;

and select Sites for
Mills, &c.

II. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company to be elected as hereinafter is mentioned, shall have full power and authority, to explore the Country lying between Fort Erie, in the Township of Bertie, and the River Niagara below the said Rapids called Fort Erie Rapids, and to purchase, take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, with the Locks, Towing-paths, Basins and Rail-ways, necessary to connect the Waters of the Niagara River, at the head of the said Rapids, with the Waters at the foot thereof: *And also*, to select such convenient sites for such Mills, Manufactories,

Warehouses and other erections, as may be required by the said Company for the purposes thereof: *Provided always*, that nothing hereinafter contained shall extend, or be construed to extend, to compel the owner or owners of any Mill Seat to sell, convey, or otherwise depart with the same to the said Company: *Provided also*, that the owner or owners of any Mill Seat or Mill Seats now situate upon or near to the intended banks of the said Canal, using any additional supply of Water brought thereto by the said Canal, shall pay a reasonable compensation therefor to the said Company, to be determined by Arbitration, as hereinafter provided, for determining damage done to property by the said Company.

Not to compel the owner of any Mill to sell to them.

Owners of Mill-seats deriving advantage from Canal, to make compensation.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered from and after the passing of this Act, to supply the said Canal, whilst making and when made, with Water from all such Brooks, Springs, Streams, Water-courses, Hollows, and other Repositories of Water, as shall be found in making the said Canal, or within the distance of one thousand yards therefrom, or from any part thereof, or from any Reservoir or Reservoirs to be made for supplying the said Canal with Water, (save and except as herein mentioned); and the said Company are hereby also authorised and empowered, by themselves or their Deputies, Agents, Servants or Workmen, to make one or more Reservoir or Reservoirs, and such Feeders, Tunnels and Aqueducts, for supplying the said Reservoirs and Canal with Water, and conveying Water from any such Reservoir or Reservoirs to the said Canal, as to them shall seem necessary and expedient, (save and except as herein is mentioned); and for the purposes aforesaid, it shall and may be lawful for the said Company, and their Agents, Servants and Workmen, and they are hereby authorised and empowered, to enter into and upon the Lands and Grounds of and belonging to The King's Most Excellent Majesty, His Heirs or Successors, or to any other person or persons, Body or Bodies Politic, Corporate, or Collegiate, (except as is herein mentioned), and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal, or any such Reservoirs, Feeders, Tunnels or Aqueducts, and all or any such other works as they shall think proper and necessary for making, effecting, preserving, improving, completing or using, the said intended Navigation; and also to bore, dig, cut, trench, remove, take and carry away, earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other materials whatsoever, which may be dug or got in the making of the said Canal, or in making of any Reservoirs, Feeders or Aqueducts, or out of

Company may supply Canal with water from all streams, &c. :

may make Reservoirs, &c. :

may enter upon Crown and other Lands;

make Surveys:

dig and carry away earth, &c. :

And may erect
Wharves, Piers, &c. ;

and repair the same.

Boats, Barges, &c.

Piers and Arches
across Rivers, &c.

General authority.

Not to take water so
as to injure any Mills.

Provision in case
owners of Mills think
their property injured.

any Lands or Grounds of any person or persons adjoining or lying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing or repairing, the said Canal or other the said works, or which may hinder, prevent or obstruct, the making, using, completing, or maintaining the same, and the same to let lie in or upon the boundaries of the said Canal, or in or upon the Lands or Grounds of any person or persons adjoining thereto ; and also to make, build, erect and set up, in and upon the said Canal, and at the points of entrance to the same, or upon the lands adjoining or near the same, such and so many Wharves, Quays, Piers, Landing-places, Bridges, Tunnels, Aqueducts, Sluices, Locks, Wears, Pens for Water, Tanks, Reservoirs, Drains and other ways, roads and works, as the said Company shall think requisite and convenient for the purposes of the said Navigation : and also from time to time, to alter, repair, amend, widen or enlarge the same, or any of them, for conveying all manner of materials necessary for making, erecting, altering, repairing, widening, enlarging and carrying on, the said works ; and also, to place, lay, work, and manufacture, the said materials on the grounds near to the said works ; and 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, for passing in, through, along or upon, the said Canal, as they the said Company 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 and do, all other works, matters and things, whatsoever, which they 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, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owner or occupiers of such lands, tenements, or hereditaments : *Provided*, that nothing in this Act contained, shall extend, or be construed to extend, to authorise the said Company to divert or take away, for the use of the said Canal, the water of any stream or river, so as to injure any mills within the limits of the said intended Canal, without the consent of the owner or owners thereof.

IV. *And be it further enacted by the authority aforesaid*, That should the owner or owners, occupier or occupiers of any mill-seats on the line of the said Canal, or within five hundred yards thereof, consider the same in

any manner injured, or the value thereof in any way depreciated, from the erection of other similar establishments, or from any other cause growing out of the cutting, making, or using the said Canal, and for the compensation of which no provision is made in this Act, it shall and may be lawful for the said Company, and they are hereby required to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by Arbitration, as hereinafter is mentioned : *Provided always*, that nothing herein contained shall extend, or be construed to extend, to compel the said owner or owners, occupier or occupiers of any such mill-seats to sell, convey, or otherwise dispose of the same to the said Company.

Owners not compellable to sell to the Company.

V. *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 for other the purposes hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, and for all guardians, and other trustees whomsoever, not only for and on behalf of themselves, their heirs, successors, and assigns, but also for and on behalf of those whom they shall represent, whether infants; lunatics, ideots, femmes covert, or other persons, who are or shall be possessed of or interested in the same, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall, from time to time, be so set out and ascertained, as aforesaid, and that all such contracts, agreements, sales and conveyances, shall be valid and effectual in Law, to all intents and purposes whatsoever, any Law, Statute, or usage to the contrary thereof in any wise notwithstanding; and the amount of the purchase monies to paid for such lands or grounds respectively, shall be ascertained by Arbitration in manner hereinafter mentioned.

All Proprietors, Trustees, &c. may sell Lands to the Company.

Amount of purchase money to be ascertained by Arbitration.

VI. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise, settle and agree, with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said intended Canal, or any Locks, Towing-paths, Rail-ways, or other erections and constructions contemplated by this Act, to be cut, erected, constructed or built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for damages which he, she, or they shall or may be entitled to recover from the said Company, in consequence of the said intended Canal, Locks, Towing-paths, Rail-ways, or other constructions and erections, being cut or constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount

Company may contract, &c. with owners for Land through which Canal is cut.

In case of difference, reference to Arbitration.

of the purchase monies for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them, as aforesaid, shall be ascertained by Arbitration, in manner hereinafter mentioned.

In every case of dispute between Company, and others, touching any sale or damages;

the same to be referred to Arbitrators;

one to be named by person disagreeing with the Company;

one by the Directors;

the third by the other two Arbitrators.

Award of these three or any two of them to be final.

Arbitrators to be sworn.

Arbitrators not compellable to travel more than fifty miles.

Award may be set aside by Court of King's Bench.

VII. *And be it further enacted by the authority aforesaid,* That in each and every case, where any dispute shall arise between the said Directors, and any other person or persons whomsoever, touching any purchase, sale or damages, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damages, or the money to be paid in respect thereof, are directed to be ascertained and determined by Arbitration, the same shall be referred to, and ascertained and determined by three indifferent persons, to be chosen as hereinafter is mentioned, that is to say: one of such persons by the owner or owners, occupier or occupiers of the lands, or other the person or persons interested, who shall disagree with the said Directors in respect of the purchase money or compensation to be paid to him, her or them respectively, pursuant to the provisions of this Act, one other of such persons by the said Directors, and the other of such persons shall be chosen by the said two persons, to be so named as aforesaid; and such three persons shall be the Arbitrators to award, determine, adjudge, and order the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same; and the award of such three persons, or any two of them, shall be final, and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said intended Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and each of the said Arbitrators shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always,* that no Arbitrator shall be compellable to attend any such meeting of the Arbitrators aforesaid, who shall usually reside more than fifty miles from the place of meeting.

VIII. *And be it further enacted by the authority aforesaid,* That any award made under this Act, shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again had to Arbitrators, as hereinbefore provided.

IX. *And be it further enacted by the authority aforesaid,* That when and so often as it shall be necessary to cut into any highway, in order to conduct the said Canal through the same, the said Company shall, within one month after such cut, cause to be constructed a secure, sufficient, and commodious bridge, for the passing of carriages, in order to establish the communication between the several parts of such highways, under the penalty of five pounds currency, for each and every day after the expiration of the said time, which the said Company shall neglect to construct such bridge, as aforesaid.

If any highway cut into or through, a bridge to be constructed within a month.

X. *And be it further enacted by the authority aforesaid,* That if any persons shall wilfully or maliciously break, throw down, damage, or destroy any Bank, Lock, Gate, Sluice, or any Works, Machine or device, to be erected or made by virtue of this Act, to the prejudice of the said Company, 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, or any Bridge, Tunnel, Aqueduct, Sluice, Lock, Wear, Pen for Water, Bank, Reservoir, Drain, Wharf, Quay, or any other Work belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company, the value of the damage proved by the oath of two or more credible Witnesses, to have been done; such damages, together with costs of suits in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same, or in case of default of payment, such offender or offenders shall and may be committed to the Common Gaol, for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

Penalties for malicious mischief to the Canal, &c.

How recovered.

XI. *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, Vessel or Raft, navigating in or upon the said Canal, so as by such overloading to obstruct the passing 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 the 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 Currency; and if any person shall throw any Ballast, Gravel, Stones or Rubbish, into any part of the said Canal, every such person shall, for every such offence, forfeit a sum not exceeding Five

Penalty for obstructing the Canal by overloading any Boat, &c.

Pounds Currency, which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said Navigation.

Penalty if any boat, &c. obstructs the Canal, and is not removed on request.

Company may unload and remove such boats, &c.

In case of boats, &c. sinking.

XII. *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 Servants of the said Company, made for that purpose, remove the same, he shall for every such offence, forfeit a penalty of Ten Shillings, of lawful money of Upper Canada, for every hour such obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company 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, shall be paid or satisfied; 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 or Servants of the said Company, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same, until payment shall be made of all expenses necessarily occasioned thereby.

Owners of lands adjoining the Canal may use boats thereon, free of charge.

Limitation.

XIII. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the owners and occupiers of any Lands adjoining to the said Canal, to use any Boats upon the said Canal, for the purposes of Pleasure or Husbandry, and 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 passing through any Lock without the consent of the said Company, their successors, or their principal Agent for the time being,) without interruption from the said Company, or their successors, 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 Merchandize to market, or for sale, or for any person or persons for hire, and so as the same shall not obstruct or prejudice the Navigation of the said intended Canal, or the Towing-paths thereof.

XIV. *And whereas,* it may hereafter happen from floods, or from some unexpected accident, that Weirs, 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 it may be necessary that the same shall be immediately repaired or

re-built, to prevent further damages: *Be it therefore further enacted by the authority aforesaid,* That when and so often as it shall so happen, it shall be lawful for the said Company, and for their or any of their Servants, Agents or Workmen, 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 intended Canal, or the Branches, Reservoirs, or Trenches thereof, 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, and required for the purposes aforesaid, without any previous treaty whatsoever with the respective owners or occupiers thereof, or of any other person or persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little damage thereto as the nature of the case will admit, and making recompense for such damages to the owners and occupiers of or other the 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, or the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and materials, or any of them, as aforesaid; which damages, and the satisfaction and recompense in respect thereof, shall, in case of dispute, be settled, adjusted, ascertained, and determined by Arbitration, as hereinbefore is mentioned.

In case of accidents, requiring immediate repairs,

Company may enter any lands adjoining,

for materials to repair,

without previous treaty,

making recompence within six months.

Arbitration.

XV. *And be it further enacted by the authority aforesaid,* That the said Company 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 Vessels or Rafts, to pass each other, to cut and open 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 all Boats, Vessels and Rafts, which shall be hauled or navigated upon the 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 by any By-Law of the said Company shall be directed in respect thereof.

Company may open places for boats to lie or turn.

Provision in case of boats meeting.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company to regulate, from time to time, and establish the Rates of Toll payable in respect of all Timber, Boats, Vessels, and other Craft, and of other Cargoes and Freightage thereof, and of all Rafts navigating upon the said Canal; and the said Company shall annually, if required, exhibit an account to either Branch of the Legislature, of the Tolls collected upon the said

President and Directors to establish rates of toll.

Account to be exhibited.

If tolls excessive, the Legislature may reduce them.

Canal, and of the sums expended in keeping the same in repair, and also of the Goods, Wares and Merchandise, transported in and along the same: *Provided always*, that if at any time after the expiration of five years, from the time of the commencement of the Navigation upon any part of the said Canal, the Legislature shall deem the Tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a Rate which will produce to the said Company less than Twenty Pounds per Centum, on the Capital actually expended in making the said Canal.

Canal to be completed within eight years.

XVII. *And be it further enacted by the authority aforesaid*, That the said Company, to entitle themselves to the benefit and advantages to them granted by this Act, shall, and they are hereby required to make and complete the said Canal, Rail-way, Towing-paths and other erections required for the navigation thereof, in order to connect the waters of the Niagara River at the head of the said Rapids, called Fort Erie Rapids, with the waters at the foot thereof, within eight years from the passing of this Act, so as to be navigable for Schooners, Boats, Barges and Rafts, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void to all intents and purposes whatsoever.

How tonnage of boats, &c. to be ascertained.

XXVIII. 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 in case of refusal so to do, the Owner thereof shall forfeit and pay the sum of Forty Shillings, Currency; and it shall be lawful for the said Company, or their Toll-gatherer, or such person or persons as shall be appointed by them 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 said 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 by the said Company, or their Toll-gatherer, shall have alone the power of ascertaining such Tonnage.

Tonnage of boats to be marked thereon.

Private roads and ways (except towing paths) may be used by any person for transporting goods, &c. to and from the Canal.

XIX. *And be it further enacted by the authority aforesaid*, That all persons whosoever shall have free liberty to use with Horses, Cattle and Carriages, the private Roads and Ways to be made under the provisions of this Act, (except the Towing-paths) for the purpose of conveying any Goods, Wares, Merchandise, Timber or other commodities, to and from the said Canal, and also to navigate the said Canal with any Schooners,

Boats, Barges, Vessels or Rafts, and to use the said Wharves and Quays, for loading and unloading any Goods, Wares, Merchandize, Timber or commodities, and also to use the said Towing-paths with Horses for drawing and hauling such Boats and Vessels, upon payment of such rates or dues as shall be established by the said Company as aforesaid,

XX. And be it further enacted by the authority aforesaid, That the said several dues shall be paid to such person or persons, at such place or places near to the said Canal, in such manner and under such regulations as by the By-laws of the said Company shall be directed; and in case of denial or neglect in payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, the said Company may sue for and recover the same, in any Court having jurisdiction therein, or the person or persons to whom the said rates or dues ought to be paid may, and he and they is and are hereby empowered to seize 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.

Tolls to be collected in the manner the By-Laws of the Company shall direct.

XXI. And be it further enacted by the authority aforesaid, That the whole Capital or Stock of the said Company, inclusive of any Real Estate which the Company may have or hold by virtue of this Act, shall not exceed in value Seventy-five Thousand Pounds; to be held in Six Thousand Shares, of Twelve Pounds Ten Shillings each; and that the Shares of the said Capital Stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same, to any other person or persons; and such transfer shall be entered or registered in a Book or Books to be kept for that purpose by the said Company.

Capital of the Company not to exceed £75,000.
6000 Shares.

XXII. And be it further enacted by the authority aforesaid, That Books of Subscription shall be opened in the several Assize Towns in this Province within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners assembled at a meeting, to be called by any one of them in the Town of Niagara for that purpose, shall direct.

Books of Subscription to be opened.

XXIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, His Majesty's Subjects or others, to Subscribe for any number of Shares, (not exceeding in the first instance eighty) the amount whereof shall be due and payable to the said Company in the manner hereinafter mentioned, that is to say: Ten per Cent on each Share so Subscribed, shall be payable to the said Company immediately after the Stockholders shall have elected the Directors first

Not more than eighty Shares to be subscribed for by any one person.

How to be paid.

hereinafter mentioned, and the remainder by instalments of not more than Ten per Centum, at such periods as the President and Directors, shall from time to time direct and appoint for the payment thereof: *Provided*, that no instalment shall be called for in less than thirty days, after the same public notice shall have been given as hereinafter is mentioned, with respect to notice directed to be given of meetings to be holden under this Act: *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 the same Share or Shares, with the amount previously paid thereon, and such Share or Shares shall be sold by the Directors at public Auction, after having given thirty days notice in writing of such intended sale to such Stockholder or respective Stockholders, 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 all instalments which shall be due and unpaid on such Share or Shares, over and above the purchase money of the same, 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.

Proviso for calling
in instalments.

Forfeiture of Shares.

If Stock not sub-
scribed within two
months,

former Subscribers
may increase their
Subscription.

XXIV. *And be it further enacted by the authority aforesaid*, That if the whole number of Shares shall not be Subscribed, within two months after the Books of Subscription shall have been opened as aforesaid, then and in such case, it shall and may be lawful for any former Subscriber to increase his, her or their Subscription.

As soon as £5000 is
subscribed, Meeting
to be held to elect
Directors.

Period of service.

As soon as £500 paid,
business to commence.

XXV. *And be it further enacted by the authority aforesaid*, That so soon as Five Thousand Pounds shall have been Subscribed, it shall and may be lawful for such Subscribers, or any of them, to call a meeting pursuant to the directions hereinafter contained, for the purpose of proceeding to the Election of the number of Directors hereinafter mentioned, and such Election shall then and there be made by a majority of Shareholders present; and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in April succeeding their election; and the Directors so chosen, shall, as soon as a deposit amounting to Five Hundred Pounds upon the Shares subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Company.

Five Directors to be
chosen; one to be
President.

XXVI. *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 Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected on the first Monday in April in every year, at a Meeting of Stockholders to be then holden ; and the said Election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose in their own proper persons, or by proxy ; and all Elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any Election shall be Directors, (except as is hereinafter directed) ; and if it shall happen at any Election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders present at such meeting, shall proceed, by ballot, a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to reduce the whole number to 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 two of the Directors who shall have served as Directors for the preceding year, (excepting the President) shall be incapable of serving in the office of Director for one year after the expiration of the time for which they shall have so served as Directors ; and in case a greater number than two of the Directors (exclusive of the President who served for the last year) shall appear to be elected, then the election of such Director or Directors above two, who shall have the fewest votes shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected, in the room of such last described Director or Directors, who are hereby declared incapable of serving as Directors as aforesaid ; and the President for the time being shall always be eligible to the office of Director, but Stockholders not residing within the Province shall be ineligible ; 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 shall at any time happen among the Directors, or if the office of President shall become vacant by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by a person or persons to be nominated by a majority of the remaining 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 Ten Shares.

Election first Monday in April.

Proxy.

Election by Ballot.

In certain case to be a second Ballot.

President to be elected by Ballot.

Two Directors to go out every year.

President for time being, always eligible.

Vacancies, how created.

Provision for filling.

Number of votes. **XXVII.** *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, and shall continue to hold, in his or her own name, at and at least three months prior to the time of voting (except at the first election,) according to the following rates, that is to say: at the rate of one vote for each Share not exceeding four Shares; five votes for six Shares; six votes for eight Shares; seven votes for ten Shares; and one vote for every five Shares above ten.

Meetings to be holden in the Township of Bertie. **XXVIII.** *And be it further enacted by the authority aforesaid,* That the first and every other Meeting, whether General or Special, to be holden in pursuance of this Act, shall be holden at such place in the Township of Bertie, and on such days, (except where particular days for the same are herein specially appointed,) and at such hour of the day as to the said first Meeting, as the majority of the said Petitioners, and as to all other Meetings, as the majority of Directors for the time being, shall appoint; and a notice of every Meeting shall be published at least thirty days, and not more than sixty days prior to the time of such Meeting, in the Upper Canada Gazette, and in such other newspapers circulated within the Province, as the majority of the said Petitioners, as to such first Meeting, and the majority of the said Directors, as to all other meetings to be holden in pursuance of this Act, shall respectively think fit to order and direct.

Notic.

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

Directors to make Half-yearly Dividends **XXX.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, to make Half-yearly Dividends of so much of the profits of the said Company, as to them or a majority of them shall appear advisable; and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios hereinbefore established, at a General Meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts, credits and affairs of the said Company, and of the surplus profits, (if any,) after deducting losses, dividends and expenditures.

Statement of Debts and Credits.

XXXI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power

to make and subscribe such Rules and Regulations 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, employed by the said Company, and touching the securities to be given by them, or any of them, 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.

Directors may make Rules and Regulations

and may appoint Officers.

XXXII. *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 Company, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is hereinbefore directed, shall, upon proof of the offences respectively, before any two of the Justices of the Peace for the District of Niagara, either by confession of the party or parties, or by the Oath of one credible Witness, (which Oath such Justices are hereby empowered and required to administer without fee or reward) 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, (which Warrant such Justices are hereby empowered to grant) 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 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 the District of Niagara, 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; all which said Penalties and Forfeitures, when levied and satisfied in manner aforesaid, shall be paid to the said Company, to be by them applied for the purposes of the said Company.

Penalties for infraction of By-Laws, how to be recovered.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any plaint 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

Actions for any thing done under this Act, to be brought within six months.

Defendants may plead general issue.

there shall be a continuation of damages, then within Six 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 so done, 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.

This Act not to affect His Majesty, or any others, further than is expressly provided.

XXXIV. *And be it further enacted by the authority aforesaid, That nothing herein contained, shall affect in any manner or way whatsoever, the right of His Majesty, His Heirs or Successors, or of any person or persons, or of any Bodies Politic, Corporate, or Collegiate, except as is herein expressly provided.*

Not to affect any right of the Welland Canal Company.

XXXV. *And be it further enacted by the authority aforesaid, That nothing herein contained, shall be construed to affect any right or power heretofore granted and secured by law to the Welland Canal Company, any thing to the contrary notwithstanding.*

†

CHAP. XLVII.

AN ACT to Incorporate a Joint Stock Company, under the style and title of the President, Directors, and Company of the Grafton Harbor.

[Passed 9th December, 1836.]

Preamble.

WHEREAS the construction of a safe and commodious Harbor at Deau's Creek, near the Village of Grafton, in the Township of Haldimand, and Newcastle District, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Ontario: *And whereas, Richard Hare and others, have petitioned to be by law Incorporated for the purpose of effecting the construction of such Harbor, by means of a Joint Stock Company: Be it therefore enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal*

Richard Hare, and others.

certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said Richard Hare and John Grover, Malcolm McNeil, J. Warren, John Clarke, Thomas M. Spalding, James G. Rogers, Edward H. Pepper, Donald Hare, Thomas Spencer, John Spencer, John Taylor, Roderick McKenzie, William Carroll, and Jacob Vanalstine, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact, by and under the name of the "President, Directors, and Company of the Grafton Harbor," and by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; *And also*, that they and their successors, by the same name of the President, Directors, and Company of the Grafton Harbor, shall be, in law, capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on the account of the said Company, from time to time as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend or be construed to extend, to allow the said Company to carry on the business of Banking.

Constituted a Body Corporate under the name of The President, Directors and Company of the Grafton Harbour.

Restrained from carrying on business of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge to construct a Harbor at or near Dean's Creek, near the Village of Grafton aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description of Vessels as commonly navigate the said Lake; and also to erect and build all such needful Moles, Piers, Wharves, Buildings, and erections whatsoever, as shall be useful and proper for the protection of the said Harbor, and for the accommodation and convenience of Vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Authorised to construct a Harbour near Dean's Creek.

May agree with owners and occupiers of land.

Arbitrators to be appointed in case of disagreement between Company and owner of lands.

Award subject to be set aside on application to the Court of King's Bench.

Company not to assume lands until same be paid for or money tendered.

III. *And be it further enacted by the authority aforesaid, That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any Land, through or upon which they may determine to cut and construct the said Harbor, with all necessary and convenient Roads, Streets, and approaches thereto to be constructed and made, either for the absolute purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she, or they shall and may be entitled to recover from the said Company, in consequence of the said intended Harbor, Roads, Streets, and approaches thereto being cut, made and constructed, in and upon his, her, or their respective Lands; and in case of any disagreement between the said Directors, and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the said intended Harbor, to be appointed by the said Directors, after eight days' notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said Meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act, shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds, as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators as hereinbefore provided; and that the said Company shall in no case take possession of any Land, the value of which shall be so awarded, unless payment be made according to the said Award, or a tender thereof made to the party or parties therein interested, and shall not in any manner obstruct or interfere with the Highway now passing the mouth of the said Dean's Creek, and shall con-*

struct and maintain a good and sufficient Bridge across the same, without any charge to the public.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbor shall be so far completed, as to be capable of receiving and sheltering Vessels, the said Company shall have full power and authority to ask for, demand, receive and take as Tolls, to and for their own proper use and benefit and behoof, on all Goods, Wares, and Merchandize, shipped or landed on board or out of any Vessel or Boat, from or upon any part of the Lake Shore near to the mouth of what is called Dean's Creek, embracing the Lake Shore in front of Lots numbers Nineteen, Twenty, Twenty-one, and Twenty-two, in Concession B, of the said Township of Haldimand, in the said District of Newcastle, and upon all Vessels and Boats entering the said Harbor, according to the Rates following, that is to say: Pot and Pearl Ashes, per barrel, sixpence; Pork, Whiskey, Salt Beef, and Lard, per barrel, fourpence; Flour, per barrel, threepence; Merchandize, per barrel bulk, fourpence; Lard and Butter, per keg, one penny; Merchandise, per ton, five shillings; West India Staves, per thousand, two shillings; Shingles, per thousand, sixpence; Shingle Bolts, per cord, three shillings; Pipe Staves, per thousand, ten shillings; Deals, per hundred pieces, three shillings; Wheat and other Grain, per sixty pounds, one penny; Lumber, per thousand feet board measure, one shilling; Boats, under five tons, free; Boats and Vessels, under twelve tons, one shilling and threepence; Boats and Vessels, above twelve tons and not over fifty tons, two shillings and sixpence; Vessels over fifty tons, five shillings; and all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless,* that the said Directors shall have power to reduce the said rates of tolls, should they see fit.

Company may exact Tolls, when Harbour is in a state to admit vessels.

Rate of Tolls.

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

Harbour, &c. vested in Company.

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

Goods of parties refusing to pay Tolls, may be detained.

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

Number of Directors to be appointed, &c. Qualification.

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

Time and manner of conducting Election of Directors.

President to be elected by Directors.

Notes of Stockholders proportioned to number of Shares held by them.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of Votes, proportioned to the number of Shares which he or she shall have held, in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say: One Vote for each Share not exceeding four; five

Votes for six Shares ; six Votes for eight Shares ; seven Votes for ten Shares, and one Vote for every five Shares above ten.

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

Remedy in case Election of Directors should not take place on day appointed by the Act.

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

Rules, &c. to be made by Directors.

XI. *And be it further enacted by the authority aforesaid,* That on the Third Monday in June, after the passing of this Act, a Meeting of the Stockholders shall be held at the Village of Grafton aforesaid, who, in the same manner as hereinbefore provided, shall proceed to elect Five Persons to be Directors, who shall continue in such office until the Third Monday in June, next after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at an annual election: *Provided always,* that if Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said Meeting shall not be held until that amount of Stock shall have been taken up, and at least Thirty Days' Notice thereof given in the Upper Canada Gazette, and any Newspaper or Newspapers that may be published in the said District.

First Election of Directors to take place on the third Monday in June :

Provided Shares to the amount of £1000 be then subscribed: if not then subscribed, to be deferred until that amount is subscribed and notice given, &c.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital Stock of the said Company, inclusive of any Real Estate which the said Company may have or hold, by virtue of this Act, shall not exceed in value Ten Thousand Pounds, to be held in Sixteen Hundred Shares, of Six Pounds Five Shillings each ; and that the Shares of the said Capital Stock may, after the first Instalment thereon has been paid,

Stock, inclusive of Real Estate, not to exceed £10,000.

Shares may be transferred.

be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a Book or Books, to be kept for that purpose by the said Company.

When Directors are appointed, instalments of Stock may be called in.

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

Harbour not to be commenced until first Instalment is paid.

Stockholders making default in payment of Stock, to forfeit their Shares.

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

Annual Dividends to be made.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, to make Annual Dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable; and that once in each year, an exact and particular Statement shall be rendered of the state of their Affairs, Debts, Credits, Profits and

Losses, such Statement to appear on the Books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

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

Harbour may be assumed by His Majesty, after fifty years, upon paying, &c.

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

When assumed by His Majesty tolls to be paid to Receiver General.

No exclusive right given to fish within the Harbour to the Company :

Persons not to fish within 100 yards of works erected by the Company.

Persons offending against last Section liable to be fined, or imprisoned in default of paying fine.

Legislature may alter or amend the provisions of this Act.

XVIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall give to the said Company, or be construed to give to the said Company, the exclusive right of Fishing within the said Harbour or Lake Shore, within the limits before mentioned ; and that it shall not be lawful for any person or persons to take, catch or kill, or to attempt to take, catch or kill, any Fish, by Torch or Fire-light, within one hundred yards of any work erected by the said Company.

XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be duly convicted, by the oath of one or more credible Witness or Witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill, any Fish in manner aforesaid, such person or persons respectively, upon conviction, as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings, for every offence so committed, with all reasonable costs, both before and after conviction, or in default of payment, to be committed to the Common Gaol of such District, as aforesaid, for a term of not more than thirty days, nor less than two days, unless the fine and costs are sooner paid.

XX. *And be it further enacted by the authority aforesaid,* That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto, which may seem to them expedient.

CHAP. XLVIII.

AN ACT to Incorporate sundry Persons, under the style and title of the President, Directors and Company, of the Colborne Harbour.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the construction of a safe and commodious Harbour at Keeler's Creek, near the Village of Colborne, in the Townships of Cramahe and Haldimand, and Newcastle District, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Ontario : *And whereas,* Joseph A. Keeler, Dugald Cameron, John Steele, Ozem Strong, James D. Goslee, Burrage Yale McKays, and others, have petitioned to be by law Incorporated, for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Joseph A. Keeler, Dugald Cameron, John Steele, Ozem Strong, James D. Goslee, Burrage Yale McKayes, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, by and under the name of "The President, Directors, and Company of the Colborne Harbour," and by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, in all manner of Suits, Actions, complaints, matters, and causes whatsoever; and that they and their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also, that they and their Successors, by the same name of "The President, Directors and Company of the Colborne Harbour," shall be in Law capable of purchasing, having and holding, to them and their Successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on the account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on business of Banking.

Colborne Harbour
Company Incorporated.

Business of Banking
prohibited.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charge, to construct a Harbour at or near Keeler's Creek, near the Village of Colborne aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description of Vessels as commonly navigate the said Lake; and also to erect and build all such needful Moles, Piers, Wharves, Buildings and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of Vessels entering, lying, loading and unloading, within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Company authorized
to construct Harbour.

And to contract and agree for land, &c. necessary for its construction.

Arbitrators may be appointed to ascertain value of lands taken, and damages done to lands, &c.

Award subject to be set aside by Court of King's Bench;

Company not to assume possession of lands until payment be made, or tendered to owner.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any land, through or upon which they may determine to cut and construct the said Harbour, with all necessary and convenient Roads, Streets and Approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land, as may be actually necessary for the purposes of said Company, or for the damages which he, she or they, shall and may be entitled to recover from the said Company, in consequence of the said intended Harbour, Roads, Streets and Approaches thereto, being cut, made and constructed, in and upon his, her or their respective lands; and in case of any disagreement between the said Directors, and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful, from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said Meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always,* that any award made under this Act, shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds, as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators, as hereinbefore provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties interested therein; and shall not in any manner obstruct or interfere with the Highway now passing the mouth of the said Keeler's Creek, and shall construct and maintain a good and sufficient Bridge across the same, without any charge to the public.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed, as to be capable of receiving and sheltering Vessels, the said Company shall have full power and authority to ask for, receive, demand and take, as Tolls, to and for their own proper use and benefit, and behoof, on all Goods, Wares and Merchandise, shipped or landed on board or out of any Vessel or Boat, from or upon any part of the Lake Shore, near to the mouth of Keeler's Creek, embracing the Lake Shore, in front of Lots numbers Thirty-four and Thirty-five, in the Township of Cramahe, and numbers One and Two in the Township of Haldimand, in the said District of Newcastle, and upon all Vessels and Boats entering the said Harbour, according to the Rates following, that is to say: Pot and Pearl Ashes, per barrel, sixpence; Pork, Whiskey, Salt Beef, and Lard, per barrel, fourpence; Flour, per barrel, threepence; Merchandize, per barrel bulk, fourpence; Lard and Butter, per keg, one penny; Merchandize, per ton, five shillings; West India Staves, per thousand, two shillings; Shingles, per thousand, sixpence; Shingle Bolts, per cord, three shillings; Pipe Staves, per thousand, ten shillings; Deals, per hundred pieces, three shillings; Wheat and other Grain, per sixty pounds, one penny; Lumber, per thousand feet board measure, one shilling; Boats, under five tons, free; Boats and Vessels, under twelve tons, one shilling and threepence; Boats and Vessels, above twelve tons, and not over fifty tons, two shillings and sixpence; Vessels over fifty tons, five shillings; and all articles not enumerated to pay in proportion to the above Rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided, nevertheless,* that the said Directors shall have power to reduce the said Rate of Tolls, should they see fit.

When Harbour completed for reception of vessels tolls may be demanded;

According to the rates set forth.

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

Harbour, tolls, &c. vested in Company.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant, duly appointed, to seize and detain the Goods, Vessels or Boats, or other Craft, on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant, as aforesaid, may sell and dispose of the said

Parties refusing to pay tolls, goods, &c. may be seized, &c. and sold.

Goods, Vessels or Boats, or other Craft, or such part thereof as may be necessary to pay the said Tolls, by public auction, giving ten days notice thereof, and return the overplus (if any) to the Owner or Owners thereof.

Number of Directors
of Company ;

Qualification ;

By whom, and when
elected, and in what
manner ;

President to be elected
by Directors.

Votes of Stockholders
proportioned.

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

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

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

Remedy in case election of Directors does not take place on day named in Act.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and subscribe such Rules and Regulations, 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 duties of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

Directors may make rules, &c.

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in April, after the passing of this Act, a Meeting of the Stockholders shall be held at the Village of Colborne aforesaid, who, in the same manner as hereinbefore provided, shall proceed to elect five persons to be Directors, who shall continue in such Office until the first Monday in April next, after their Election, and who, during such continuance, shall discharge the duties of Directors, in the same manner as if they had been elected at an Annual Election: *Provided always,* that if Shares to the amount of One Thousand Pounds, of the Capital Stock of the said Company shall not be taken, then the said Meeting shall not be held, until that amount of Stock shall have been taken up, and at least thirty days notice thereof shall be given in the Upper Canada Gazette, and any Newspaper or Newspapers that may be published in the said District.

First election of Directors to take place on third Monday in April, if £1000 stock subscribed;

If that amount be not subscribed, then election to be deferred, &c.

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

Capital Stock of Company, inclusive of Real Estate, not to exceed £4000.

When Directors are appointed, Stock may be called in.

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

Harbour not to be commenced until first instalment paid.

Stockholders to forfeit stock if instalments not paid.

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

Annual dividends to be made.

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

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

Harbour may be assumed by His Majesty after fifty years upon certain conditions.

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

When Harbour resumed tolls to be paid Receiver General.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall remain in the power of the Legislature, to make any alterations in

Legislature may make alterations in this Act.

the Provisions of this Act, or any addition thereto, which may seem to them expedient.

CHAP. XLIX.

AN ACT to Incorporate sundry Persons under the style and title of the President, Directors and Company, of the Port Darlington Harbour.

[Passed 4th March, 1837.]

Preamble,

WHEREAS, the construction of a safe and commodious Harbour at the mouth of Barber's Creek, in the township of Darlington, in the District of Newcastle, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Ontario: *And whereas*, Robert Fairburn, William Warren, H. J. Reid, David Smart, John Lister, John Farley, and others, have Petitioned to be by law Incorporated, for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Robert Fairburn, William Warren, H. J. Reid, David Smart, John Lister, John Farley, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be, and are ordained, constituted, and declared to be, a Body Corporate and Politic, in fact, by and under the name and style of "The Port Darlington Harbour Company," and that by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also, that they

Company Incorporated.

and their successors, by the same name of "The Port Darlington Harbour 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 the account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of Banking.

Not to engage in
business of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own cost and charge, to construct a Harbour at the mouth of Barber's Creek, in the Township of Darlington aforesaid, which shall be accessible to, and fit, safe and convenient, for the reception of such description and burthen of Vessels as usually navigate Lake Ontario; and also to erect and build, all such needful Moles, Piers, Wharves, Buildings, and erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and also for the accommodation and convenience of Vessels entering, lying, loading and unloading, within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Company may con-
struct Harbour at
mouth of Barber's
Creek, in Darlington.

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

May agree with
owners of land for
purchase thereof.

If no agreement
made, Arbitrators
may be appointed.

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

Award may be set aside by Court of King's Bench.

When Harbour completed so as to admit and shelter vessels, tolls may be exacted.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed, as to be capable of receiving and sheltering Vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, as Toll, to and for their own proper use and benefit, and behoof, on all Goods, Wares and Merchandize, shipped or landed on board or out of any Vessel or Boat, from or upon any part of the Lake Shore, between the Eastern side of Lot Number Eight, and the Western side of Lot Number Fourteen, in the Township of Darlington, in the said District of Newcastle, and upon all Vessels and Boats entering the said Harbour, according to the Rates following, that is to say : Pot and Pearl Ashes, per barrel, ninepence ; Pork, Whiskey, Salt, Beef, and Lard, per barrel, sixpence ; Flour, per barrel, fourpence ; Merchandize, per barrel bulk, sixpence ; Lard and Butter, per keg, one penny half-penny ; Merchandise, per ton, seven shillings and sixpence ; West India Staves, per thousand, two shillings and sixpence ; Pipe Staves, per thousand, twelve shillings and sixpence ; Wheat and other Grain, per sixty pounds, one penny ; Lumber, per thousand feet, Board measure, one shilling and threepence ; Boats and Vessels, under twelve tons, one shilling and threepence ; Boats under five tons, free ; Boats and Vessels above twelve tons, and not over fifty, two shillings and sixpence ; Vessels over fifty tons, five shillings.

Rates of tolls.

Harbour, tolls, &c. vested in Company.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, Piers, Wharves, Buildings, Erections and all materials, which shall be, from time to time, got or provided for constructing, building,

maintaining or repairing the same, and the said Tolls on Goods, Wares or Merchadize, as herein before mentioned, shall be and the same are hereby vested in the said Company and their Successors for ever.

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

Persons refusing to pay tolls, goods &c. may be seized ;
and sold.

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

Number of Directors for management of the affairs of the Company ;
Qualification ;
When elected ;
By whom elected, and in what manner ;
President to be elected by Directors.

pen, by a person or persons to be nominated by a majority of the Directors.

Votes of Stockholders proportioned.

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

If Directors not elected on day appointed by Act, provision made for the omission.

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

Directors may make rules, &c.

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

Directors to be elected on third Monday in June;

XI. *And be it further enacted by the authority aforesaid,* That on the third Monday in June, after the passing of this Act, a Meeting of the Stockholders shall be held at Darlington, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such Office until the first Monday in June next after their Election, and who, during such continuance, shall discharge the duties of Directors, in the same manner as if they had been elected at the Annual Election: *Provided always,* that if Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said Meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice thereof given in the Gazette, or in any Newspaper or Newspapers that may be published in the said District.

If £1000 of stock has been subscribed: if not taken up, election to be deferred until subscribed.

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

Capital Stock of Company, including real estate, not to exceed £10,000.

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

How stock to be called in;

Harbour not to be commenced until first instalment paid in.

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

Stockholders neglecting to pay up stock to forfeit shares.

Newspapers that may be published in the District of Newcastle; and that the Instalment due may be received in redemption of any such forfeited Share, at any time before the day appointed for the sale thereof.

Annual dividends to be made.

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

His Majesty may assume Harbour after fifty years, upon certain terms.

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

When assumed by His Majesty, tolls to be paid Receiver General.

XVII. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property in and to the said Harbour, shall have been assumed by His Majesty, His Heirs or Successors, as hereinbefore authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs

and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within two years, and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained shall cease, and be utterly null and void.

XVIII. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall give to the said Company, or be construed to give to the said Company, the exclusive right of fishing within the said Harbour, or Lake Shore, within the limits before mentioned. Exclusive right of fishing in Harbour not given to Company.

CHAP. L.

AN ACT to enable the Canada Company to erect a Harbour at Goderich, on Lake Huron.

[Passed 4th March, 1837.]

WHEREAS E. C. Taylor, and others, have petitioned that the Canada Company may have authority to erect a Harbour at Goderich, and collect Tolls to defray the expense of the same: *And whereas*, the improvement of the Harbour at Goderich, situate on Lake Huron, in the London District, would be of great advantage to the owners of Vessels navigating the said Lake, as well as to persons in general living there and in the adjacent country: *And whereas*, the Canada Company's Commissioners, on behalf of the said Company, having already, under a lease of the Water Lots from the Government, expended considerable sums of money in improving the said Harbour, and being still desirous of completing the work in such a manner as should render the Harbour available to such class of Vessels as usually navigate Lake Huron, by carrying out additional lengths of Pier, and erecting such other walls as should effectually remove the remains of the bar at the mouth of the River, and also of erecting suitable Wharves and Warehouses, for the accommodation of Vessels loading or discharging their Cargoes: *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

Company authorised to improve Harbour so as to admit Vessels, within five years.

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 Canada Company, within five years from the passing of this Act, to improve the Harbour at the place aforesaid, in such manner as shall render it accessible to, and fit, safe and convenient, for the reception of such description and burthen of Vessels as commonly navigate the said Lake, and in the constructing of the said Harbour to erect and build all such needful Moles, Piers, Wharves, Erections, Buildings and Edifices, as shall be useful and proper, for the protection of the said Harbour, and for the accommodation of Vessels entering or lying within the same.

When completed so as to admit free passage of Vessels, Company may demand toll.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed, as to be capable of admitting the free passage of Vessels into the same, the said Canada Company shall have full power and authority to ask for and demand Toll, as hereinafter mentioned.

Rates of toll to be demanded.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Canada Company, to ask, demand and receive Toll, of and from all and every Master, Owner or Person, in charge of any Vessel or Boat, passing into the said Harbour, and also on any Goods, Wares, or Commodities, loading or unloading within the same, according to the Rate following, that is to say :

Pot and Pearl Ashes, per barrel, fourpence.

Salt, Pork, Beef and Whiskey, per barrel, threepence.

Flour, per barrel, twopence.

Lard and Butter, per barrel, threepence.

Lard and Butter, per keg, one penny.

Boards, per thousand feet, one shilling and threepence.

Lumber, per thousand feet, board measure, one shilling and threepence.

Pipe Staves, per thousand, ten shillings.

West India Staves, per thousand, two shillings and sixpence.

Wheat, and all other Grain for exportation, per bushel, one penny.

Merchandize, per barrel bulk, ninepence.

Merchandize, per hundred weight, threepence.

Boats, under twelve tons, one shilling and threepence.

All Boats or other Vessels, under ten tons burthen, free.

Boats and Vessels, above twelve tons, and under fifty, two shillings and sixpence.

All Vessels, over fifty tons, five shillings.

All other Articles of Merchandize, not here enumerated, per barrel bulk, ninepence.

All other Articles of Merchandize, not here enumerated, per hundred weight, threepence.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the said Tolls or Dues, to be collected under this Act, it shall and may be lawful for the said Canada Company, or their Agent 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 shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said Canada Company, or their Agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said Tolls or Dues, by Public Auction, after ten days Public Notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

Parties refusing to pay toll, Vessel and Goods may be seized;

And sold.

V. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty, at any time beyond the space of thirty years, to purchase the entire Estate, Property, and use of the said Harbour from the said Canada Company, the estimated value of the Works so erected by the said Company, at the time that they shall be so purchased, to be ascertained by Arbitration of three persons, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said Canada Company, and a third by such two Arbitrators, together with Twenty per Centum advance thereupon, to the credit of which payment all revenue exceeding Twenty per Centum upon the said bona fide expenditure, and over and above the expenses of maintaining and repairing the said Harbour, shall be charged and taken; and it is also hereby provided and declared, that if any deficiency of the said Twenty per Cent. annual profit should occur in the receipt of the Tolls or Dues of the said Harbour, as hereinbefore established, such deficiency shall be also charged against the increasing revenue of the subsequent years, so that the said Canada Company may fairly and actually receive the sum of Twenty per Cent. on the Capital expended, for the whole time for which they shall have been in legal possession and enjoyment of the said Harbour.

Province may purchase Harbour after 30 years, on certain conditions.

VI. *And be it further enacted by the authority aforesaid,* That whenever the said Tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Harbour, and to afford an annual income to the said Canada Company of Twenty per Cent. profit upon the Capital actually expended in the construction of the said Harbour, from the time of the commencement of its use by vessels, as aforesaid, then and in such case, the increasing surplus

When annual receipts of Company, from tolls, exceed 20 per cent. profit on Capital expended, excess to constitute a sinking-fund, for purchase of the Harbour by the Province.

revenue of the said Tolls shall be charged against the said Canada Company, as so much by them received in the nature of a sinking fund, by means whereof to purchase from the said Canada Company, the entire estate, use and property, of the said Harbour, with the Wharves, Piers and other appurtenances, to and for the use of the public, in such manner and form as the Legislature of this Province may hereafter provide.

Company, when required by Legislature, to render account of Imports and Exports, and tolls received.

•VII. *And be it further enacted by the authority aforesaid,* That the said Canada Company shall, at any time when so required by either branch of the Legislature, furnish a true and correct copy, verified upon oath, of the imports and exports into and out of the said Harbour, and of the Tolls and Dues levied and collected on the same, and that after the first day of January, in the year of our Lord one thousand eight hundred and forty-seven, the Rate of Tolls to be charged and taken by the said Canada Company at the said Harbour, on all Goods imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

CHAP. LI.

AN ACT to Incorporate sundry persons under the style and title of the Beverly Navigation Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil and others, have petitioned to be Incorporated for the purposes of this 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 said Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil, together with all

Company incorporated.

such other persons as shall become Stockholders of the Company herein-
 after mentioned, shall be, and are hereby ordained, constituted and de-
 clared to be, a Body Corporate and Politic, in fact, and by the name of
 “The Beverly Navigation Company”; and that by that name they and
 their Successors shall and may have continued succession; and by that
 name shall be capable of contracting and being contracted with; of suing
 and being sued; pleading and being impleaded; answering and being
 answered unto in all Courts and places whatsoever, in all manner of
 actions, suits, complaints, matters and causes whatsoever; and that they
 and their Successors may and shall have a Common Seal, and may change
 and alter the same at their will and pleasure; and also, that they and
 their Successors, by the same name of “The Beverly Navigation Com-
 pany,” shall be in law capable of purchasing, having and holding, to them
 and their Successors, any Estate, real, personal or mixed, to and for the
 use of the said Company, and of letting, conveying, or otherwise departing
 therewith, for the benefit and on account of the said Company, from time
 to time, as they shall deem necessary or expedient.

II. *And be it further enacted by the authority aforesaid,* That the
 Directors of the Beverly Navigation Company, shall have full power and
 authority to explore the Country lying between the Village of Beverly, in
 the Township of Bastard, and the Rideau Canal, in South Crosby, both
 in the District of Johnstown, and to designate and establish, and for the
 said Company to take, appropriate, have and hold, to and for the use of
 them and their Successors, the line and boundaries of the intended Canal,
 with its necessary Locks, Towing-paths, Basins and Rail-ways, to connect
 the waters of Beverly Lake with those of the Rideau Canal, in South
 Crosby; and also to select such convenient Sites for such and so many
 Mills, Manufactories, Warehouses and other Erections, as may be required
 by the said Company for the purposes thereof, and to purchase the same
 to and for the use of the said Company: *Provided always,* that nothing
 hereinbefore contained shall extend, or be construed to extend, to compel
 the owner or owners of any Mill-seat to sell, convey or otherwise depart
 with the same to the said Company: *Provided also,* that the owner or
 owners of any Mill-seat or Mill-seats, using any additional supply of water
 brought thereto by the said Canal, shall pay a reasonable compensation
 therefor to the said Company, to be determined as hereinafter provided,
 for determining any damages done to property by the said Company.

Power given to ex-
 plore the country;

To select scites for
 Mills, &c.

Owners of Mill seats
 not compelled to
 convey.

Owners of Mills using
 water supplied by
 Canal, to pay for
 same.

III. *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
 and empowered, from and after the passing of this Act, to supply the said
 Canal, whilst making and when made, with Water from all such Brooks,
 and streams, &c. within distance of
 1,000 yards, except,
 &c.

Company may supply
 Canal with water
 from brooks, springs
 and streams, &c.
 within distance of
 1,000 yards, except,
 &c.

May make feeders, tunnels and aqueducts, for supplying Canal, except, &c.

May enter into lands and take levels, &c. except, &c.;

Also to bore, dig, trench, &c., and remove and carry away, and lay earth, soil, &c., in the making the Canal.

May erect bridges, tunnels, aqueducts, sluices, &c.

May alter, repair, amend, widen, &c. the Canal.

May lay and manufacture materials, &c. on grounds adjacent.

Springs, Streams, Water Courses, Hollows or other Repositories of Water, as shall be found in making the said Canal, or within the distance of one thousand yards, except as hereinbefore or hereinafter mentioned, from any part of the said Canal, or from any Reservoir or Reservoirs to be made for supplying the said Canal with water; and the said Company are hereby also authorised and empowered, by themselves and their Deputies, Agents, Servants and Workmen, to make one or more Reservoir or Reservoirs, and such and so many Feeders, Tunnels and Acqueducts, for supplying the said Reservoirs and Canal with water, and conveying water from any such Reservoir or Reservoirs to the said Canal, as to them shall seem necessary and proper (except as hereinafter or above mentioned); and for the purposes aforesaid the said Company, and their Agents, Servants and Workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the King's most Excellent Majesty, His Heirs and Successors, or to any other person or persons, Bodies Politic or Corporate, (excepting as is hereinbefore provided) and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal, and any such Reservoir or Reservoirs, Feeders, Tunnels and Acqueducts, and all such other matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, in the said intended 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, or in making of any Reservoir or Reservoirs, Feeder or Feeders, Acqueduct or Acqueducts, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be proper, requisite or convenient, for carrying on, continuing or repairing, the said Canal, or other of the said Works, or which may hinder, prevent or obstruct, the making, using, completing or maintaining the same; and also to make, build, erect and set up, in and upon the said Canal, or upon the lands adjoining or near the same, such and so many Bridges, Tunnels, Acqueducts, Sluices, Locks, Weirs, Pens for water, Tanks, Reservoirs, Drains, Wharves, Quays, Landing-places and other Works, Ways, Roads and conveniencies, as the said Company shall think requisite and convenient for the purposes of the said Navigation; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniencies above mentioned, as well for carrying or conveying of 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, furnishing, 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, Acqueducts, 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 they the said Company 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 and do, all other matters and things which they 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, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owner or occupier of such lands, tenements or hereditaments: *Provided*, that nothing in this Act contained shall extend, or be construed to extend, to authorise the said Company to divert or take away, for the use of the said Canal, the water of any Stream or River, so as to injure any Mills within the limits of the said intended Canal, without the consent of the owner or owners thereof.

May make drawing boats, barges, &c.

May erect and keep in repair piers, &c.

To make satisfaction to owners or occupiers of land, for damages.

Not authorized to take away water so as to injure any mill, without consent of owner.

IV. *And be it further enacted by the authority aforesaid*, That should the owner or owners, occupier or occupiers, of any Mill-seats on the line of the said Canal, or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated, by the cutting and making the said Canal, and for the compensation of which no provision is made in this Act, it shall and may be lawful for the said Company, and they are hereby required, to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by Arbitrators, as hereinafter provided, to ascertain the value of Lands and Tenements to be purchased, or the amount of damages in any case sustained: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to compel the said owner or owners, occupier or occupiers, of any such Mill-seats to sell, convey or otherwise dispose of the same to the said Company.

Company required to purchase mills on the line of Canal, or within 500 yards, if owner consider the same injured. Value to be ascertained, &c.

Owners of mills not compelled to sell.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, in constructing and making the

Company may take water from Beverly Lake.

said Canal from Beverly to the Rideau Canal aforesaid, to take and appropriate, for the use of the said Canal, as much Water as they may find necessary, from and out of the said Beverly Lake, and those connected with or entering into the same; and it shall and may be lawful for the said Company to erect, at the mouth of the Canal, a Pier or Piers if necessary, and at the point of departure of the said Canal from the said Beverly Lake, for the use of the said Company, and the purposes of Transport on the said Canal: *Provided, nevertheless*, that the said Company shall not at any time, nor in any way, take from the Beverly Lake any greater quantity of Water than is necessary for the purpose of the said Canal for Navigation only, and shall not lower the depth of Water in the Beverly Lake, the Rideau Canal, or their tributary Streams, so as in any way to affect their Navigation, or the Machinery thereon erected, or that may be hereafter erected on the said Beverly Lake, the said Rideau Canal, or their tributary streams.

May erect a pier at mouth of Canal, at point of departure from Beverly Lake.

Not to take more water than is necessary, and not to lower the depth of the water in Beverly Lake or Rideau Canal, &c. so as to affect the navigation, or the Machinery erected thereon.

Parties interested may sell and convey lands set apart for purposes of Canal.

VI. *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 hereinbefore mentioned, it shall and may be lawful for all Bodies Politic, Communities, Corporations, Aggregate or Sole Guardians, and all other Trustees whomsoever, 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 are or shall be possessed of or interested in any Lands or Grounds which shall be set out and ascertained, as aforesaid, to contract for, sell and convey, unto the said Company, all or any part of such Lands or Grounds which shall, from time to time, be set out and ascertained, as aforesaid; and that all such Contracts, Agreements and Sales, shall be valid and effectual in Law, to all intents and purposes whatsoever, any Law, Statute or usage, to the contrary thereof in anywise notwithstanding; and the amount thereof shall be established in the manner hereinafter mentioned, for the determination of the value of Lands or other Tenements to be purchased by the said Company, and of the amount of damages committed thereby.

Company may contract for purchase of lands required for use of Canal, or for settlement of damages claimed.

VII. *And be it further enacted by the authority aforesaid*, That the Directors of the said Company shall be, and the same are hereby empowered to contract, compound, compromise and agree, with the owners and occupiers of any Land, through or upon which they may determine to cut and construct the said intended Canal, with all necessary and convenient Locks, Towing-paths, Rail-ways, and other erections and constructions contemplated by this Act, to be cut, erected, constructed and built, either

for the absolute purchase of so much of the said Land, as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to recover from the said Company, 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 in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful, from time to time, as often as the said Directors, or any of the said owners or occupiers shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one indifferent person, and for the said Directors to nominate and appoint another person, who, together with one other person to be elected by the said persons so named, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said intended Canal, to be appointed by the said Directors, within eight days after notice being given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices in and for the said District, any of whom may be required to attend the said Meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always*, that no Arbitrator shall be compellable to attend any such Meeting of the Arbitrators aforesaid, who shall usually reside more than fifty miles from the place of Meeting: *And provided always*, that the damages so awarded, shall be paid by the said Company within three months after such award shall have been made, and in default thereof, the owner or owners may re-enter, possess and enjoy the same, as if this Act had not been passed.

In case of disagreement, Arbitrators to be chosen;

Who are required to proceed with arbitration at some convenient place, within a certain time after notice given.

Arbitrators to be sworn.

No person compelled to attend as Arbitrator who resides more than fifty miles from place of meeting.

Damages to be paid in three months, or owner of lands may re-enter, &c.

VIII. *And be it further enacted by the authority aforesaid*, That any award made under this Act, shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitrators, as hereinbefore provided.

Award may be set aside by writ of King's Bench.

Bridges to be erected
by Company, and
kept in repair;

In default, subject
to a penalty.

Persons wilfully and
maliciously injuring
or obstructing Canal,
liable to punishment.

Persons floating tim-
ber, or overloading
Boat or Vessel on
Canal, so as to ob-
struct the navigation,
to remove the same;

Subject to penalty,
for not doing so.

IX: *And be it further enacted by the authority aforesaid,* That when and so often as it shall be necessary to cut into any Highway, in order to conduct the said Canal through the same, the said Company of Proprietors shall, within one month, cause to be constructed a sufficient and commodious Bridge, for the passing of Carriages, in order to re-establish the communication between the several parts of such Highways, and keep the same in repair, under the penalty of Five Pounds Currency, for each and every day after the expiration of the said time, which the said Company shall neglect to construct such secure, sufficient and commodious Bridge, as aforesaid.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break, throw down, damage or destroy, any Bank, Lock, Gate, Sluice, or any Works, Machine or Device, 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 forfeit and pay to the said Company, the value of the damage proved by the oath of two or more credible witnesses to have been done, such damages, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the Common Gaol, for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

XI. *And be it further enacted by the authority aforesaid,* That if any person shall float any Timber on 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 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 the 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 Currency; and if any person shall throw any Ballast, Gravel, Stones or Rubbish, into any part of the said Canal, every such person shall, for every such offence, forfeit a sum not exceeding Five Pounds Currency, which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said Navigation.

XII. *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 Servants of the said Company, made for that purpose, remove the same, he shall, for every such offence, forfeit a penalty of Ten Shillings of lawful money of the Province of Upper Canada, for every hour such obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company, 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 said Navigation, and to seize and detain such Boat, Vessel or Raft, and the loading thereof, or any part of such loading, 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 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 or Servants of the said Company, to cause such Boat or Vessel to be weighed or drawn up, and to retain and keep the same, until payment be made of all expenses necessarily occasioned thereby.

Boat, Vessel or Raft, so placed as to obstruct navigation, to remove the same.

Penalty for not doing so.

May be unladen or removed by Agents or Servants of Company, and seized and detained until expense of unloading or removal be paid.

Boats or vessels sunk in Canal and not weighed or drawn up by owners, may be weighed or drawn up by Company, and detained until expense paid.

XIII. *Provided always, 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 Pleasure Boats, or any Boats upon the said Canal, 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 passing through any Lock without the consent of the said Company, their Successors or their principal Agent, for the time being,) without interruption from the said Company or their Successors, 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 Merchandize to Market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the Navigation of the said intended Canal, or the Towing-paths thereof.

Owners and occupiers of land adjoining Canal, may use pleasure-boats, or for purpose of husbandry, &c. without any charge being made by Company.

XIV. *And whereas,* it may hereafter happen from Floods, or from some unexpected accident, that Weirs, Flood-gates, Dams, Banks, Reservoirs, Trenches or other Works, of the said Navigation, may be damaged or destroyed, and the adjacent Lands or Property thereon thereby damaged, and that it may be necessary that the same shall be immediately repaired or re-built, to prevent further damages: *Be it therefore further enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Company, from time to time, or for their

Company may enter on adjacent lands, to repair damages arising from accident:

or any of their Servants, Agents or Workmen, 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 intended 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, 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 owners and occupiers 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 by 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 other damages done by the making and completing the said Navigation.

Not being an orchard;

And procure materials.

Making recompense in 6 months after demand made.

Manner of ascertaining damages.

Places to be constructed to admit boats to turn and pass each other.

Vessels, &c meeting each other, to go back to places so prepared.

Tolls to be regulated and established;

And to exhibit accounts to Legislature.

If tolls excessive, Legislature may reduce the same.

XV. *And be it further enacted by the authority aforesaid,* That the said Company 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 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 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 the said Directors, or the major part of them, under their hands, shall direct and appoint.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company to regulate, from time to time, and establish the Rates of Toll payable by persons navigating upon the said Canal; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the Tolls collected upon the said Canal, and of the sums expended in keeping the same in repair, and also of the Goods, Wares and Merchandize, transported in and along the same: *Provided always,* that if at any time after the expiration of five years, from the time of the commencement of the navigation upon any part of the said Canal, the Legislature shall

deem the Tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than Twenty per Cent, on the Capital actually expended in making the said Canal.

XVII. *And be it further enacted by the authority aforesaid,* That the said Company shall, at their first General Meeting, held after any part of the Canal shall be finished, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and that it shall and may be lawful for the Directors of the said Company, to alter the said Rates at any subsequent Meeting, after giving three months public notice of the same, and that a Schedule of Rates shall be affixed on the public places, on the route of the said Canal.

Tolls when and how declared, and notice given of the amount.

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 Five Pounds; and it shall be lawful for the said Company, or their Toll-gatherer, or such person or persons as shall be appointed by them 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 by the said Company, or their Toll-gatherer, shall have alone the power of ascertaining such Tonnage.

Mode of ascertaining tonnage of boats, &c. navigating Canal.

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 private 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 hauling such Boats and Vessels, upon payment of such rates or dues as shall be established by the said Company.

All persons to have permission to use private roads and ways of Company, except towing-paths.

And to use wharves &c. and towing-paths, upon payment of tolls to be established.

To whom dues to be paid.

In case of denial, party may be sued, or goods may be seized.

XX. *And be it further enacted by the authority aforesaid,* That the said several dues shall be paid to such person or persons, at such place or places near to the said Canal, in such manner, and under such regulations as the said Directors shall direct or appoint; and in case of denial or neglect 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 Company may sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates ought to be paid may, and he is, and they are, hereby 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.

Shares in Company to be one thousand, of £5 each. Books to be opened for subscribing to shares.

XXI. *And be it further enacted by the authority aforesaid,* That each Share of the said Company shall be Five Pounds, and the number of Shares shall not exceed One Thousand; and that books of subscription shall be opened at such places in this Province, within two months after the passing of this Act, by such person or persons, and under such regulations, as the majority of the said Petitioners, assembled at a meeting to be called by three or more of them in the Town of Beverly, for that purpose, shall direct.

Number of Shares that may be subscribed for in the first instance.

Manner of calling in instalments.

Forfeiture of Stock in the event of non-payment of instalments.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's Subjects or others, to subscribe for any number of Shares, (not exceeding in the first instance fifty shares) the amount whereof shall be due and payable to the said Company, in the manner hereinafter mentioned—that is to say, Ten per Cent. on each Share so subscribed, shall be payable to the said Company, immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than Ten per Cent, at such periods as the President and Directors, shall from time to time direct and appoint for the payment thereof: *Provided*, that no instalment shall be called for in less than ninety days after public notice shall have been given, in three or more of the Newspapers of this Province: *Provided always*, that if any Stockholder or Stockholders as aforesaid, 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 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 ninety 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 as aforesaid, by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to a Certificate of such Share or Shares, so to be purchased as aforesaid.

XXIII. *And be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed, within two months after the Books of Subscription shall have been opened, as aforesaid, then and in such case it shall and may be lawful for any former subscriber, to increase his, her or their Subscription, and that after the first instalment shall have been paid to the said Company, the said Shares shall become transferrable on the Books of the said Company: *Provided always,* that until the said Canal shall be completed, from Beverly to the Rideau Canal, no part of the funds paid in shall be applied to any other purpose whatsoever, and the said Company shall proceed to the completion of the whole, with as little delay as possible.

If whole number of shares be not subscribed within two months, then Subscribers at liberty to increase their stock.

Until Canal completed from Beverly to Rideau Canal, funds not to be applied to any other purpose.

XXIV. *And be it further enacted by the authority aforesaid,* That soon as One Thousand Pounds shall have been subscribed, it shall be lawful for such Subscribers, or any of them, to call a Meeting at some place to be named in the said Town of Beverly, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned; and such Election shall then and there be made, by a majority of Shares voted for in manner hereinafter prescribed, in respect of the Annual Election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in April succeeding their election; and the Directors so chosen shall, as soon as a Deposit amounting to Two Hundred and Fifty Pounds upon the Shares subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Company: *Provided always,* that no such Meeting of the said Subscribers shall take place, until a notice is published in three or more Newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

When £1000 subscribed, a meeting to be called for election of Directors;

Who are to continue in office until the first Monday in April following;

When a deposit of £250 is made, Company may commence operations:

Notice having been first given.

XXV. *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 Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected on the first Monday in July, in every year, at such place in the Town of Beverly, as a majority of the Directors for the time being shall appoint, and Public Notice thereof shall be given by the said Directors, in three

Number of Directors. A President to be chosen.

Time of holding election of Directors.

Manner of conducting
the election.

Succession in office
of Directors.

Directors absenting
themselves from the
Province, to vacate
their office, and others
to be elected.

Directors to hold
ten shares.

Votes of Stockholders
proportioned.

or more Newspapers printed within this Province, of such time and place, not more than sixty, nor less than thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose in their own proper persons or by proxy; and all Elections for Directors shall be by Ballot, and the five persons who shall have the greatest number of votes at any Election shall be Directors, except as is hereinafter directed; and if it shall happen at any Election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such Election, shall proceed by Ballot a second time, and by plurality of votes determine 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 two of the Directors who shall be chosen at the preceding year, excepting the President, shall be ineligible to the Office of Director, for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than three of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the Election of such person or persons above the said number, and who shall have the smallest number of votes, shall be considered void; and such other Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible, as aforesaid; and the President for the time being, shall always be eligible to the Office of Director, but Stockholders not residing within the Province, shall be ineligible; and if any Director shall absent himself from the Province, and shall cease to be an inhabitant thereof for the space of six months, his Office shall be considered vacant; and if any vacancy or vacancies should at any time happen among the Directors, or in the Office of President, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors: *Provided always*, that no person shall be eligible to be a Director, who shall not be a Stockholder to the amount of at least ten Shares.

XXVI. *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 three months prior to the time of voting, (except at the first Elec-

tion,) 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.

XXVII. *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 other day, to hold and make an Election of Directors, in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Remedy in case election of Directors not made at time appointed.

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, to make Half-yearly Dividends of so much of the profits of the said Company, as to them or a majority of them, shall appear advisable; and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratio as hereinbefore established, at a General Meeting to be called for that purpose, an exact and particular Statement shall be rendered of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus profits, if any, after deducting Losses, Dividends and Expenditures.

Dividends to be declared.

Accounts to be rendered when desired by Stockholders.

XXIX. *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, employed by 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.

Directors to make rules and regulations;

Not repugnant to laws of Province.

XXX. *And be it further enacted by the authority aforesaid,* That every Treasurer, before he enters into the duties of his Office, shall give Bond, with two or more Sureties, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

Treasurer to give bond, with Sureties.

Manner of recovering penalties.

XXXI. *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 Corporation, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is hereinbefore directed, shall, upon proof of the offences respectively, before any one Justice of the Peace for the District of Johnstown, either by confession of the party or parties, or by the Oath of one credible Witness, (which Oath such Justice is hereby empowered and required to administer, without fee or reward,) be levied by distress and sale of the goods and chattels of the parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered to grant,) 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 forthwith be paid, it shall and may be lawful for such Justice, by Warrant under his Hand and Seal, to cause such offender or offenders to be committed to the Common Gaol of the Johnstown District, there to remain, without bail or mainprize, for such time as such Justice may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; all which said penalties and forfeitures, when levied and satisfied, in manner aforesaid, shall be paid to the said Company, to be by them applied for the purposes of the said Navigation.

In case of non-payment of penalties, offender may be imprisoned.

Penalties recovered, to be applied for the purposes of the navigation.

Extent of land to be taken for Canal and Towing-paths.

XXXII. *And be it further enacted by the authority aforesaid,* That the land and ground to be taken and used for the said Canal, the Towing-paths and the Ditches, Drains and Fences, to separate any such Towing-paths from the adjoining lands, shall not exceed forty yards in breadth, except in such places where the said Canal shall be raised higher, or cut above four feet deeper than the present surface of the land; and in such places where it shall be judged necessary for Boats and other Vessels, and Rafts, to turn, lie or pass each other, not more than sixty-five yards in breadth in any of those places, without the consent of the owner or owners of such land or ground respectively, under his, her or their, hand or seal, in writing, first had and obtained; nor shall any land or ground be let out, ascertained, contracted for or sold, for the purpose of making any navigable Cut, Trench or Sluice, to convey Goods or other things to or from the said Canal, without such consent, as aforesaid, any thing in this Act contained to the contrary notwithstanding.

His Majesty may assume Canal at the end of 50 years, upon certain conditions.

XXXIII. *And be it further enacted by the authority aforesaid,* That after a period of fifty years after the making and completing of the said

Canal, it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, or in anywise appertaining, upon paying to the said Company, their Heirs, Executors, Administrators and Assigns, the full amount of their respective Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Canal, together with such further sum as will amount to Twenty-five per Centum upon the monies so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place or stead of the said Company, their Heirs and Assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any complaint 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 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 so to be done, 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.

Actions brought against persons for any thing done under this Act, to be brought in 6 months.

Act and special matter to be given in evidence under general issue.

XXXV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever, the right of His Majesty, His Heirs and Successors, or of any person or persons, or of any Bodies Politic or Corporate, except as is herein expressly provided.

King's rights not to be affected, or of any individual, or Body Corporate, except, &c.

XXXVI. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefit and advantage to them granted by this Act, shall, and they are hereby required, to make and complete the said Canal, within seven years from and after the passing of this Act.

Canal to be completed in 7 years.

Persons possessing lands through which Canal may pass, may erect bridges.

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, possessing lands through which the said Canal shall pass, to erect a bridge or bridges at his or their own expense, to connect the parts of such land which shall be divided by the said Canal: *Provided always,* that such bridge or bridges shall not present greater obstacles to the navigation of the said Canal, than the bridges erected thereon by the said Company.

Legislature may make alterations in Charter.

XXXVIII. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred on the said Company, the Legislature may at any time hereafter, make such alterations in any of the provisions of this Act as they may think proper, for affording just protection to the public, or to any person or persons, in respect to their estate or property, or any interest therein, or advantage, privilege or convenience, connected therewith.

CHAP. LII.

AN ACT granting a Charter to an Incorporated Company, under the style and title of the President and Directors of the London and Devonport Rail Road and Harbour Company.

[Passed 4th March, 1837.]

Preamble.

Route of Rail Road, from town of London to Village of Devonport, at the mouth of Cat Fish Creek, on Lake Erie.

WHEREAS sundry Inhabitants of the County of Middlesex, in the District of London, have by petition set forth, that they labour under great disadvantages for want of good roads, whereby to export the surplus produce of the Country, and receive in return articles of indispensable necessity, for the transport of which they are now obliged to pay exorbitant prices: *And whereas,* the Petitioners have employed a skilful Engineer to explore the Country, by whose Report, and Map accompanying the same, it is ascertained that an excellent route for a Rail Road exists from the Town of London, in the London District, to the Village of Devonport, at the mouth of Cat Fish Creek, on Lake Erie, and the Petitioners have prayed to be Incorporated as a Joint Stock Company, for the purpose of constructing a Rail Road on the said route, and also a Harbour connected therewith, at the mouth of Cat Fish Creek 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 cer-

tain 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 Henry Dalley, William Dalley, William Huggins, Herbert Dalley, Edward Wilkins, Frederick Dalley, Edward Dalley, together with all such other persons, as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be, a Body Corporate and Politic, in fact, under the name and style of "The London and Devonport Rail Road and Harbour Company," and by this name they and their Successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded; answering and being answered unto in all manner of suits, actions, complaints, matters and causes whatsoever; and that they and their Successors shall and may have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their Successors, by the same name of "The London and Devonport Rail Road and Harbour 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 the account of the said Company, from time to time as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to allow the said Company to carry on the business of Banking: *And provided also*, that the real estate to be held by the said Company, shall be only such as may be necessary for the purpose of making, using and preserving, the said Rail Road and Harbour, and for objects immediately connected therewith.

Company Incorporated.

Not to carry on business of Banking;

Real estate to be held, only such as may be necessary for making and using Rail Road and Harbour.

II. *And be it further enacted by the authority aforesaid*, That the said Company, and their Agents or Servants, shall have full power under this Act, to lay out, construct, make and finish, at their own proper costs and charges, a double or single, Iron or Wooden Rail Road or Way, on and over any part of the Country lying between the Town of London, in the London District, and Lake Erie, at or near the Village of Devonport, at the mouth of Cat Fish Creek; and to take, carry and transport thereon, Passengers, Goods and Property, either in Carriages used and propelled by the force of Steam, or by the power of Animals, or by any mechanical or other power; or by any combination of power, which the said Company may choose to employ; and also, at their own costs and charges, to construct a Harbour at the mouth of Cat Fish Creek aforesaid, and connected with the said Rail Road, which shall be accessible to, and fit, safe and

Company to have power to lay out and construct double or single Rail Road;

And to transport Passengers, &c. by force of steam or otherwise;

To have power to construct a Harbour, &c. at mouth of Cat Fish Creek.

commodious, for the reception of such description and burthen of Vessels as usually navigate Lake Erie ; and also to erect and build all such needful Moles, Piers, Wharves, Buildings and erections whatsoever, as may be deemed safe and proper for the protection of the said Harbour, and for the accommodation and convenience of Vessels entering, lying, loading and unloading within the same, and to alter, amend, repair and enlarge the same, as may be found expedient and necessary.

Stock of Company, inclusive of real estate, not to exceed £50,000;

Shares transferable after first instalment paid.

III. *And be it further enacted by the authority aforesaid,* That the Capital or Stock of the said Company, inclusive of any real estate which they may have or hold by virtue of this Act, shall not exceed in value Fifty Thousand Pounds, to be held in Eight Thousand Shares, of Six Pounds Five Shillings each ; and that the Shares of the said Capital Stock may, after the first Instalment shall have been paid in, be transferred by the respective persons subscribing or holding the same, to any other person or persons, and such transfer shall be entered or registered in a Book or Books, to be kept by the said Company for that purpose.

Affairs of Company to be managed by seven Directors, one of whom to be President, and to hold not less than ten shares each, and be Inhabitants of the Province ;

Time and manner of election ;

IV. *And be it further enacted by the authority aforesaid.* That the Property, Affairs and Concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their Offices for one year ; which said Directors shall be Stockholders to the amount of at least ten Shares, as well as inhabitants of this Province, and be elected on the first Monday in June, in each and every year, at such place in the District of London, and at such time of the day as a majority of the Directors for time being shall appoint ; and public notice thereof shall be given in the Upper Canada Gazette, or in some Newspaper published in the London District, at least thirty days previous to the time of holding the said Election ; and the said Election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose in their own proper persons or by proxy ; and all Elections for such Directors shall be by Ballot, and the seven persons who shall have the greatest number of votes at any Election, shall be Directors ; and if it shall happen at any such Election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election, shall proceed to elect, by Ballot, until it is determined which of the said persons, having an equal number of votes, shall be Director or Directors, so as to complete the whole number of seven ; and the said Directors so chosen, 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 vacancy or vacancies shall, at any

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

Manner of filling vacancies.

V. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes, in proportion 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 ratios, that is to say: one Vote for each Share not exceeding four; five votes for six Shares; six Votes for eight Shares; seven Votes for ten Shares; and one Vote for every five Shares above ten.

Votes of Stockholders proportioned.

VI. *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 take place on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any day, to make and hold an Election of Directors, in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

Remedy in case election should not take place at times appointed.

VII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and subscribe such Rules and Regulations, 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 duties of the Officers, Clerks and Servants, and all such matters as appertain to the business of the said Company; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, with such salaries and allowances as to them shall seem proper.

Directors to make Rules, &c.

VIII. *And be it further enacted by the authority aforesaid,* That on the first Monday in June next, after the passing of this Act, a Meeting of the Stockholders shall be held at Devenport, in the District of London, who, in manner hereinbefore provided, shall proceed to the Election of Directors, who shall continue in such Office until the first Monday in June next after such Election, and who, during such continuance in Office; shall discharge the duty of Directors, in the same manner as if they had been elected at the Annual Election.

When first meeting to be held, &c for election of Directors.

IX. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been chosen, as aforesaid; it shall be lawful for them to

Stock to be called in.

call upon the Stockholders of the said Company, by giving thirty days notice thereof in the Upper Canada Gazette, or in some Newspaper that may be published in the London District, for an Instalment of not more than Ten per Cent. upon each Share which they or any of them may respectively subscribe, and that the residue of the sums on Shares held by the Stockholders shall be payable by Instalments, at such times and in such proportions as a majority of the Stockholders, at a Meeting to be expressly convened for that purpose, shall agree upon, so as no such Instalment shall exceed Ten per Cent., nor become payable in less than thirty days, after public notice in the Upper Canada Gazette, or other Newspaper, as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Rail-road and Harbour, until the first Instalment shall be paid in.

Rail Road and Harbour not to be commenced until first instalment paid in.

Stockholders refusing to pay in instalments to forfeit stock, &c.

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

Company may compound and agree with owners of land, &c. or for damages;

XI. *And be it further enacted by the authority aforesaid*, That the said London and Devenport Rail-road and Harbour Company may, and they are hereby empowered, to contract, compound, compromise and agree, with the owners or occupiers of any Lands, upon which they may determine to construct the said Rail-road and Harbour, either for the purchase of so much of the said Land and privileges as they shall require, for the purposes of the said Company, or for the damages which he, she or they, shall be entitled to receive of the said Company, in consequence of the said intended Rail-road or Harbour being made and constructed in and

upon his, her or their respective Lands; and in case of any disagreement between the said Company, and the owner or owners, occupier or occupiers, as aforesaid, it shall be lawful for each owner or occupier so disagreeing with the said Company, either upon the value of the Lands, Tenements, or private privilege proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of persons, who, together with one other person to be elected, by Ballot, by the persons so named, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay, to the respective persons entitled to receive the same; and that the said Arbitrators shall take into their consideration, the advantages the party or parties through whose Lands the said Rail-road may pass, may derive from its so passing, and the award of the majority of whom shall be final; and the said Arbitrators shall be, and are hereby required, to attend at some place convenient to the said Rail-road or Harbour, to be appointed by the said Company, then and there to arbitrate and award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the District of London, any one of whom may be required to attend the said Meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitration, as hereinbefore provided.

In case of disagreement Arbitrators to be chosen;

Arbitrators to be sworn.

Award subject to be set aside by Court of King's Bench.

XII. *And be it further enacted by the authority aforesaid*, That whatever sum of money may be finally awarded to any person or persons, as compensation for property required to be occupied by the said Company, or for damages occasioned by their interference with his, her or their property, rights or privileges, shall be paid within four months from the time of the same being awarded; and in case the Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor or proprietors to resume the occupation of such property, and to possess fully, his, her or their rights and privileges in respect thereof, free from any claim or interference from the said Company.

Sum awarded to be paid by Company in four months, or owner of lands, &c. may resume possession.

Company to have power to explore the Country ;

;

And to take and appropriate line and boundaries of Rail Road ;

to enter upon lands, &c. ;

To build and erect works, &c. ;

And to do all matters and things necessary, &c.

XIII. *And be it further enacted by the authority aforesaid,* That the said London and Devonport Rail-road and Harbour Company, shall have full power and authority, to explore the country lying between the Town of London, in the London District, and the mouth of Cat-fish Creek, on the shore of Lake Erie, in the said District, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their Successors, the line and boundaries of a Double or Single Rail-road, to connect the Town of London, in the London District, with Lake Erie, at the mouth of the said Cat-fish Creek ; and for the purposes aforesaid, and for the construction of a Harbour, in connection with said Rail-road, the said Company, and their Agents, Servants and Workmen, are hereby authorised and empowered, to enter into and upon the Lands or Grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, Bodies Politic or Corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Rail-road and Harbour, and all such matters and conveniences as they shall think fit for making, effecting, preserving, improving, completing and using, the said intended Rail-road ; and also to make, build, erect and set up, upon the site of the said Rail-road or Harbour, or upon the Land adjoining or near the same, all such Works, Ways, Roads and conveniences, as the said Company shall think requisite and convenient, for the purposes of the said Rail-road and Harbour ; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any other of the conveniences above-mentioned, as well for the carrying and conveying Goods, Commodities, Timber and other things, to and from the said Rail-road and Harbour, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the Works of or belonging to the said Rail-road and Harbour ; and also, place, lay, work and manufacture, the said materials on the ground near 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 Works and Erections belonging thereto ; and also to make, maintain, repair and alter, any fences or passages under or through the said Rail-road, or which shall communicate therewith ; and to construct, erect and keep in repair, any Piers, Arches or other Works, in and upon and across any Rivers or Brooks, for making, using, maintaining and repairing, the said Rail-road and Harbour ; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using, the said Rail-road and Harbour, in pursuance of, and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby

granted, and making satisfaction in manner herein-mentioned, for all damages to be sustained by the owners or occupiers of such Lands, Tenements and Hereditaments.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company, from time to time, to fix, regulate and receive, the Tolls and charges to be received for transportation of property or persons on the Rail-road aforesaid, hereby authorised to be constructed, built, made and used; and that so soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, as Toll, to and for their own use and benefit, and on all Goods, Wares and Merchandise, shipped or landed on board or out of any Vessel or Boat, from or upon any part of the Lake Shore, between one-half mile East, and one-half mile West of the mouth of the said Creek, in the Township of Malahide, in the said District of London, and upon all Vessels and Boats entering the said Harbour, according to the Rates following, that is to say: Pot and Pearl Ashes, per barrel, sixpence; Pork, Whiskey, Salt, Beef, and Lard, per barrel, fourpence half-penny; Lard and Butter, in kegs, one penny; Merchandize, per barrel bulk, sixpence; Wheat, per sixty pounds, and all other Grain for exportation, one penny; Merchandize, per hundred weight, two-pence; Boards and Lumber, per thousand feet, board measure, one shilling and threepence; Pipe Staves, per thousand, seven shillings and sixpence; West India Staves, per thousand, two shillings and sixpence; Boats, under twelve tons, one shilling and threepence; Boats and Vessels, over twelve tons, and under fifty tons, five shillings; Boats and Vessels, from fifty tons and upwards, seven shillings and sixpence; and all articles not enumerated, to pay in proportion to the above rates, subject to the direction of the Directors, appointed by virtue of this Act: *Provided, nevertheless,* that the said Directors shall have power to reduce the said Rates of Toll, should they see fit.

President and Directors to fix tolls, &c.

Rates of tolls at Harbour.

XV. *And be it further enacted by the authority aforesaid,* That the said Rail-road or Way, and the said Tolls on Goods, Wares, Merchandize and Passengers, transported on the same, and all materials which shall, from time to time, be got or provided for constructing, building, maintaining or repairing the same, shall be and are hereby vested in the said Company, and their Successors for ever.

Rail Road, and tolls and property, vested in Company.

XVI. *And be it further enacted by the authority aforesaid,* That so soon as the said Rail-road shall be so far completed, as to be capable of being used for the transportation of Property or Passengers, the said Company

When Rail Road so far completed as to be capable of being used for transportation of property and passengers, Company may take and receive tolls, &c.

shall have full power and authority to ask for, demand, receive, recover and take, to and for their own proper use and benefit, the Tolls or Dues payable on all Goods, Merchandize or Passengers, using or occupying the said Rail-road, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith, and shall have power to regulate the time and manner in which Goods and Passengers shall be transported, taken and carried, on the same, as well as the manner of collecting all Tolls and Dues, on account of such transportation and carriage ; and shall have power to erect and maintain such Toll-houses and other buildings, for the accommodation and transaction of the business, as to them may seem necessary.

Rail Road may be constructed to cross streams, &c. or road or highway ;

Water-course in highway or road to be in such case restored to its usefulness ;

Fences to be maintained by Company upon route of the Rail Road

XVII. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their Rail-road, to cross any Stream of Water or Water Course, or any Road or Highway, lying on the route of the said Rail-road, between the Town of London aforesaid and Lake Erie, it shall be lawful for the Corporation to construct their Rail-road upon or across the same: *Provided,* that the Corporation restore the Stream or Water Course, or Road or Highway thus intersected, to its former state, or in such sufficient manner, that its usefulness be not impaired, and shall, moreover, erect and maintain, during the continuance of the Corporation, sufficient fences upon the route of the said Rail-road.

Persons committing wilful injury to property of Company to forfeit double damages.

XVIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, whereby any Building, Construction or Work, of the said Corporation, or any Engine, Machine or Structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Corporation, double the amount of damages actually sustained by means of such offence or injury, to be recovered in the name of the said Corporation by action of debt, to be brought in any Court of Record in this Province.

No right of individual to be encroached upon without his consent

XIX. *And be it further enacted by the authority aforesaid,* That the said Rail Road and Harbour contemplated by this Act, shall not in any degree interfere with, or inroach upon, any Fee Simple, right, or private easement or privilege, of any individual now holding and enjoying the same, or entitled thereto, without permission first had and obtained, either by consent of the owner thereof, or by virtue of reference authorised by this Act.

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

Annual dividends to be made;

Yearly statement of affairs of Company to be made for inspection of Stockholders.

XXI. *And be it further enacted by the authority aforesaid,* That the construction of the Rail Road and Harbour contemplated by this Act, shall be commenced by the said Company within two years, and completed within seven years, from and after the time of the passing of this Act.

Rail Road and Harbour to be commenced in two years, and completed in seven years.

XXII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the Defendant or Defendants may plead the general issue only, and give this Act, and the special matter in evidence on the trial.

Actions brought against persons for any thing done under this Act to be commenced in six months; Defendants may plead general issue, and give special matter in evidences.

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

His Majesty may assume work after fifty years, upon certain conditions.

ten shillings, for every one hundred pounds they shall be possessed of in the said concern.

When assumed by His Majesty, tolls to be paid the Receiver General.

XXIV. *And be it further enacted by the authority aforesaid,* That from and after the period when the possession of the right, interest and property, in and to the said Rail-road and Harbour, shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorised, all tolls and profits arising therefrom, shall be paid into the hands of His Majesty's Receiver General, to and for the uses of this Province, at the disposal of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Legislature may amend or alter Act of incorporation.

XXV. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, Body Politic or Corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience, connected therewith, or in respect to any way, or right of way, public or private, that may be affected by any of the powers given by this Act.

CHAP. LIII.

AN ACT to amend an Act passed during the last Session, entitled, "An Act to improve the Navigation of the Inland Waters of the District of Newcastle."

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to alter and amend an Act passed in the last Session of the Parliament of this Province, entitled, "An Act to improve the Navigation of the Inland Waters of the District of Newcastle": *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 fifteenth clauses of the said Act, entitled, “An Act to improve the Navigation of the Inland Waters of the District of Newcastle,” be and the same are hereby repealed.

2nd and 15th clauses of Act of last Session, repealed.

H. *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, under his Hand and Seal at Arms, five Commissioners, who, when so appointed, shall be deemed and taken to be the Commissioners named and appointed by the said recited Act of last Session, 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 out, of all or either of the places of contemplated improvement, mentioned in the said recited Act, by a competent Engineer, and which Commissioners, or a majority of them, may alter the Plans or Description of Works, as recommended in Nichol H. Baird’s Survey, if they think proper; but they shall in no case diminish the size and depth of the Locks, as now recommended; and the said Commissioners, or a majority of them, 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 shall do and perform all and whatsoever Act or Acts, thing or things necessary and proper, to carry the said recited 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 January, in each and every year, all matters by them done or performed by virtue of the said recited Act, with an account, in detail, of all monies by them received and paid out, under the provisions thereof.

Commissioners to be appointed by Governor.

May cause further surveys to be made.

Not to diminish size of work as recommended.

General powers of Commissioners.

To report proceedings, and render account of expenditure.

III. *And be it further enacted by the authority aforesaid,* That an account of all Rates and Dues, received by the Commissioners to be appointed as aforesaid, shall be rendered to the Inspector General of the Province, on or before the thirty-first day of December, in each and every year, and the amount thereof, deducting any necessary expenditure in the collection thereof, on account of the said Navigation, shall, within ten days thereafter, be transmitted to His Majesty’s Receiver General of the Province, to and for the general uses of the Province, subject to the disposal of the Legislature.

Account of rates received to be rendered Inspector General, and paid into hands of Receiver General.

CHAP. LIV.

*AN ACT to Incorporate sundry persons under the style and title of
“The Lyndhurst Mining and Manufacturing Company.”*

[Passed 4th March, 1837.]

Preamble.

WHEREAS the Honorable Charles Jones, and Jonas Jones, Esquire, of Brockville, in the District of Johnstown, William L. Whiting, and Chester Gurney, have, by their Petition, represented, that they are now the Proprietors of certain premises in the Township of Landsdowne, in the said District, upon which they have erected a Flouring and Saw-mill, and other Machinery, and also that they propose to make such arrangements as will enable them to carry on extensively the Manufacture of Iron and Copper, Mines of both having been discovered near their Works, and have prayed that to enable them to do so, they, with such persons as shall associate with them, may be Incorporated: *And whereas*, the promotion of such Works will greatly benefit the Commercial and Agricultural interests, and develop the resources of that part of the country: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That the said Charles Jones, Jonas Jones, William L. Whiting, and Chester Gurney, and such other persons as shall hereafter become Stockholders in the said Company, shall be and are hereby ordained, constituted, appointed and declared to be, a Body Corporate and Politic, in fact and by the name of “The Lyndhurst Mining and Manufacturing Company,” and by that name they and their Successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of Actions, Suits, complaints, matters and causes; and that they and their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their Successors, by the same name of the Lyndhurst Mining and Manufacturing Company, shall be in law capable of purchasing, having and holding to them and their

Company incorporated, by the name of the “Lyndhurst Mining and Manufacturing Company.”

May hold Estate, real and personal.

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.

II. *And be it further enacted by the authority aforesaid,* That the whole amount of the Stock, Estate and Property, which the said Company shall be authorised to hold, including the Stock or Shares hereinafter mentioned, shall never exceed in value Fifty Thousand Pounds; and that a Share in the Stock of the said Company shall be One Hundred and Twenty-five Pounds, and the number of Shares shall not exceed four hundred.

Amount of stock, estate and property of Company, not to exceed in value £50,000.
Shares not to exceed 400, of £125 each.

III. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened within two months after the passing of this Act, when, where, and by such person or persons, and under such regulations as the petitioners shall direct and appoint.

Books of Subscription to be opened.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons to subscribe for any number of Shares, the amount whereof shall be due and payable to the said Company, in the manner hereinafter mentioned, that is to say: Ten per Centum on each Share so subscribed, shall be payable to the said Company, immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by Instalments of not more than Ten per Centum, at such periods as the President and Directors shall, from time to time, direct and appoint for the payment thereof: *Provided always,* that no Instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more Newspapers published in the said District of Johnstown: *And provided also,* that it shall not be lawful for the said Corporation to carry on the business of Banking.

Manner of subscribing for shares, and paying instalments.
Instalments not to exceed 10 per cent.
Forty days notice to be given that instalments are required.
Company not to carry on business of Banking.

V. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company, any 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, with the amount previously paid thereon; and the Share or Shares so forfeited, shall be sold for the best price that can reasonably be had for the same, in such manner as the Directors of the said Company shall think fit; and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for

Stockholders omitting to pay instalments, shares to be forfeited;
And sold;
And proceeds accounted for, and applied to use of Company.

Purchasers to pay subsequent instalments.

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 said Share or Shares, to be purchased by him, her or them, as aforesaid, immediately after the sale, and before a certificate of transfer of such Share or Shares shall be given.

Shares transferable after first instalment paid.

VI. *And be it further enacted by the authority aforesaid*, That after the first Instalment shall be paid, as aforesaid, on the respective Share or Shares of the said Stock, the said Share or Shares shall become transferable on the Books of the said Company.

When £20,000 subscribed. Directors to be chosen, a meeting of Stockholders having been called;

VII. *And be it further enacted by the authority aforesaid*, That so soon as Twenty Thousand Pounds of the said Stock shall have been subscribed, it shall and may be lawful for the Subscribers, or any of them, to call a Meeting at some place to be named, in the Town of Brockville, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such Election shall then and there be made by a majority of Shares voted for in manner hereinafter prescribed, in respect of the Annual Election of Directors; and the persons then and there chosen, shall be the first Directors, and be capable of serving until the first Monday in January succeeding their election; and the Directors so chosen, shall, as soon as a deposit amounting to One Thousand Pounds upon the Shares subscribed, as aforesaid, shall be paid to the Directors, commence the business and operations of the Company: *Provided always*, that no such Meeting of the Subscribers shall take place, until a notice thereof shall have been published in the Upper Canada Gazette, and in some two of the Newspapers published in the District of Johnstown, at the distance of not less than thirty days previous to such Meeting.

To serve until first Monday in January succeeding their election, and to commence business of Company when £1000 stocks paid in.

Notice of meeting to be given.

Affairs of Company to be managed by five Directors, one of whom to be chosen President.

Manner of choosing Directors, &c.

VIII. *And be it further enacted by the authority aforesaid*, That the Stock, Property, Affairs and Concerns, of the said Company, shall be managed by five Directors, one of whom shall be chosen President by the Directors; which said Directors shall be Stockholders, holding at least four Shares in the Stock of the said Company, and shall hold their Offices for one year, and be elected on the first Monday in January, in each and every year, at such place in the said District of Johnstown, as the majority of the Directors for the time being shall appoint; and public notice shall be given by the Directors in the Upper Canada Gazette, and in some two of the Newspapers published in the District of Johnstown, of such place, and the time of such Election, not more than sixty, nor less than thirty days previous to such 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 person or by proxy, and such Election shall be made by Ballot, and the five persons having the greatest number of votes shall be Directors; and if it shall happen, at any Election, that two or more persons have an equal number of votes, so that a greater number than five shall appear to be elected, then the said Stockholders, so authorised to hold such Election, shall proceed to ballot a second time, and by a majority of votes, determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the number of five; and the said Directors, so soon as may be after such Election, shall proceed in like manner to elect, by Ballot, one of their number to be the President; and if any vacancy should at any time happen among the said Directors, or in the Office of President, by death, resignation, or departure with the qualification of holding the number of Shares required, as aforesaid, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by a person or persons holding the requisite number of Shares aforesaid, to be nominated by a majority of the said Directors.

IX. *And be it further enacted by the authority aforesaid,* That in case it shall happen at any time hereafter, 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 Company shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an Election of Directors, in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

If election of Directors omitted on day named, Company not to be dissolved.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and subscribe such Rules, Orders 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, employed by the said Company, and all such matters as shall appertain to the business of the said Corporation; and shall also have the power of appointing as many Officers, Clerks and Servants, Factors and Agents, for carrying on their said business, and with such salaries and allowances as to them shall seem meet: *Provided always,* that such Rules and Regulations be not repugnant to the Laws of this Province.

Directors may make bye-laws;

And appoint Officers, &c.

Rules not to be repugnant to laws of Province.

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, to make Half-yearly Dividends of so much of the profits of the said Company, as to the majority of them shall seem advisable, and that once in every three years or oftener, if thereunto required

Dividends to be made;

And render accounts when required.

by any number of Stockholders, holding at least one-third part of the Shares or Stock which shall then be subscribed for and taken up, an exact and particular Statement of the Debts and Credits of the said Company, together with all other information concerning the affairs of the said Company, within the knowledge or power of the said Directors, which shall be required by any number of Stockholders, holding, as aforesaid, the third part of the Stock then subscribed, shall be rendered and exhibited.

Votes of Stockholders proportioned.

XII. *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 three months previous to the time of voting, (except at the first Election,) according to the following Rates, that is to say: one Vote for each Share not exceeding four; five Votes for six Shares; seven Votes for ten Shares; and one Vote for every five Shares above ten.

Rights of His Majesty and others not to be affected by this Act.

XIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect, in any manner or way whatsoever, the right of His Majesty, His Heirs and Successors, or of any person or persons, Bodies Politic or Corporate, except as is herein expressly provided.

Legislature to have power to amend this Act.

XIV. *And be it further enacted by the authority aforesaid,* That the Legislature shall have power, at any time, to repeal, alter or modify this Act, in any of its provisions.

CHAP. LV.

AN ACT to Incorporate a Joint Stock Company for the improvement of the Mineral Springs in the Township of Caledonia, in the Ottawa District.

[Passed 4th March, 1837.]

Preamble.

WHEREAS certain medicinal Springs have lately been discovered in the Township of Caledonia, in the District of Ottawa, the virtues and efficacy whereof, in the cure of numerous diseases, have been frequently and satisfactorily tested: *And whereas,* William Parker, by his petition presented to the Legislature, hath prayed for the privilege of being Incorporated, together with other individuals who may be associated with him, for the purpose of rendering the said Springs accessible to the public, and convenient to individuals resorting thereto: *Be it therefore enacted by the*

King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said William Parker, and all such other persons as shall hereafter become Stockholders of the said Company, shall be, and are hereby ordained, constituted and declared to be a Body Politic and Corporate, in fact, by the name of "The Caledonia Springs Company," and that by this name they and their Successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their Successors by the same name of 'The Caledonia Springs 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: *Provided always*, that the said Corporation shall not have power to hold any more or other real Estate than three thousand Acres of Land, in the County of Prescott, and not elsewhere: *And provided also*, that it shall not be lawful for the said Corporation to carry on the business of Banking.

Company incorporated;

To have a Common Seal;

May hold Estate, real and personal;

Limited to 3000 acres of land in County of Prescott;

Not to carry on business of banking.

II. *And be it further enacted by the authority aforesaid*, That the Capital Stock of the said Corporation shall be Fifty Thousand Pounds, and shall be divided into two thousand Shares, of Twenty-five Pounds each; ten per centum of which amount shall be paid as the first instalment of the said Stock; and so soon as it shall appear to the Directors and Treasurer of the said Corporation, that five thousand Pounds of the whole Stock shall have been paid in, by all or part of the said Stockholders, then the said Company shall be allowed to commence their operations under this Act as a Corporate Body; and all the Shares in the said Company shall be numbered in progressive order, beginning at number one; and that after the first meeting of the said Corporation, each member holding Shares in the said Company's Stock, shall be entitled to a Certificate, under the Seal of the said Corporation, and signed by the Secretary and Treasurer thereof, certifying his property in such Share or Shares, as shall be expressed in such Certificate.

Capital stock £50,000.

Ten per centum first instalment.

When £5,000 paid in, Company may commence operations.

Manner of numbering shares.

Number of votes
Stockholders entitled
to.

III. *And be it further enacted by the authority aforesaid,* That any person owning a Share in the said Company, shall be a member thereof, and shall be entitled to vote at any meeting of the same, and members may give as many votes as they own Shares, and that absent members may vote by proxy, such proxy being a Stockholder, and authorised in writing.

General meeting of
Stockholders to be
held annually, on
first Monday in
September.

IV. *And be it further enacted by the authority aforesaid,* That there shall be a General Meeting of the Stockholders and members of the said Corporation, to be annually holden at the said Caledonia Springs, on the first Monday in September, (such Meeting to continue for such number of successive days as its business may require,) in each and every year, public notice of which shall be given in the Upper Canada Gazette, or in any Newspaper that may be published in the said District, not less than thirty days previously to such election; at which annual meeting there shall be chosen of the said members not less than five Directors, being Subjects of His Majesty, who shall continue in office for one year, or until others are chosen in their stead; and in case any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or otherwise, the same shall be filled for the remainder of the year, by such person or persons as the remaining Director or Directors shall appoint: *Provided always,* that two of the Directors in office shall be re-elected at such annual meeting for the next succeeding year; and the Directors so chosen shall, at their first meeting after their election, choose out of their number a President.

Notice of meeting to
be given.

Five Directors to be
chosen at annual
meetings.

Manner of filling
vacancies.

Two Directors to be
re-elected.

A President to be
chosen.

Directors to make
rules and bye-laws;

V. *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 useful and proper, touching the management and disposition of the Stock, Property, Estate and effects, of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants, employed therein; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the affairs of the said Corporation, and with such Salaries and allowances as to them shall seem meet: *Provided* that such Rules and Regulations be not contrary or repugnant to the Laws or Statutes of this Province.

Appoint Officers;

With Salaries, &c.

Yearly Dividends
to be made.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, to make yearly Dividends of so much of the profits of the said Corporation as to them, or the majority of them, shall appear advisable.

VII. *And be it further enacted by the authority aforesaid, That the Shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing the same: Provided always, that such transfer be entered or registered in a book or books, to be kept for that purpose by the Directors.*

Shares transferable.

VIII. *And be it further enacted by the authority aforesaid, That in case it shall at any time happen, that an election of Directors shall 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 other day, to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and ordinances of the said Corporation.*

If election of Directors should not take place on day appointed, Corporation not to be dissolved; In such case, another election to take place.

IX. *And be it further enacted by the authority aforesaid, That the Directors to be hereafter appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in instalments upon the Capital Stock, as they shall deem expedient: Provided no instalment shall be called for or become payable in less than forty days, after public notice shall have been given in the Upper Canada Gazette, or in any Newspaper to be hereafter published in the said District: Provided always, that if any Stockholder or Stockholders as aforesaid, shall neglect or refuse to pay the said Directors the instalment due upon any Share or Shares held by him, her or them, at any time when he shall be required by law so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Shares as aforesaid, with the amount previously paid thereon, and such Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in the same manner as other monies of the Corporation.*

Instalments to be called in.

Shares forfeited by non-payment of instalments:

May be sold, &c.

X. *And be it further enacted by the authority aforesaid, That the Joint Stock or Property of the said Corporation, shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall, in any case whatever, have recourse against the private property of any individual member or members of the said Corporation, or against their person or persons, further than is herein specially provided, and that may be necessary for the faithful application of the funds of the said Corporation.*

Joint Stock alone, responsible for debts and engagements of Corporation.

XI. *And be it further enacted by the authority aforesaid, That nothing in this Act contained, shall interfere with or in any manner affect, the private vested right of any person or persons whatsoever.*

Private rights protected.

This Act declared a public Act.

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

Legislature may make addition to, or alter this Act.

XIII. *And be it further enacted by the authority aforesaid, That notwithstanding the privileges hereby conferred, the Legislature may, at any time hereafter, make such addition to this Act, or such alterations of any of its provisions as they may think proper, for affording just protection to the public, or to the rights of private individuals.*

CHAP. LVI.

AN ACT to Incorporate certain persons therein-named as a Board of Trustees, for the erection, superintending and management, of a Roman Catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other purposes therein-mentioned.

[Passed 4th March, 1837.]

Preamble.

Recites conveyance of land by the Hon. and Right Rev. the Roman Catholic Bishop of Kingston, for the use and support of Roman Catholic Seminary at Kingston, to Trustees.

WHEREAS, by the Petition of the Reverend Angus McDonell, one of the Trustees hereinafter mentioned, it appears that the Honorable and Right Reverend Alexander McDonell, Roman Catholic Bishop of Kingston, hath, by Deed bearing date the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-five, conveyed and transferred to, and vested in the Right Reverend Remigius Gaulin, Bishop of Trabacca; the Very Reverend Angus McDonell, of Sandwich, in the Western District; the Reverend John Cullen, late of Bytown, in the Bathurst District; the Honorable John Elmsley, of the City of Toronto, in the Home District; and Walter M'Coniffe, of the Town of Kingston, Esquire, and their Successors, a certain piece of Ground, containing three acres and three fifths, known as part of Park Lot number One, adjoining the Town of Kingston, (and now included therein, and now called the Park of Selma, and in the said deed more particularly described,) in trust, for the erection, use and support, of a Roman Catholic Seminary, in the said Town of Kingston: *And whereas*, by the said Petition, Legislative authority is requested to enable the Trustees above-named, and their Successors, to be elected and appointed in the manner described in the said Deed, to take and hold the said Land, as a Corporate Body, in perpetuity, for the purposes 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 it shall and may be lawful for the said Remigius Gaulin, Angus McDonell, John Cullen, John Elmsley, and Walter M’Cuniffe, to hold, receive and take, the said piece or parcel, conveyed to and vested in them, or intended so to be by the said Deed, as Trustees for the erection, support and maintenance, of a Roman Catholic Seminary, under such prudential Rules and Regulations as may, from time to time, be made and ordained by them and their Successors, as such Trustees, as aforesaid, for the good order, direction and government of the same.

Trustees incorporated.

II. And in order to prevent the failure of such estate in succession, *be it further enacted by the authority aforesaid*, That whenever it shall happen, that any one or more of the Trustees herein-named shall die or become resident abroad, or shall resign his trust, or become incapable of acting therein, it shall and may be lawful for the remaining Trustees, and they are hereby authorised and required, within three calendar months after the happening of such vacancy or vacancies, to elect and appoint others, being Clergymen of the Roman Catholic Religion, resident in the Province of Upper Canada, to complete the number of five Trustees, for the purposes aforesaid, in accordance with the terms and provisions of the said Deed of Conveyance, and that all vacancies that shall, from time to time, happen in and among the said Trustees, shall be filled up in like manner: *Provided always*, that the omission to elect and appoint new Trustees, upon vacancies happening, as aforesaid, shall not operate as a forfeiture of the said Land.

Manner of filling up vacancies among Trustees.

Omission to appoint Trustees not to operate as a forfeiture of land.

III. *And be it further enacted by the authority aforesaid*, That the present Roman Catholic Bishop of Kingston, during his natural life, and the Roman Catholic Bishop of Kingston, for the time being, shall be ex-officio Trustees, under this Act, and invested with such power and authority in relation to the management of the said Land, and of the Seminary to be erected thereon, as is in the said Deed declared and set forth.

Roman Catholic Bishop of Kingston, Ex-officio Trustee.

IV. *And be it further enacted by the authority aforesaid*, That they, the said Trustees, in this Act mentioned, and their Successors to be appointed in manner aforesaid, shall be, and are hereby declared to be, one Body

Trustees declared to be a Body Corporate.

Corporate and Politic, in Deed and in Law, by the name of “The College of Regiopolis,” and shall have perpetual succession, and a Common Seal, with power to change, alter, break or make new, the same; and they and their successors, by the name aforesaid, may have and hold the said piece or parcel of Land, in the said Deed mentioned, in perpetuity, for ever; and that they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer or be answered unto, in all or any Court or Courts of Record, and places of Jurisdiction within this Province; and that they and their successors, by the name aforesaid, shall be able and capable, in Law, to have, hold, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the said Seminary, all such sum and sums of money, as shall, at any time or times hereafter, be paid, given, devised or bequeathed, by any person or persons, to and for the ends and purposes in this Act mentioned.

Trustees to have power to make rules and regulations.

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

CHAP. LVII.

AN ACT to provide for a Survey of the Ottawa River, and the Country bordering on it, together with the Country and Waters lying between that River and Lake Huron.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is highly important to the Commercial interests of this Province, that the River Ottawa, and its tributary Streams, and the Country lying between the River Ottawa and Lake Huron, be Surveyed, and efficient measures taken to ascertain the practicability of making a Navigable Communication between the two Waters: *And whereas*, it is necessary to provide for the expense of such Survey: *Be it therefore enacted*, by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign,

entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’ and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise His Majesty’s Receiver General of this Province, to pay a sum not exceeding Three Thousand Pounds Currency, out of such monies as are in his hands, and unappropriated, to be applied in the employing of a Surveyor and Engineer, to ascertain the nature of the country lying between the River Ottawa and Lake Huron, and to report the practicability of establishing a communication by Water between the same.

A sum not exceeding £3,000 granted.

II. *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 be Commissioners, and in case any vacancy or vacancies should happen in the said Board of Commissioners, by death, resignation or removal from Office, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to fill such vacancy or vacancies.

Governor to appoint Commissioners.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised, to engage an Engineer and Surveyor, and pay them such salaries as they may deem just and reasonable, to carry into effect the Provisions of this Act.

Commissioners authorized to engage an Engineer and Surveyor, and to pay a salary.

IV. *And be it further enacted by the authority aforesaid,* That so soon as the said Survey shall have been completed, the Commissioners shall, without delay, transmit a report of all proceedings had under the provisions of this Act, together with a detailed statement of the expenses attending the same, to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature, at its next Session.

Commissioners to report proceedings.

V. *And be it further enacted by the authority aforesaid,* That the monies granted by this Act, shall be accounted for through the Lords Commissioners of His Majesty’s Treasury, for the time being, in such manner and form as His Majesty shall be graciously pleased to direct.

Money granted to be accounted for through Lords of the Treasury.

CHAP. LVIII.

AN ACT to establish the Boundary Lines in Front of Lots on the River Thames, in the Townships of Chatham and Camden, in the Western District.

[Passed 4th March, 1837.]

Preamble.

Boundaries between lots in front of Townships Chatham and Camden, to be ascertained and established, and to correspond with boundaries in front of Howard and Harwich.

Fronts of lots on River Thames, in Chatham and Camden, not to extend further than as expressed in Patents for same.

WHEREAS certain Inhabitants of the Townships of Chatham and Camden, in the Western District, have by Petition, set forth, that the Lots in front of the said Townships have not been originally Surveyed and marked out by Posts, in the usual manner, in consequence of which the Posts or Boundaries on the opposite side of the River Thames, in the Townships of Harwich and Howard, have been taken and considered by the Inhabitants thereof, to be the Governing Posts or Boundaries of the Lots, in the front of the said Townships of Chatham and Camden: *And whereas*, in consequence thereof, the owners and occupiers of Lots in front of the said Townships, have made improvements on their respective Lots, corresponding to the Posts or Boundaries of the Lots on the opposite side of the River Thames, in the Townships of Howard and Harwich, and it is expedient to confirm and establish 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, 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 Boundaries between the Lots in the fronts of the Townships of Chatham and Camden, on the River Thames, shall be ascertained and established by, and shall correspond with the Posts or Boundaries in front of the Townships of Howard and Harwich, on the River Thames, any law, usage or custom, to the contrary notwithstanding: *Provided always*, that nothing in this Act contained shall be construed to extend the fronts of the Lots situated on the River Thames, in the Townships of Chatham and Camden, further than is expressed in the Patents issued for such Lots.

II. *And be it further enacted by the authority aforesaid*, That whenever an owner or occupier of any of the said Lots, in front of the Townships of

Chatham and Camden, may have improved on any of the adjoining Lots varying from the said Lots in Harwich and Howard, then such improvements shall be valued by three disinterested persons, chosen by the parties concerned, in the following manner, that is to say: one disinterested person shall be chosen by each of the parties, and these two persons so chosen, shall choose a third disinterested person, who shall meet and decide upon the value of such improvements, and the decision of a majority of such three persons shall be final; and the value of such improvements so found, as aforesaid, shall be paid by the owner of the Lot upon which they have been made, to the person having made the same, within such time and in such manner, as the said Arbitrators shall award and direct; which said reference and award may be made a Rule of His Majesty's Court of King's Bench, by either of the parties interested: *Provided always, nevertheless*, that no person or persons who may become entitled to claim any improved Lands, after the Lines shall have been established under this Act, shall be entitled to claim or enter into the possession of the same, until he, she or they, shall have paid or tendered to the person or persons entitled to receive the same, or his or their Agent, the amount which may have been awarded as the value of such improvements.

Improvements made on lots in front of Chatham and Camden, to be valued by disinterested persons, and to be paid for.

Award to be made a rule of Court of King's Bench.

Improvements not to be taken possession of until paid for, or money tendered.

CHAP. LIX.

AN ACT to amend an Act passed in the first year of His present Majesty's Reign, entitled, "An Act to provide for settling and determining by Arbitration certain difficulties that have arisen, or may arise, between persons owning Land in the Eighth Concession of Saltfleet, and persons owning, or claiming to own, Lands in the First Concession of Binbrook, who through mistake may have made improvements on the rear part of the said Eighth Concession of Saltfleet."

[Passed 4th March, 1837.]

WHEREAS an Act was passed in the first year of His present Majesty's Reign, entitled, "An Act to provide for settling and determining by Arbitration certain difficulties that have arisen, or may arise, between persons owning Land in the Eighth Concession of Saltfleet, and persons owning, or claiming to own, Lands in the First Concession of Binbrook, who through mistake may have made improvements on the rear part of the said Eighth Concession of Saltfleet," by which it is provided, that the said disputes shall be settled by Arbitration, but no provision is made

Preamble.
Recites that disputes are to be settled by Arbitration.

therin in cases where persons in the First Concession of Binbrook, having possession of Lands in the Eighth Concession of Saltfleet, refuse so to Arbitrate, and thereby keep possession of the said Lands, contrary to the rights of the proper owners, for remedy thereof: *Be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assmby of the Province of Upper Canada, constituted and assebled 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 in all cases where any person or persons in the First Concession of the Township of Binbrook, in the District of Gore, or any other person or persons having possession, shall neglect or refuse to Arbitrate, agreeably to the provisions of the before recited Act, for the period of three months, after due notice of the time and place when and where such Arbitration as is provided for by said Act shall be held, then and in such case the Judge of the District Court, of said District, shall and may nominate and appoint one other Arbitrator on their behalf, with the same powers and authority, as if appointed by any party or parties in adverse possession; whose award shall be final, and subject to be enforced in the same manner, as if the party so in adverse possession had appointed an Arbitrator, according to the above recited Act.

Provides remedy when party refuses or neglects to arbitrate.

CHAP. LX.

AN ACT granting a Loan to the City of Toronto and Lake Huron Rail Road Company, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is for the benefit of this Province, that the City of Toronto and Lake Huron Rail Road should be completed with as little delay as possible: *And whereas*, it is expedient and right to afford aid to this undertaking by way of Loan, to be secured in manner 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 City of Toronto and Lake Huron Rail Road Company, shall produce to the Receiver General of this Province, satisfactory evidence, by the affidavits of the President and two of the Directors of the said Company and by such other proof and evidence as the Receiver General shall reasonably require, that the sum of Twelve Thousand Five Hundred Pounds, shall have been paid in by the Stockholders of the said Company upon the Capital Stock thereof, and that the said sum has been actually expended in the construction of the said Rail Road, the said Receiver General shall issue and deliver to the said Company, Government Debentures, in sums not less than Fifty Pounds, at the option of the said Company, to the amount of Thirty-seven Thousand Five Hundred Pounds, bearing interest at a rate not to exceed six per centum, payable half yearly, and redeemable in twenty years; and that when and so often as the said Company shall produce like evidence to the Receiver General of further sums, not less than One Thousand Two Hundred and Fifty Pounds at each time, having been paid in by the Stockholders of the said Company upon the Capital Stock subscribed, and that the same has been actually expended as aforesaid, the Receiver General shall issue and deliver to the said Company, Government Debentures for a sum of Three Thousand Seven Hundred and Fifty Pounds, in sums not less than Fifty Pounds, at the option of the said Company, bearing interest at a rate not to exceed six per centum, payable half yearly, and redeemable in twenty years, until the whole amount of said Debentures shall equal the sum of One Hundred Thousand Pounds.

Manner, terms and conditions, upon which an advance of money, by Debenture, upon the credit of the Province, may be made, in what sums, and to what extent.

II. *And be it further enacted by the authority aforesaid,* That no part of such Debentures shall be delivered to the said Company, until the acceptance thereof shall be signified to the Receiver General, by filing in his Office a Certificate of such acceptance, under the Corporate Seal of the Company; which said Certificate or Certificates shall be recorded in the Office of the Registrar of the Province; and shall thereupon become, and be, to all intents and purposes, a Mortgage and Mortgages of the said Rail-road, and every part and section thereof, with all its appurtenances, to this Province, for securing the payment of the principal and interest of the sums of money for which such Debentures shall, from time to time, be issued and accepted, as aforesaid.

Acceptance of advance to be signified to Receiver General, by filing certificate, under Corporate Seal.

Certificate to be registered in office of Register of the Province, and to constitute a mortgage of Rail-road, for securing principal and interest of advance.

III. *And be it further enacted by the authority aforesaid,* That the said Debentures shall be made payable to the said Company, or their order,

Debentures to be made payable to Company;

And account kept of their disposal, &c. and to be furnished Receiver General.

and may be assigned and transferred by the said Company; and that the said Company shall enter upon Books, to be kept by them for that purpose, each and every Debenture, together with the name or names of such person or persons, Body or Bodies Corporate, as they shall assign the same to, and furnish, from time to time, an account thereof to the Receiver General.

Company to provide for redemption of Debentures, and payment of Interest.

IV. *And be it further enacted by the authority aforesaid,* That the said Company shall make provision for the punctual redemption of said Debentures, and for the punctual payment of the interest thereon, so that the Revenues of this Province shall be exonerated from all loss and expense, or from any advance of money for that purpose; and that the Tolls and income which shall accrue from the use of the said Road, when the same or any part thereof shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

No lien or incumbrance on Rail-road to be executed until Debentures and Interest shall be satisfied.

V. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, to execute or create any lien or incumbrance on the said Rail-road, or its appurtenances, other than for the purposes required under this Act, until such Debentures, and the interest thereon, shall have been fully paid and satisfied; and that every lien or incumbrance which shall or may be executed or created, other than for the purposes specified in this Act, shall be held to be fraudulent and void, as against any lien or incumbrance executed, filed and recorded, as hereinbefore provided.

Such lien or incumbrance to be held fraudulent and void.

Monies paid by Stockholders, and raised on Debentures, to be applied in construction of Rail-road.

VI. *And be it further enacted by the authority aforesaid,* That the said Company shall expend, in the laying out and construction of said Road, all the monies paid by the Stockholders of the said Company upon the Stock subscribed, together with the monies to arise from the sale or transfer of said Debentures; and shall annually render to each Branch of the Legislature a true account thereof, verified by the Oath or Affidavits of the President, and any two of the Directors of the said Company, with a full Statement of the Receipts and Expenditures, with the proper Vouchers for all payments.

Accounts to be rendered Legislature.

No Debenture to be issued until payment of Interest secured by personal obligation, to satisfaction of Governor and Council.

VII. *And be it further enacted by the authority aforesaid,* That no part of such Debentures, so authorised, shall be issued to the said Company, unless the regular payment of the interest thereon shall, at the time of issuing every or any such Debenture or Debentures, be further secured by personal obligations, to the satisfaction of the Lieutenant Governor, and the Executive Council of this Province.

VIII. *And be it further enacted by the authority aforesaid,* That if the Receiver General shall be compelled to pay the interest upon any Debenture or Debentures, issued for raising any sum or sums of money, to be loaned to the said Company, pursuant to the provisions of this Act, such interest not having otherwise been paid, the amount thereof so from time to time advanced, shall be raised, levied and collected, from the inhabitants of the City of Toronto, and of the Home or such other District, through which the said Rail-road shall pass, paying or liable to pay the ordinary Taxes now by Law imposed upon property, liable by Law to be rated and assessed, and shall be collected in the same manner, as other Taxes are by Law collected by the Collectors of the City, and of the several Townships in the said District or Districts, and paid by them into the hands of the Chamberlain of the said City, and of the Treasurers of the said Districts, who shall forthwith pay over the same to the Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said District or Districts respectively, in General Quarter Sessions assembled, and of the Common Council of the said City, made in pursuance of any application of the said Receiver General for that purpose, upon its being made to appear that the interest upon the said loan has not been otherwise paid and discharged, under the provisions of this Act.

If Receiver General compelled to pay Interest upon Debentures, the same to be raised by additional rate on inhabitants of the City of Toronto, and Districts through which the Rail-road may pass.

IX. *And be it further enacted by the authority aforesaid,* That if any monies shall be raised by Assessment, and applied for the purposes of this Act, the amount so advanced and paid, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Chamberlain, Treasurer or Treasurers, of the said City, District or Districts, respectively, to the extent of the sum advanced, before any Dividends shall be paid to the Stockholders of the said Company; and that the monies so repaid to such Chamberlain, Treasurer or Treasurers, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said City, District or Districts, respectively.

If inhabitants of City or Districts be assessed, amount levied, with interest, to be repaid by Company, before any dividends are made.

Amount repaid to be subject to disposition of Legislature, and applied to improvements in the City, &c.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to purchase, hold, let, demise and convey, any real estate adjoining to or surrounding their Station-houses: *Provided always,* that the same shall, in no one instance, exceed six hundred acres.

Company may hold 600 acres of land, at station-houses.

XI. *And be it further enacted by the authority aforesaid,* That no person shall be capable of being elected a Director of the said Company, who shall not be a Stockholder to the amount of at least twenty Shares.

Directors to be holders of 20 shares of Stock.

Company authorised
to construct a branch
Rail Road to Lake
Simcoe.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to construct a Branch Rail-road to any point or place on Lake Simcoe, where they shall deem it expedient, upon and with the same powers, terms and conditions, and subject to the same limitations, provisions and conditions, as are expressed of and concerning the construction of the City of Toronto and Lake Huron Rail-road, in the Act incorporating the Company, for the construction of the said Rail-road.

CHAP. LXI.

AN ACT to alter and amend the Act Incorporating Sundry persons under the name of the London and Gore Rail Road Company, and to grant them a sum of money by way of Loan.

[Passed 4th March, 1837.]

Preamble.

Persons have been
incorporated under
title of 'London and
Gore Rail Road Com-
pany';

Route taken up by
Company the proper
one;

Expedient to amend
the Charter, and to
increase Capital stock,
and to grant a loan.

WHEREAS the construction of a great Western Rail Road in this Province, would be of infinite benefit to the people of this Province, by increasing the value of the waste Lands of the Crown, by increasing the value of Land owned by individuals, by increasing the quantity and value of the products of the whole extent of Country lying between the Lakes Ontario, Erie and Huron, and by exciting a spirit of enterprise and activity among the inhabitants of the Western part of this Province, which has hitherto comparatively lain dormant: *And whereas,* certain persons have been incorporated under the style and title of "The London and Gore Rail-road Company," and the route taken up by the said Company, from the head of Lake Ontario to the Town of London, is the proper one for securing the advantages before enumerated: *And whereas,* it is expedient to amend the Charter of the London and Gore Rail Road Company, and to increase the Capital Stock, and to grant them a Loan under conditions hereinafter provided, for the purpose of aiding them to complete the construction of a work, which is likely to be of so much advantage to this Province: *Be it therefore enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 style and title of the London and Gore Rail Road Company shall be henceforward changed to that of 'The Great Western Rail Road Company.'

Style and title of Company changed to that of 'The Great Western Rail Road Company.'

II. *And be it further enacted by the authority aforesaid,* That so much of the Act Incorporating the said Company, as limits the Capital Stock of the same to Two Hundred Thousand Pounds be, and the same is hereby repealed; and that the said Company shall have liberty to extend their Capital Stock to Five Hundred Thousand Pounds, in Shares of Twelve Pounds Ten Shillings each, and that such increase Stock as they may find it expedient to create and dispose of, shall be subject to all the provisions contained in the original Act of Incorporation, touching the original Capital Stock.

Limitation of Capital to £200,000 repealed;

Liberty given to Company to extend Capital to £500,000, in shares of £12 10s. each.

III. *And be it further enacted by the authority aforesaid,* That the said Company, in case they do not already possess the same, shall have full power to continue their Rail Road, from the Town of London to Point Edward, at the foot of Lake Huron; and that they may contract, compound, compromise and agree, with the owners or occupiers of any lands upon which they may determine to construct their Rail Road, either by purchase of so much of the said land and privileges as they shall require, or for any damage done either to or by the said Company, in the same manner as is provided for by the original Act of Incorporation, in cases of the same kind.

Company may continue Rail Road from Town of London to Point Edward;

And may agree for the purchase of lands on which Rail Road is to be constructed.

IV. *And be it further enacted by the authority aforesaid,* That whenever the said Company shall produce to the Receiver General satisfactory evidence, by the affidavits of the Treasurer and two of the Directors of the said Company, and by the affidavits of such other Directors or Agents of the said Company, as the Receiver General shall reasonably require, that the sum of Twelve Hundred and Fifty Pounds shall have been paid in by the Stockholders of the said Company, upon the Capital Stock thereof, and that the said sum has been actually expended in the construction of the said Rail Road, the said Receiver General shall issue and deliver to the said Company Government Debentures, in sums not less than Fifty Pounds, at the option of the said Company, to the amount of Three Thousand Seven Hundred and Fifty Pounds bearing interest at the rate of six per cent. per annum, payable half yearly, and redeemable in twenty years; and that when and so often as the said Company, shall produce like evidence to the Receiver General of further sums, not less than Two Hundred and Fifty Pounds at each time, having been paid in by the Stockholders of the said Company upon the Capital Stock subscribed, and that the same has been actually expended as aforesaid, the said Re-

When satisfactory proof given to the Receiver General that £1,250 stock has been paid in and expended on Road;

Receiver General may issue Debentures to the Company for £3,750, bearing interest, &c.; redeemable in twenty years;

When proof given that further sums, not less than £250 shall in like manner have been paid in and expended by Company. Government Debentures to issue to Company for three times the amount so paid in;

Amount of Debentures to be issued limited to £200,000.

ceiver General shall issue and deliver to the said Company Government Debentures, for three times the amount so paid in, in sums not less than Fifty Pounds, at the option of the said Company, bearing interest at six per cent. payable half yearly, and redeemable in twenty years, until the whole amount of said Debentures shall equal the sum of Two Hundred Thousand Pounds.

Acceptance of Debentures to be signified by Company, under Corporate Seal of Company, &c.

V. *And be it further enacted by the authority aforesaid,* That no part of such Debentures shall be delivered to the said Company, until the acceptance thereof shall be signified to the Receiver General, by the filing in his Office of a certificate of such acceptance, under the Corporate Seal of the Company, and the signature of their President.

Certificates of acceptance to be recorded in office of Registrar of the Province, and to constitute mortgages for securing repayment of sums advanced on Debenture.

VI. *And be it further enacted by the authority aforesaid,* That each Certificate of acceptance so executed and filed, as aforesaid, shall be recorded in the Office of the Registrar of the Province, and shall thereupon become, and be, to all intents and purposes, a Mortgage of said Rail-road, and every part and section thereof, and its appurtenances, to the Province, for securing the payment of the principal and interest of the sums of money, for which such Debentures shall, from time to time, be issued and accepted, as aforesaid.

Debentures to be made payable to Company, and to be assigned by them.

See Act of this Session, chap 63.

VII. *And be it further enacted by the authority aforesaid,* That the said Debentures shall be made payable to the said Company, or their order, and may be assigned and transferred by the said Company; and that the said Company shall enter upon Books, to be kept by them for that purpose, each and every Debenture, together with the name or names of such person or persons, or Bodies Corporate, as they shall assign the same to, and furnish, from time to time, an account thereof to the Receiver General.

Company required to make provision for payment of Interest.

When road constructed, after paying necessary repairs and expenses, tolls to be pledged for payment of principal and Interest.

VIII. *And be it further enacted by the authority aforesaid,* That the said Company shall make provision for the punctual redemption of said Debentures, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of this Province from any advances of money for that purpose; and the Tolls and income which shall accrue from the use of the said Road, when the same, or any part thereof, shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

IX. *And be it further enacted by the authority aforesaid,* That no part of such Debentures so authorised, as aforesaid, shall be issued to the said

Company, until full and satisfactory evidence shall have been given to the Receiver General, and approved of by the Attorney or Solicitor General, that no prior lien or incumbrance has been created or exists on said Road, or its appurtenances, except such lien or incumbrance as may have been created under any Law that may be passed in reference thereto, nor until the regular payment of the interest accruing on the said Debentures, shall be secured by personal bonds or obligations, approved of by the Executive Council.

Debentures not to be issued until satisfactory proof given that no incumbrance exists on Rail-road or appurtenances, except such as created by law ; Nor until payment of Interest due.

X. *And be it further enacted by the authority aforesaid,* That in case the said Company shall make default in the payment, of either the interest or principal of said Debentures, or any part thereof, it shall and may be lawful for the Receiver General to sell the said Road, and appurtenances, at auction, to the highest bidder, giving at least six months notice of the time and place of such sale, by advertisement, to be published once in each week in the Upper Canada Gazette, and in two public newspapers in the Gore, London and Western Districts, or to buy the same at such sale for the use and benefit of this Province, subject to such disposition in respect to the said Road, or its proceeds, as the Legislature may thereafter direct.

If default made in payment of either principal or interest advanced by Debenture, Receiver General may dispose of the Rail-road and appurtenances at public sale, and to buy the same for the use and benefit of the Province.

XI. *And be it further enacted by the authority aforesaid,* That the said Company shall expend, in the laying out and construction of said Road, all the monies paid in by the Stockholders of said Company, upon the Stock subscribed, together with the monies to arise from the sale or transfer of said Debentures ; and shall annually render to each Branch of the Provincial Legislature, a true account thereof, verified by the Oath or Affidavits of the Treasurer, and any two of the Directors of the said Company, with a full statement of the receipts and expenditures, with the proper vouchers of all payments.

Money paid in by Stockholders, as well as sums raised on Debentures, to be expended on Rail-road ; And account to be laid before Provincial Legislature.

XII. *And be it further enacted by the authority aforesaid,* That no part of such Debentures, so authorised as aforesaid, shall be issued to the said Company, unless the regular payment of the interest thereon shall, at the time of issuing the said Debentures, be further secured by personal obligations, to the satisfaction of the Lieutenant Governor and Executive Council of this Province.

Personal security to be given for payment of Interest on Debentures.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Canada Company, to construct a Branch Rail Road from Goderich Harbour, to join the Great Western Rail Road at any point between Hamilton and London, upon such terms as shall be agreed upon between the said parties.

Canada Company authorised to construct a branch Rail-road from Goderich Harbour, to any point between Hamilton and London, upon terms to be agreed upon.

Niagara and Detroit Rivers Rail-road Company may, upon agreement made, connect said Rail-road with Great Western Rail-road.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Niagara and Detroit Rivers Rail Road Company, or a majority of them, at any time hereafter, to agree with the Great Western Rail Road Company, to connect their said Rail Roads at such place or places, and upon such terms and conditions, as the President and Directors, for the time being, of each of the said Companies, or a majority of them, shall, by contract or contracts, under the Seals of the said Companies, respectively agree and determine.

Governor to appoint an Engineer to survey and locate the line of Rail-road from town of London to any part of the Western District between Port Amherstburg and Port Sarnia, or Point Edward.

Company may make arrangements with Niagara and Detroit Rivers Rail-road Company, to intersect or unite with that road.

No portion of the loan granted to be expended beyond the town of London, until route agreed upon be determined, and a diagram presented to Governor, to be laid before the Legislature, and approved by it.

Great Western Rail-road Company not authorised to run the Road into townships of Sandwich or Bertie, without consent of President of Niagara and Detroit Rivers Rail-road Company.

XV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint a fit and proper person or persons, as Civil Engineer or Engineers and Surveyors, with competent Assistants, to survey and locate the line of the Great Western Rail Road, from the Town of London to any part of the Western District, at or between Port Amherstburg and Port Sarnia, or Point Edward; and the said Great Western Rail Road Company shall have power, and they are hereby authorised, to make arrangements with the President and Directors, for the time being, of the Niagara and Detroit Rivers Rail Road Company, or a majority of them, to intersect or unite with that Road, at any point they may deem expedient, or agree upon; and that after having made personal inspections of the said lines, they shall establish and determine the same, and until the route is so determined, and a diagram of the same presented to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at its next meeting, it shall not be lawful for the said Company to expend any portion of the loan hereby granted, beyond the said Town of London, until the said route so to be established, be approved of by the Legislature: *Provided, nevertheless,* that nothing herein contained shall extend, or be construed to extend, to authorise the said Engineers or Surveyors, or the said Great Western Rail Road Company, to run their said Road into the Townships of Sandwich or Bertie, or either of them, without the consent, in writing, of the President of the Niagara and Detroit Rivers Rail Road Company, for that purpose first had and obtained.

CHAP. LXII.

AN ACT to provide for the payment, in certain cases, of the Interest on the Loan for the construction of the Great Western Rail Road.

[Passed 4th March, 1837.]

WHEREAS it is expedient to provide, by Assessment upon the District of Gore, and the London and Western Districts, for the payment of the Interest on any Loan to be raised on the credit of the Province, for the construction of the Great Western Rail Road, when the same shall be necessarily advanced by the Receiver General, from the Revenues of the Province: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if the Receiver General of this Province, shall be compelled to pay the interest upon any Debenture or Debentures, issued for raising any sum or sums of money to be loaned to the London and Gore Rail Road Company, pursuant to the provisions of Law, such Interest not having been otherwise paid, the amount thereof, so from time to time advanced, shall be raised, levied and collected, from the inhabitants of the Districts of Gore and London, and the Western District, paying or liable to pay the ordinary Taxes now by Law imposed, which additional rate shall be imposed upon property liable by law to be rated and assessed, and shall be collected in the same manner, as other Taxes are by Law collected, by the Collectors of the several Townships in the said Districts, and paid by them into the hands of the Treasurers of the said Districts, who shall forthwith present the same to the Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said respective Districts, in General Quarter Sessions assembled, made in pursuance of any application of the said Receiver General for that purpose, upon its being made to appear, that the Interest upon the said Loan has not been otherwise paid and discharged, under the provisions of the Law authorising the same.

Preamble.

Default being made in the payment of Interest on Debentures to be issued, the same to be levied by assessment in the Districts of Gore, London, and the Western District.

Monies so raised to be repaid by the Company :

And to remain with the Treasurer, subject to the disposal of the Legislature, for public improvements within the respective Districts.

II. *And be it further enacted by the authority aforesaid, That if any monies shall be raised by Assessment and applied for the purposes of this Act, the amount thereof, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Treasurers of the said Districts, (in the proportion in which the same has been contributed by the respective Districts,) before any Dividend shall be paid to the Stockholders of the said Company ; and that the monies so repaid to the said Treasurers, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said respective Districts.*

CHAP. LXIII.

AN ACT to make further provision respecting the affording of Public Aid to the Great Western Rail Road, and the Toronto and Lake Huron Rail Road, and for other purposes therein-mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS several Bills have passed the two Houses of the Legislature during the present Session, authorising the Receiver General to issue Debentures to the Directors of certain Companies, or to Commissioners for completing the Welland Canal, the constructing certain Rail Roads, and for making sundry other public improvements : *And whereas*, it is necessary to make further provision, to ensure the payment of the interest of the money to be advanced for these purposes, and to make certain regulations respecting some of these works : *And whereas*, it is expedient that all these loans should be negotiated by the Receiver General, in manner 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 notwithstanding any thing in the said Bills contained, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice of the Executive Council, from time to time, to direct any Loan or Loans for which Debentures might, under the authority of any Bills passed during this Session, be issued, to be negotiated

Notwithstanding any thing to the contrary in any bills passed the Legislature, the Receiver General to negotiate loans, for which Debentures are to be issued ;

by the Receiver General of this Province; and that the said Receiver General shall and may, from time to time, advance such sum or sums of money to the Directors of the said several Companies, or the said Commissioners respectively, as will equal in amount the Debentures authorised to be issued by the said several Bills: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to authorise the negotiation of any Loan or Loans for a larger sum of money, or at a higher rate of interest, or on terms in any respect different from those contained and expressed in the said Bills respectively, of and concerning the issue of any such Debentures.

And to advance the money to the several Companies or Commissioners entitled to receive the same.

Loans to be limited to sums authorized by the different bills passed.

II. *And be it further enacted by the authority aforesaid*, That the Receiver General shall require, and take certificates and acknowledgments, of and for the sum or sums which he may advance, under the authority of this Act, which certificates or acknowledgments shall be of the same form, force and effect, and shall be recorded in like manner, as is declared of and concerning certificates to be given for such Debentures, in and by the said several Bills, authorising the issue thereof.

Receiver General to take certificates for sums advanced by him, which are to be registered, and have the like effect as certificates given and registered pursuant to former bills passed.

III. *And be it further enacted by the authority aforesaid*, That if after any loan or advance shall have been made by the said Receiver General, to the Directors of any of the said Companies, or to any of the said Commissioners respectively, the interest thereon shall become in arrear, and remain unpaid, no further loan or advance of money shall be made by the said Receiver General, in the cases in which default shall be made, until all arrears thereof shall be fully paid and satisfied.

Interest of any sum advanced being in arrear, no further advance to be made until all arrears are satisfied.

IV. *And be it further enacted by the authority aforesaid*, That the Great Western Rail Road shall be divided into the three Sections following, that is to say: the First Section shall commence in the Town of Hamilton, and terminate at the Town of Woodstock, or its vicinity; the Second Section shall commence at the end of the First, and terminate at the Town of London; and the Third Section shall commence at the end of the Second, and terminate at such place as shall be determined on, according to the provisions of the Act authorising the construction of the said Rail Road; and that the construction of the Second Section shall not be commenced, until the First Section is completely finished, and in like manner the construction of the Third Section shall not be commenced, until the Second Section is completely finished.

Great Western Rail-road to be divided into three sections; first section, from Town of Hamilton to Woodstock; second section to commence at the end of the first, and terminate at the Town of London; and the third section to commence at the termination of the second, and continue to the end of the work. Second section not to be commenced until first is completed, and third section not to be commenced until the second is completed.

Toronto and Lake Huron Rail road to be divided into three Sections, and completed in succession.

V. *And be it further enacted by the authority aforesaid*, That the Toronto and Lake Huron Rail Road shall, in like manner, be divided into three Sections following, that is to say: the First Section shall commence in the City of Toronto, or the Liberties thereof, and terminate at the South side of the Oak Ridges; and the Second Section shall commence at the end of the First, and shall terminate on the Northern side of the said Oak Ridges; and the Third Section shall commence at the end of the Second Section, and terminate on Lake Huron, in the Township of Nottawasaga, or such other place in the County of Simcoe as shall be determined upon; and that the construction of the Second Section shall not be commenced, until the First shall be completely finished, and in like manner the construction of the Third Section shall not be commenced, until the Second Section shall be completely finished.

Great Western, and Toronto and Lake Huron Rail Road Companies, required to call in and enforce payment of Stock, subscribed in five years, if required to complete Roads.

VI. *And be it further enacted by the authority aforesaid*, That the Directors of the said Great Western Rail Road Company, and of the Toronto and Lake Huron Rail Road Company, shall, and they are hereby required to call in, and enforce payment of all the Stock which shall be subscribed to the said Companies respectively, within five years after the passing of this Act: *Provided*, the same shall be required for the construction of the said Rail Roads.

£77,507 11s. 4½d. granted the present Session to improve the Navigation of the River Trent, which improvements shall be made in such parts and in such manner as Executive Government may direct.

VII. *And whereas*, an Act has passed during the present Session, granting the sum of Seventy-seven Thousand Five Hundred and Seven Pounds, Eleven Shillings and Fourpence Half-penny, for the Improvement of the Navigation of the River Trent: *And whereas*, the said improvement is to be undertaken at the public expense, and it is expedient that the expenditure should be made in such parts of the Sections of the said River, as is authorised by the aforesaid Act to be improved, and in such a manner as the Executive Government may, from time to time direct: *Be it therefore further enacted by the authority aforesaid*, That the Commissioners to be appointed under the authority of the said Act, for the expenditure of the said sum of seventy-seven thousand five hundred and seven pounds, eleven shillings and fourpence halfpenny, shall commence their operations on such of the aforesaid Sections of the said Canal, or improvement of the Trent, and shall proceed in the said work, from time to time, under the direction of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice of the Executive Council.

CHAP. LXIV.

AN ACT granting a certain sum of money to complete the improvement of the Harbour at Toronto.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS the sum of money heretofore granted for the improvement and preservation of the Harbour of the City of Toronto, in the Home District, is insufficient : *And whereas*, it is necessary that a further sum should be granted to complete the same ; We Your Majesty's faithful 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, 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, His Heirs and Successors, out of the duties raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, unappropriated, the sum of Two Thousand Five Hundred Pounds, which sum shall be applied in completing the works for the improvement and preservation of said Harbour.

Preamble.

£2,500 granted to complete works for improvement and preservation of the Harbour of Toronto.

II. *And be it further enacted by the authority aforesaid*, That the Governor, Lieutenant Governor, or Person Administering the Government, shall appoint three fit and discreet persons, to superintend the expenditure of the said sum.

Governor to appoint three persons to superintend expenditure of money.

III. *And be it further enacted by the authority aforesaid*, That the Rates and Tolls authorised to be imposed, by and under the authority of an Act passed in the third year of the reign of His Majesty, entitled, "An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned," shall be, and they are hereby directed and required to be imposed, before any part of the sum of two thousand five hundred pounds granted by this Act, shall be advanced.

Rates and Tolls imposed by former Act, to be levied before money is advanced.

Money advanced to be accounted for through Lords of the Treasury.

IV. *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, 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.*

CHAP. LXV.

AN ACT granting a further Loan to complete the Desjardins Canal, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the President, Directors and Company, of the Desjardin's Canal have petitioned the Legislature, that a further loan may be made to them, to enable the said Company to complete the said Canal: *And whereas* it is desirable that the said Canal should be completed and brought into full operation without further delay, for which it is expedient to afford the said Company further public aid, upon such security 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 so soon as the said Company shall have executed a Bond in due form of law, conditioned for the payment of the interest and principal of the Debentures which shall by the authority of this Act be issued for their benefit, and shall have executed a Mortgage upon the Canal and Tolls to be collected thereon, as collateral security for the performance of the conditions specified in such Bond, and shall have procured such real and personal security as the Lieutenant Governor, for the time being, shall deem sufficient to ensure the payment of the interest accruing on such Debentures annually, and the ultimate liquidation of the principal, at such time as the loan thereof shall be contracted by the Government to be redeemed; then

When Company shall have executed a Bond and Mortgage on the Canal, and shall have given real and personal security for the repayment of principal and interest;

it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to authorise and direct His Majesty's Receiver General of this Province, to issue and deliver to the President and Directors of the said Company the Debentures of this Province, to the amount of Five Thousand Pounds, in sums of not less than Two Hundred Pounds each, as may be required by the said President and Directors, payable to the order of the said Company, at the expiration of ten years from the passing of this Act, with interest at the rate of six per cent. per annum, payable half yearly, at such place as shall from time to time be named by the President of the said Company, for the time being.

A Loan of £5,000, to be raised by Debentures.

II. *And be it further enacted by the authority aforesaid,* That all such Debentures as are hereby authorised to be issued, and the interest thereon, 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.

Charged on Revenues of the Province.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, in the appropriation of their Tolls, to make provision for the payment of the interest of aforesaid Debentures, pursuant to their loan, sufficient for one year in advance, and to have that sum always at their command, before any dividend of profits to the Stockholders shall be declared,

Directors of Canal to make provision for payment of Interest one year in advance.

IV. *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 the fund provided by the securities given for the payment thereof, by the said Desjardins Canal Company; and if at any time satisfactory provision shall not have been made, in the manner named in the preceding Clause, for the payment of the interest and principal when due, it shall and may be lawful for His Majesty's Receiver General of this Province, for the time being, and he is hereby required, in the name and on the behalf of His Majesty, to take possession of the said Canal, and appoint such Agent, Collectors and other Officers, as may be required to manage the same, and deposit and apply the proceeds thereof, to the payment of the interest and principal aforesaid.

If default made in payment of Interest on Loan, and principal when due, Receiver General, on behalf of His Majesty, may take possession of the Canal, &c.

V. *And whereas,* by an Act passed in the second year of His present Majesty's reign, entitled, "An Act authorising a loan to the President and Directors of the Desjardin's Canal Company," and also by an Act

No part of Loan authorised by this Act to be paid, until arrear of Interest on former Loans has been paid.

passed during the first Session of the last Parliament, entitled, "An Act authorising a loan to the President and Directors of the Desjardins Canal Company," the sum of Twelve Thousand Pounds has been raised by Debenture, upon the Credit of the Province, and loaned to the said Company: *And whereas* the Interest upon the said loans has not been paid by the said Company, according to the provisions of the said Acts: *Be it therefore further enacted by the authority aforesaid*, that no part of the money loaned under the authority of this Act shall be advanced, nor any Debentures issued for raising the same, until the full amount of interest due on the said loans shall be paid and satisfied by the said Company.

District of Gore liable to be Assessed, in default of payment of interest or of money loaned.

VI. *And be it further enacted by the authority aforesaid*, That in order to raise the sum necessary to meet any deficiency, not provided by the securities required to be taken under the said recited Acts, and also in the provisions in this Act hereinbefore contained, such deficiencies shall be raised, levied and collected, from the Inhabitants of the District of Gore, paying or liable to pay, the ordinary Taxes now by law imposed, which additional rate shall be imposed upon Property liable by law to be Rated and Assessed, and shall be collected in the same manner, as other Taxes are by law collected by the Collectors of the several Townships in the said District, and paid by them into the hands of the Treasurer of the District of Gore, who shall forthwith transmit the same to the Receiver General of the Province; which said additional Rate shall be rated, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said District of Gore, in General Quarter Sessions assembled, made in pursuance of an application of the said Receiver General for that purpose, upon its being made to appear that the interest upon the said loans has not been otherwise paid and discharged, under the provisions of the said recited Acts, and also of this Act.

Company to repay District any amount that may be levied by Assessment.

Money so repaid, to be subject to disposal of the Legislature for improvements in the District of Gore.

VII. *And be it further enacted by the authority aforesaid*, That if any monies shall be raised by Assessment and applied for the purposes of this Act, the amount thereof, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Treasurer of the District of Gore, before any Dividends shall be paid to the Stockholders in the said Company; and that the monies so repaid to the Treasurer as aforesaid, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said District of Gore.

CHAP. LXVI.

AN ACT granting to His Majesty a sum of money, to be raised by Debenture, for the Improvement of the Navigation of the River Trent.

[Passed 4th March, 1837.]

WHEREAS it is highly important to the Agricultural and Commercial interests of this Province, that a line of communication should be formed between the Waters of the Bay of Quinté and Rice Lake, by improving the Navigation of the River Trent: *And whereas*, it is expedient that the two lower Sections of the said communication should be immediately improved: *And whereas*, it is expedient to raise a sum of money, by way of loan, for that purpose; *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise, by way of 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, authorised to be issued under this Act, a sum of money not exceeding Seventy-seven Thousand Five Hundred and Seven Pounds, Eleven Shillings and Fourpence Half-penny, at a rate of interest not exceeding Six per Centum per annum, payable half-yearly in this Province, or Five per Centum per annum, payable half-yearly in London, or at as much lower rate of interest as the same can be obtained for, and which said sum shall be raised in such amounts, and at such times as may be required, for the completion of the improvement of the said Navigation.

Preamble.

The improvement of the Navigation of the Trent important.

A Loan of £77,507 11s. 4½d. authorised to be raised, by Debenture, for that purpose.

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 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 Seventy-seven

Receiver General to issue Debentures, and agree for Loan.

Thousand Five Hundred and Seven Pounds, Eleven Shillings and Fourpence Half-penny, as any person or persons, Body 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, bearing date on the day on which the same shall actually be issued, and being each for the payment of the sum so advanced, at the expiration of twenty years respectively, with interest at the rate aforesaid, from the date of each Debenture, until the same shall be discharged, and every such Debenture shall and may be signed by the Receiver General of this Province for the time being.

Provisions of Act authorising the Government to borrow money upon Debenture, to be loaned the Welland Canal Company, made applicable to Debentures issued under this Act.

III. *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 the reign of His late Majesty, entitled, "An Act to authorise the Government to borrow a certain sum of money, upon Debenture, to be loaned to the Welland Canal Company," respecting the issuing of Debentures; as to their being chargeable upon the public revenues; as to their passing current with public accountants; as to the interest, and in what cases the same to cease; as to the method of ascertaining for what period interest shall be suspended; as to forging Debentures; as to the Receiver General submitting accounts of Debentures outstanding; as to when the Receiver General shall pay the interest accruing on Debentures, and upon what authority; as to the remuneration to the Receiver General, and persons employed under him; as to the payment of Debentures, when due and how to be cancelled; as to calling in of Debentures, and when interest to cease; shall apply to and be in force in respect to the Debentures which shall be issued under the authority of this Act, to all intents and purposes, as effectually as if they were herein at length set forth and re-enacted.

Governor to appoint five Commissioners to carry Act into effect;

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint five Commissioners, to carry into effect the provisions of this Act, whose duty it shall be to contract with such person or persons, as shall be willing to undertake the improvement and completion of the two lower Sections of the said communication, and the works therewith connected, or any part thereof, and who shall do and perform all and every act and acts, thing and things, necessary and proper to carry the intention of this Act into full effect; and shall and may, from time to time, after the completion of any part of the said improvements, fix such Rates and Tolls as to them may seem just; and shall report to the Governor, Lieutenant Governor, or Per-

And when work completed, impose rates and tolls;

son Administering the Government of the Province, for the information of the Legislature, on or before the first day of November 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, under the provisions thereof, with the proper vouchers for such payments.

And report on or before 1st November in each year, all matters by them done, with an account, in detail, of money received and paid.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have full power and authority, to explore the country lying between the mouth of the River Trent and Percy Landing; and to designate and establish, take, appropriate, have and hold, to and for the use of this Province, the line and boundary of a Canal, with its necessary Locks, Towing-paths, Basins, and all other necessary erections; and it shall and may be lawful for the said Commissioners, to contract with such person or persons as they may think necessary, to do, perform and undertake, all and whatsoever act and thing, work or works, which may be thought necessary to carry the intentions of this Act into effect.

Commissioners to have power to explore the country, &c. ; and to appropriate line and boundary of Canal, &c. ;

and to contract for completion of work.

VI. *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 which may, at any time happen in the said Board of Commissioners, by death, resignation, removal from the Province, or otherwise.

Governor may fill vacancies occurring among Commissioners.

VII. *And be it further enacted by the authority aforesaid,* That the said Commissioners may, from time to time, appoint such Engineers, Agents, Officers, Workmen and Servants, as they may think fit, and pay them such salaries as they may deem just and reasonable, to carry into effect the provisions of this Act, taking, when necessary, good security for the faithful discharge of the trust reposed.

Commissioners may appoint Engineer, Agent, &c. and pay them, taking security when necessary.

VIII. *And be it further enacted by the authority aforesaid,* That no Commissioner, Secretary or other Officer, appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested, in any contract or agreement, for the performance of any work which may be necessary, under the authority of this Act.

No Commissioner or other Officer, appointed under this Act, to be concerned in any contract, &c. connected with work.

IX. *And be it further enacted by the authority aforesaid,* That all and every enactment and provision contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third clauses of an Act, passed in the third

13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th and 25th Sections of "Act granting to His Majesty a sum of money, to be raised

by Debenture, for the improvement of the Navigation of the River St. Lawrence," made applicable to this Act.

year of His present Majesty's reign, entitled, "An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of the Navigation of the River Saint Lawrence," as to Commissioners or Workmen entering upon the grounds of individuals, and making Surveys; as to setting out such lands as may be required for the Works; as to general powers in taking and laying materials on private property; as to altering route and repairing Works; as to the Commissioners agreeing with owners of land for the purchase of what may be required, and for damages done in the progress of the Work; as to appointing Arbitrators to settle claims, when no agreement shall have been made; as to the Assessment of damages by a Jury, when either party decline abiding by award, and at the expense of such party declining; as to the mode of striking a Jury; as to the attendance of Jury and Sheriff upon the premises, to assess damages; as to the oath of Jury; as to the expense of Jury and Sheriff, and how paid; as to considering of advantages in estimating damages; as to award being made a rule of Court; as to the taking materials from adjacent land, for the reparation of unexpected damages; as to the recompense to be given to the owner or occupier, when and how determined and liquidated; shall and they are hereby declared to be, to all intents and purposes, as fully and effectually in force, in and for the purposes of this Act, as if they were herein expressly and at length set forth and re-enacted, save and except the proviso contained in the thirteenth clause.

Commissioners at first meeting to ascertain rates and dues to be taken, and may alter the same, giving two months notice.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at the first General Meeting, ascertain and fix the Rates and Dues to be taken, by virtue of this Act, and that the said Commissioners may alter the said Rates and Dues at any subsequent Meeting, after giving two months notice of their intention so to do; and that a Schedule of Rates and Dues, shall be affixed in one or more conspicuous places, between the mouth of the River Trent and the Percy Landing.

Payment of rates and dues to commence from and after passing of this Act, and to be applied towards payment of interest on money raised on credit of the Province.

XI. *And be it further enacted by the authority aforesaid,* That the payment of the said Rates and Dues, shall commence from and after the passing of this Act, and be appropriated and applied to the payment of the interest of such a sum of money as shall, from time to time, be advanced on the credit of the Province, under and by virtue of this Act.

Rates to be paid to person, and at places pointed out by Commissioners.

XII. *And be it further enacted by the authority aforesaid,* That the said several Dues shall be paid to such person or persons, at such place or places, near to the said Canal, in such manner and under such regulations as the said Commissioners shall direct or appoint; and in case of denial or neglect 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, and he is, and they are hereby authorised and empowered, to seize and detain such Boat, Vessel, Barge or Raft, for or in respect wherof such Rates and Dues ought to be paid, and detain the same until payment thereof.

Commissioners may sue for rates due;

And may seize and detain boats, &c. until rates and dues are paid

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to grant or to lease, for any time 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 and drawn from the said Canal or Canals, for Hydraulic purposes, giving the owners of the lands through which such Canal or Canals may pass, the option of using such Water at the price fixed by the said Commissioners, paying the proceeds of such sale or lease into the hands of the said Receiver General, in the same manner as is provided respecting the Tolls or Dues arising from the use of such Canals, which said sums shall be applied in the same manner, as the said Tolls and Dues are hereinafter directed to be applied.

Commissioners may sell or loan use of water to be drawn from Canal, for 21 years.

Proceeds to be paid Receiver General.

XIV. *And be it further enacted by the authority aforesaid,* That an account of all Dues and Tolls received by the Commissioners, under the authority of this Act, shall be rendered to the Inspector General of the Province, on or before the thirtieth day of June, and the thirty-first day of December, in each year; and the amount thereof, deducting any necessary expenditure on account of the said improvement, and the expense of collecting the same, 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 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 Dues and Tolls, after deducting the expenses of the collection thereof, and defraying the necessary expenses, shall be subject to the disposal of the Legislature of this Province.

Account of dues and tolls received to be sent Inspector General;

And money, deducting expense of collecting, to be transmitted Receiver General in 10 days after account rendered.

Money to be applied to payment of loan, and interest.

When money and interest loaned is discharged, money arising from rates and dues to be subject to the appropriation of the Legislature.

XV. And to prevent disputes touching the tonnage of any Boat, Barge, Brig, Schooner, Sloop or other Vessel, passing into or using and partaking the benefits of the said Navigation: *Be it further enacted by the authority aforesaid,* That the Owner or Master of any such Boat, Barge or other Vessel whatsoever, shall permit and suffer any such Vessel to be gauged or measured, and refusing so to do, shall forfeit and pay the sum of Forty Shillings; and it shall be lawful for the Commissioners, or their Agent or

Tonnage of Vessels, &c. passing navigation, to be ascertained;

Party refusing, subject to a fine of £2.

Manner of ascertaining tonnage.

Agents, or such other person or persons, as shall be appointed by them for that purpose, to proceed with such Owner or Master, or such other person or persons, as shall be chosen or appointed by such Owner or Master, to measure and ascertain such tonnage, and to mark the same on such Boat, Schooner 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 Master or Owner shall refuse or decline to choose a person on his behalf, as aforesaid, then the person appointed by the Commissioners, or their Agent or Agents, shall alone have the power of ascertaining such tonnage.

Persons maliciously injuring works, to be deemed guilty of a misdemeanor.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall maliciously break down, damage or destroy, any Bank, Pier, Lock or Machine, or any improvement of what nature or kind soever, belonging to or connected with the said Navigation, or do any other act, hurt or mischief, to disturb or prevent the carrying into effect the provisions of this Act, or the completing, supporting, or maintaining the improvements aforesaid, every such person so offending shall be deemed guilty of a Misdemeanor.

Owners of boats, &c. obstructing navigation, liable to a fine, unless obstruction be removed on request.

XVII. *And be it further enacted by the authority aforesaid,* That if any Boat, Vessel, Timber or Raft, shall be placed in any part of the said Canal or Canals, so as to obstruct the navigation thereof, and the person having the care of such Boat, Vessel, Timber or Raft, shall not immediately, upon the request of any of the persons employed by the said Commissioners, 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 said Commissioners, to cause any such Boat, Vessel, Timber 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, Timber or Raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading or removal, shall be paid; and if any Boat, Vessel or Timber, shall be sunk in the said Canal or Canals, and the owner or owners, or person or persons, having the care of such Boat, Vessel or Timber, shall not, without loss of time, weigh or draw up the same, it shall and may be lawful for the Agents, Toll-gatherers, or persons employed by the said Commissioners, to cause such Boat, Vessel or Timber, to be weighed or drawn up, and to detain and keep the same, until payment be made of all expenses necessarily occasioned thereby.

Boats &c. obstructing navigation, may be unladen, and detained until expense of unloading be paid.

When boat &c. sunk in Canal, what proceedings to be had to remove same.

XVIII. *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 proof of the offences respectively, before any two Justices of the Peace for the Newcastle District, either by the 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 the said 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.

Forfeitures under this Act to be decided upon by any two Justices, &c.;

Proceedings, and manner of levying fines, &c.;

And punishment of offenders when no fine is levied.

XIX. *And be it further enacted by the authority aforesaid,* That if any plaint 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 doing or committing such damages shall cease, and not afterwards; and the defendant or 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 hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

Protection to parties against whom suits may be brought for any thing done under this Act.

XX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act, shall be named, it shall be taken and construed to mean the majority of the said Commissioners, and that the said Commissioners 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 monies coming into their hands, and touching the duty and conduct of the Officers, Clerks and Servants, employed by them, and all such other matters as appertain to the

Majority of Commissioners to decide questions;

Rules and regulations to be made by them.

conduct of the said Commissioners, in carrying into effect the provisions of this Act.

First meeting of Commissioners to be held when and where they may appoint.

XXI. *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 may name and appoint.

Accounting clause.

XXII. *And be it further enacted by the authority aforesaid*, That all monies which shall be raised by Debenture, under the provisions of this Act, 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 for the time being, in favour of such Commissioners, and 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.

CHAP. LXVII.

AN ACT granting a Loan to the Louth Harbour Company, in the Niagara District.

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act passed in the third year of His present Majesty's reign, entitled, "An Act to Incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario," under the style and title of 'The President, Directors and Company, of the Louth Harbour': *And whereas*, the said President, Directors and Company, have expended, from their own funds, the sum of One Thousand Pounds, and the work, when completed, being considered one which will prove of great utility to that part of the Country in which it is situated, and of safety and convenience to the Shipping interests of the Lake Trade generally, it is expedient to loan the said Company the sum of One Thousand Pounds: *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 Québec, 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, for the time being, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, from any person or persons, Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorised to be issued under this Act, a sum of money not exceeding One Thousand Pounds, at a rate of interest not exceeding Six Pounds per centum; which said sum of One Thousand Pounds, shall be advanced by way of Loan to the said President, Directors and Company, at the same rate of Six per centum interest, to be by them applied in the completion of the said Harbour, at the mouth of the Twenty Mile Creek, in the Township of Louth.

A loan of £1000 to be raised by Debenture.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Receiver General, for the time being, to cause any number of Debentures to be made out for any such sum, not exceeding in the whole the said sum of One Thousand Pounds, at a rate of interest not exceeding Six per centum, as any person or persons, Bodies Politic or Corporate, shall agree to advance on the credit of the said Debentures; which Debentures shall be prepared and made out in such method and form, as His Majesty's Receiver General shall think most safe and convenient; and that for each loan or advance a Debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the sum of One Thousand Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and shall be signed by the said Receiver General.

Debentures to be made out by Receiver General, redeemable in ten years.

III. *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 late Majesty's reign, entitled, "An Act to authorise the Government to borrow a certain sum of money upon Debentures, to be loaned to the Welland Canal Company," respecting the Debentures authorised by the said Act passing current with Public Accountants; and the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures; 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.

Act authorising loan to Welland Canal Company, 7th Geo. 4. made applicable to loan under this Act so far as respects the Debentures to be issued.

Security to be given
for repayment of
principal and interest,
before loan advanced.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of One Thousand Pounds hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General as the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice of His Majesty's Executive Council of this Province, shall deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company, under the provisions of this Act, shall, by the said Company, be applied towards the completion of the said Harbour, and for no other purpose whatsoever.

CHAP. LXVIII.

AN ACT to Loan a sum of money to the Erie and Ontario Rail Road Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the President, Directors and Company, of the Erie and Ontario Rail Road Company, have petitioned the Legislature to grant them a Loan of Five Thousand Pounds, to enable them to prosecute with effect, the Rail Road commenced by them: *And whereas,* it is in their Petition set forth, that they have expended, from their own private funds, the sum of Four Thousand Pounds, and have every reason to believe that with the aid of the said loan of Five Thousand Pounds, they will be able to complete the said work, and it is expedient that the prayer of the said petition should be granted: *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 Erie and Ontario Rail Road Company shall have executed a Bond, in due form of Law, conditioned for the punctual payment of the interest and principal of such Debentures as shall, by the

Security being given
for re-payment of
principal and interest,

authority of this Act, be issued for their benefit, and shall also have executed a Mortgage upon the said Rail Road, and the Tolls thereon, as collateral security for the payment of the said condition, and shall have procured such real or personal security as the Lieutenant Governor, for the time being, shall deem sufficient to ensure the punctual payment of the interest annually, and the ultimate payment of the principal of such loan, at the time herein appointed for the redemption thereof, then and in that case it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to direct His Majesty's Receiver General of the Province to issue and deliver, to the President and Directors of the said Company, the Debentures of this Province, to the amount of Five Thousand Pounds, at a rate of interest not exceeding Six per centum per annum, payable half yearly, in sums of not less than Fifty Pounds each, as may be required by the said Directors; which Debentures shall be made out in such method and form, as the Receiver General shall think most safe and convenient, and shall be redeemable at the expiration of ten years from the passing of this Act, and shall be signed by the said Receiver General.

£5,000 to be raised by Debenture and loaned the Company.

II. *And be it further enacted by the authority aforesaid,* That the Debentures hereby authorised to be issued shall be, and are hereby charged and chargeable upon, and shall be re-paid 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.

Debentures to be charged on Revenues of the Province.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors, in the appropriation of their funds, to make provision for the payment of the interest of the aforesaid Debentures, pursuant to terms of their loan, sufficient for one year in advance, and to have that sum always at their command, before any dividend of profits to the Stockholders shall be declared.

Directors to make provision for payment of interest one year in advance.

IV. *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 the fund provided by the securities given for the re-payment thereof, by the said Erie and Ontario Rail Road Company; and if at any time satisfactory provision shall not have been made, in the manner mentioned in the preceding Clauses, for the payment of the interest when due, it shall and may be the duty of His Majesty's Receiver General of this Province, for the time being, and he is hereby required, in the name and on behalf of His Majesty, to take possession of the said Rail Road, and appoint such Agent, Collectors

Default being made in payment of principal and interest by the Company, Receiver General may take possession of the Rail-road on behalf of His Majesty, &c.

and other Officers, as may be necessary to manage the affairs of the same, and deposit and apply the proceeds thereof, to the payment of interest and principal aforesaid.

Money loaned to be applied to the completion of Rail-road.

V. *And be it further enacted by the authority aforesaid, That the sum of Five Thousand Pounds, hereby loaned to the said Erie and Ontario Rail Road Company, shall be applied by the said Company to the completion of the said Rail Road commenced by them as aforesaid, and to no other use or purpose whatsoever.*

CHAP. LXIX.

AN ACT to afford Aid, by way of Loan, to the Gananoque and Wiltsie Navigation Company, and to amend the Act of Incorporation of the said Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS, certain Stockholders of the Gananoque and Wiltsie Navigation Company, have, by their Petition, prayed for a Loan to the said Company, to enable them to carry into effect the objects of their Incorporation: *And whereas*, the completion of the proposed improvements in the Navigation of the said Waters, will prove highly beneficial to the Agricultural, Commercial and Manufacturing interests of that part of the Country, it is therefore expedient to afford public aid to the said Company, by advancing the sum of Six Thousand Pounds, by way of Loan: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General, for the time being, to cause any number of Debentures to be made out, for any such sums of money, not exceeding in the whole, the said sum of Six Thousand Pounds, as may be required by the Directors of the said Company, redeemable in twenty years, from the date of such Debentures, bearing an interest not exceeding Six per Cent. per Annum, payable Half-yearly.

£6,000 to be raised by Debenture, and loaned the Company, redeemable in 20 years.

II. *And whereas*, it is expedient to repeal part of and amend the provisions of an Act, passed during the Second Session of the Twelfth Parliament, entitled, “An Act to Incorporate sundry persons under the style and title of ‘The Gananogue and Wiltsie Navigation Company’”: *Be it therefore enacted by the authority aforesaid*, That the second clause of the said recited Act, and so much of the third clause, as limits the number of Shares to be subscribed in the first instance to Fifty, and so much of the fifth clause, as renders two of the Directors ineligible for two consecutive years, be and the same is hereby repealed.

Act entitled “An Act to incorporate sundry persons under the style and title of the Gananogue and Wiltsie Navigation Company,” in part repealed and amended.

III. *And be it further enacted by the authority aforesaid*, That nothing in the said recited Act contained, shall extend, or be construed to extend, to authorise or empower the said Company to enter upon or occupy any lands or premises lying contiguous to the said Navigation, other than shall be necessary for the purposes thereof, and that it shall not be lawful for the said Company to make use of the Waters of the said Wiltsie Lake or Gananogue River, for any purpose of Milling or driving Machinery, or for any purpose whatsoever, other than that of Navigation, without the consent of the person or persons owning the same.

Company not authorized to enter upon or occupy lands &c. contiguous to the navigation, other than such as are necessary for the purposes thereof, and not to make use of water for any other purpose than navigation.

IV. *And be it further enacted by the authority aforesaid*, That the whole Capital Stock, inclusive of any real estate which the said Company may have or hold, by virtue of this Act, shall not exceed in value Twelve Thousand Pounds, of lawful money of this Province, which Capital shall be composed of Twelve Thousand Shares, of the value of One Pound each, and that the said Shares of the said Capital Stock shall be transferable, and may be, from time to time, transferred by the respective persons so subscribing or holding the same, to other person or persons.

Stock, inclusive of real estate, not to exceed £12,000. Shares £1 each, and to be transferable.

V. *And be it further enacted by the authority aforesaid*, That all the Debentures issued under the authority of this Act, and the interest thereon, shall be charged upon, and shall be repaid out of the monies which shall come into the hands of the said Directors for Tolls; and in case default shall be made in the payment thereof by the said Directors, the same shall be paid by the Receiver General out of any monies in his hands, at the disposal of the Legislature, and unappropriated.

Tolls &c. to be applied to payment of loan, and if insufficient, deficiency to be paid from public revenues.

VI. *And be it further enacted by the authority aforesaid*, That before the said Debentures shall be issued, the said Company shall give such personal security as shall be satisfactory to the said Receiver General, for the regular payment of the principal and interest on the said Debentures, as they become due, according to the terms thereof.

Personal security to be given for repayment of loan and interest, before Debentures issued.

CHAP. LXX.

AN ACT authorising His Majesty to Loan a Sum of Money to the Credit Harbour Company.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

£1,500 authorized to be loaned, to be raised by Debenture, &c.

Manner of issuing Debentures, and conditions of the same.

WHEREAS, it appears by the Petition of the President, Directors and Company, of the Credit Harbour Company, that the said Company have commenced, and are carrying on sundry expensive Works at the said Harbour, by which great accommodation has already been afforded to the Shipping interests of Lakes Erie and Ontario, and the trade of the Province increased, but that for want of means to complete the same, in an effectual manner, the public interests and trade of that portion of the Province are deprived of the full benefits to be derived from the completion thereof, and it is expedient and necessary that the said Harbour should be completed with the least possible delay: 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 for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province, to raise, by Loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same, upon the credit of the Government Bills or Debentures, authorised to be issued under this Act, a sum of money not exceeding One Thousand Five Hundred Pounds, at a rate of interest not exceeding Six per Centum, which said sum of One Thousand Five Hundred Pounds, shall be advanced, by way of Loan, to the President, Directors and Company, of the said Harbour, at the same rate of Six per Centum interest, to be by them applied to the completion of the said Harbour.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said 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 One Thousand Five Hundred Pounds, at a rate of interest not exceeding Six per Centum, as any person or persons, Bodies Politic or Corporate, shall agree to advance, on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form, as His Majesty's Receiver General shall think most safe and convenient, and that for each Loan or advance a Debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of One Thousand Five Hundred Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and which Debentures shall be signed by the said Receiver General.

III. *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 late 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, authorised by the said Act passing current with Public Accountants; and the suspension of interest in certain cases; the submitting to the Legislature the accounts of such Debentures; the paying off and cancelling the said Debentures; and the punishment awarded for forging any of the said Debentures, or of 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.

Act relating to Debentures issued for loan to Welland Canal, made applicable to this Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of One Thousand Five Hundred Pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General, as the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice of the Executive Council of this Province, shall deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company under the provisions of this Act, shall, by the said Company, be applied towards the completion of the said Harbour, and to no other purpose whatsoever.

Security to be given for repayment of loan, before the same is advanced.

V. *Provided also, and be it further enacted by the authority aforesaid,* That the said Company, who from their own private means, and hitherto without any return, have brought the said Harbour to its present state of

Tolls to be first applied to payment of interest on loan.

usefulness, shall not be permitted to apply any of the Tolls and Dues that may be collected at the said Harbour towards their own re-imbusement, but such as may accrue over and above paying the annual interest of the sum, authorised to be loaned to the said Company by this Act.

Money to be advanced by Receiver General, and accounted for through Lords of the Treasury.

VI. *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 issue his Warrant to the Receiver General for the said sum of One Thousand Five Hundred Pounds, in favour of the Treasurer of the said Company, for the time being, so soon as security is given as aforesaid; and which sum of One Thousand Five Hundred Pounds, shall be accounted for by the said Receiver General, 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.

CHAP. LXXI.

AN ACT granting a sum of money to Improve a Harbour in the Township of Whitby, in the Home District.

[Passed 4th March, 1837.]

Preamble.

£9,000 to be raised by way of loan, to be applied to improve and complete Harbour at Windsor Bay.

WHEREAS the improvement of the Harbour at Windsor Bay is of importance to the Trade and Commerce of the Province, as well as to its Shipping interest: *And whereas,* it is expedient to raise by loan a sum sufficient to make such improvement, and to authorise a suitable toll to be levied and collected on all Goods, Produce and other articles, as well as on all Vessels and Crafts passing in or using 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, 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, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this

Province to raise by loan, from any person or persons, Body Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills, or Debentures, authorised to be issued under this Act, a sum of money, not exceeding Nine Thousand Pounds, at a rate of interest not exceeding Six per cent. per annum, payable half yearly in this Province, or at as much lower rate of interest as the same can be obtained, to improve and complete the said Harbour, and also to make and complete such works as may be deemed necessary, to protect and secure the entrance thereof from Lake Ontario.

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 sum of Nine Thousand Pounds, as any person or persons, Body 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 that for each loan or advance a Debenture shall issue, bearing date at the day on which the same shall actually be issued, conditioned for the payment of the said sum of Nine Thousand Pounds, or such part thereof as may be actually raised, and redeemable at a period not exceeding twenty years, and shall and may be signed by the Receiver General of the Province, for the time being.

Debentures to be made out, and issued for money loaned.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement, or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or to be exchanged, or the endorsement or writing thereon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony.

Punishment of persons forging, or issuing forged Debentures.

Accounts to be rendered by Receiver General, of Debentures issued, &c.

IV. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province, for the time being, shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a correct account of the numbers, amount and dates, of the different Debentures which he may have issued under the authority of this Act, 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 expense attending the issuing the same, to be laid before the Legislature of this Province.

Times and manner of paying interest on Debentures.

V. *And be it further enacted by the authority aforesaid,* That the interest growing due on 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 the 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.

Compensation to Receiver General, and others employed in executing this Act.

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

Warrants to be issued for payment of Debentures.

VII. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, for the payment of each Debenture as the same may become due, and be presented in favor of the lawful holder

thereof; and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

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

Debentures being due, may be called in, &c.

IX. *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 appoint three Commissioners to carry into effect the provisions of this Act, whose duty it shall be to cause a survey, or surveys, and a plan, or plans of improvements, to be made in said Harbour at Windsor Bay, with estimates of the expense of such improvements to be made; and who shall or may contract with such person or persons as shall undertake the said improvements, and all works therewith connected, or any part thereof, and who shall do and perform all and whatsoever act and acts, thing and things, necessary and proper to carry the intention of this Act into full effect; and shall and may, from time to time, after the completion of any part of the said improvements, fix such Rates and Tolls as to them may seem just; 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 November, 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 under the provisions thereof, with the proper vouchers for such payments.

Three Commissioners to be appointed by Lieutenant Governor to carry this Act into effect, &c.

X. *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

Vacancies among Commissioners to be filled by Lieutenant Governor, &c.

shall think fit, to fill any vacancy or vacancis which from time to time shall or may happen in the said Board of Commissioners by death, resignation or otherwise.

Commissioners may appoint Engineers, &c.

XI. *And be it further enacted by the authority aforesaid,* That the said Commissioners may, from time to time, appoint such Engineers, Agents, Officers, Workmen and Servants, as they may deem just and reasonable, to carry into effect the provisions of this Act, taking, when necessary, good security for the faithful discharge of the trust reposed.

No Officer appointed to carry Act into effect, to be concerned in any contract, &c.

XII. *And be it further enacted by the authority aforesaid,* That no Commissioner, Secretary or other Officer, appointed under the provisions of this Act, shall be, directly or indirectly, concerned, engaged or interested, in any contract or agreement for the performance of any work, which may be necessary under the authority of this Act.

Authority given to Commissioners, &c. to enter upon grounds, &c. to enable them to complete work, &c. and to do what may be necessary for completing the same, under certain restrictions.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered, by themselves, their Agents or Workmen, Contractors or Servants, to enter into or upon the lands or grounds of or belonging to any person or persons, Bodies Corporate or Politic, and to survey and ascertain such parts thereof as shall be necessary and proper for making and completing the said Harbour, Ways, Wharves, Piers, Improvements and Conveniences, and for effecting, preserving, improving, completing and using, the said Harbour, and for removing and conveying all materials necessary for making, erecting, finishing, altering, repairing, amending or enlarging, the works of and belonging to the said Harbour; and also place, lay, work and manufacture, the said materials on any ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected or repaired, and build and construct the said works and erections belonging thereto, and all ways and passages which shall communicate therewith, and to erect and keep in repair any Piers, or other works of improvement in said Harbour; and also to construct, make and do, all other matters and things which shall be necessary and convenient, for the making, effecting, preserving, improving, completing and using the said Harbour, in pursuance, and within the meaning of this Act, they, the said Commissioners, doing as little damage as may be, in the execution of the several powers to them granted thereby, or intended to be hereby granted: *Provided always,* that in all cases where the said Commissioners shall find it necessary to take any lands, or other property, for the purpose of constructing, completing and maintaining the said Harbour, and approaches thereto, the value of said land, or other property, so taken or made use of, as also the amount of any damage done to any lands or other property,

Compensation to be made for lands, &c. taken.

to whomsoever belonging, shall be ascertained, accounted for and discharged, by the said Commissioners, in such manner and to such amount, as the said Commissioners in their judgment and discretion shall think just and equitable.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first general meeting held after any of the said improvements of the Harbour aforesaid shall be finished, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and that the said Commissioners may alter the said Rates and Dues at any subsequent meeting, after giving two months notice of their intention so to do; and that the Schedule of Rates and Dues shall be affixed on one or more conspicuous public place or places of said Harbour.

Commissioners to fix Rates and Dues to be taken when Harbour is completed.

XV. *And be it further enacted by the authority aforesaid,* That an account of all Dues and Tolls, received by the Commissioners under the authority of this Act, shall be rendered to the Inspector General of the Province, on or before the thirtieth day of June, and the thirty-first day of December, in each year; and the amount thereof, deducting any necessary expenditure on account of the said Harbour or improvement, and the expense of collecting the same, 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 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 dues and tolls, after deducting the expenses of the collection thereof, and defraying the necessary expenses of repairs, shall be subject to the disposal of the Legislature of this Province.

Accounts of Dues, &c. collected to be transmitted to Inspector General, and paid over to Receiver General.

In what manner to be applied.

XVI. And to prevent disputes touching the tonnage of any Boat, Barge, Brig, Schooner, Sloop or other Vessel, passing into or using, and partaking the benefits of said Harbour, *be it further enacted by the authority aforesaid,* That the Owner or Master of any such Boat, Barge, or other Vessel whatsoever, shall permit and suffer any such 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 Commissioners, or their Agent or Agents, or such other person or persons as shall be appointed by them for that purpose, to proceed with such Owner or Master, or such other person or persons as shall be chosen or appointed by such Owner or Master, to measure and ascertain such tonnage, and to mark the same on such Boat, Schooner 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 Master or Owner shall refuse

Regulations with respect to tonnage of vessels, &c.

or decline to choose a person on his behalf as aforesaid, then the person appointed by the Commissioners, or their Agent or Agents, shall alone have the power of ascertaining such tonnage.

Punishment of persons guilty of wilful mischief to Harbour.

XVII. *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, pier or machine, or any improvement, of what kind or nature soever, belonging to or connected with the said Harbour, or do any other act, hurt or mischief, to disturb, hinder, or prevent the carrying into effect the provisions of this Act, or the completing, supporting or maintaining, the improvements aforesaid, every such person so offending, shall be deemed guilty of a misdemeanor.

Application of penalties, and mode of levying and collecting same.

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule or By-law of the said Commissioners, to be made in pursuance thereof, shall, upon proof of the offences respectively, before any two Justices of the Peace for the Home District, 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 the Home 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.

When fines cannot be collected, offender to be imprisoned, &c.

Protection of parties prosecuted for any thing done under this Act.

XIX. *And be it further enacted by the authority aforesaid,* That if any plaint 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 doing or committing such damages shall cease, and not afterwards; and the Defendant or 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 herein-before limited for bringing the same, then a verdict shall be given for the Defendant.

XX. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named, it shall be taken and construed to mean the majority of the said Commissioners; and that the said Commissioners 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 monies coming into their hands, and touching the duty and conduct of the 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 have power to decide.

XXI. *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 may name and appoint.

Where and when first Meeting of Commissioners to be held.

XXII. *And be it further enacted by the authority aforesaid,* That all monies which shall be raised by Debenture, under the provisions of this Act, 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 for the time being, in favor of such Commissioners, and 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.

Monies raised by Debenture, to be paid by Warrant to Commissioners,
and accounted for to Lords of Treasury.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the Commissioners aforesaid, to commence any part of the improvements of the said Harbour, until a survey with estimates in detail, of the cost of the work, shall have been made, by a competent Engineer under their authority, and unless upon examination of such survey and estimates, by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the Executive Council thereof, it shall satisfactorily appear to them, that the work can be completed in a permanent and sufficient manner, for a sum not considerably exceeding Nine Thousand Pounds.

Improvements not to be commenced until estimate of cost made by competent Engineer is approved of by Governor and Council.

CHAP. LXXII.

AN ACT granting a sum of Money to the Port Burwell Harbour Company, by way of Loan.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

£3,000 loaned to Company, to be raised by Debentures.

WHEREAS, it appears by the Petition of the President of the Port Burwell Harbour Company, that the said Company have commenced and are carrying on sundry expensive works at the said Harbour, by which great accommodation has been already afforded to the Shipping interests of Lakes Erie and Ontario, and the trade of the Province increased, but that for want of means to complete the same, in an effectual manner, the public interests, and the trade of that portion of the Province are deprived of the full benefits to be derived from the completion thereof, and it is expedient and necessary that the said Harbour should be completed with the least possible delay: 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 for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province, to raise by Loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorised 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, which said sum of Three Thousand Pounds shall be advanced, by way of Loan, to the President, Directors and Company, of the said Harbour, at the same rate of Six per Centum interest, to be by them applied to the completion of the said Harbour.

Receiver General to issue Debentures.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said 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 person or persons, Bodies Politic or Corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form, as His Majesty's Receiver General shall think most safe and convenient; and that for each loan or advance a Debenture shall issue, bearing date on 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 redeemable at a period not exceeding twenty years, and which Debentures shall be signed by the said Receiver General.

Terms and conditions upon which Debentures are to be issued and redeemed.

III. *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 late Majesty's reign, entitled, "An Act to authorise the Government to borrow a certain sum of money upon Debentures, to be loaned to the Welland Canal Company," respecting the Debentures authorised by the said Act, passing with public accountants, and the suspension of interest in certain cases; the submitting to the Legislature the accounts of such Debentures; the paying off and cancelling the said Debentures; and the punishment awarded for forging any of the said Debentures, or of 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.

Act authorising Loan to Welland Canal, made applicable to Debentures issued under this Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of Three Thousand Pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to the said Receiver General, as the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice of the Executive Council of this Province shall deem satisfactory, for the regular payment of the interest, and the final re-payment of the principal of the sum so loaned, within the time specified in this Act; and that the said sum of money, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company, under the provisions of this Act, shall, by the said Company, be applied towards the completion of the said Harbour, and to no other purpose whatsoever.

Security to be given for re-payment of Loan and interest, before Debentures are issued.

V. *Provided also, and be it further enacted by the authority aforesaid,* That the said Company, who, from their own private means, and hitherto without any return, have brought the said Harbour to its present state of

Tolls and Dues of Harbour to be first applied towards payment of interest on Loan.

usefulness, shall not be permitted to apply any of the Tolls and Dues that may be collected at the said Harbour, towards their own re-imbusement, but such as may accrue over and above paying the annual interest of the sum authorised to be loaned to the said Company by this Act.

Money to be advanced on Warrants to the Receiver General,

and accounted for through Lords of the Treasury.

VI. *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 issue his Warrant to the Receiver General, for the said sum of Three Thousand Pounds, in favour of the Treasurer of the said Company, for the time being, so soon as security is given, as aforesaid, and which sum of Three Thousand Pounds, shall be accounted for by the said Receiver General, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

CHAP. LXXIII.

AN ACT to Loan a certain sum of Money to the Grand River Navigation Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act was passed in the second year of His Majesty's reign, entitled, "An Act to Incorporate a Joint Stock Company to improve the Navigation of the Grand River," and the President of the said Company has, by his Petition to the Legislature, prayed for a Loan of Twelve Thousand Five Hundred Pounds, to enable them to complete the said Navigation: *And whereas*, the said Company have already expended, from their own means, the sum of Twenty-five Thousand Pounds, have constructed the most durable works, and extended the Navigation to near the Mohawk Castle: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to authorise and direct

£12,500 loaned to be raised by Debenture.

His Majesty's Receiver General of this Province, to raise by Loan, from any person or persons, Body or Bodies Politic or Corporate, who may be willing to advance the same, upon the credit of the Government Bills or Debentures authorised to be issued under the authority of this Act, a sum of money not exceeding Twelve Thousand Five Hundred Pounds, at a rate of interest not exceeding Six per Centum per Annum, which said sum of Twelve Thousand Five Hundred Pounds shall be advanced, by way of Loan, to the President, Directors and Company, at the same rate of interest at which it is obtained, to be by them applied in the completion of the said Navigation.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Receiver General, for the time being, to cause any number of Debentures to be made out for any sum or sums, not exceeding in the whole the said sum of Twelve Thousand Five Hundred Pounds, as any person or persons, Body or 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 on the day on which the same shall be actually issued, conditioned for the payment of Twelve Thousand Five Hundred Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding twenty years, and shall be signed by the said Receiver General.

Manner and terms upon which Debentures are to be issued.

III. *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 late Majesty's reign, entitled, "An Act to authorise the Government to borrow a certain sum of money, upon Debentures, to be loaned to the Welland Canal Company," respecting the Debentures authorised to be issued by the said Act, passing current with Public Accountants; the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures; 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.

Act granting Loan to Welland Canal Company, made applicable to Debentures issued under this Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of Twelve Thousand Five Hundred Pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such security to

Security to be given for repayment of loan, before Debentures are issued.

the Receiver General, as the Governor, Lieutenant Governor, or Person Administering the Government, shall, by and with the advice of His Majesty's Executive Council of this Province, deem satisfactory for the regular payment of the interest, and the final re-payment of the principal sum so loaned, within the aforesaid term of twenty years.

Loan to be advanced by Warrant, and expended in completion of Harbour.

V. *And be it further enacted by the authority aforesaid*, That the said sum of Twelve Thousand Five Hundred Pounds, or so much thereof as shall be advanced by His Majesty's Receiver General, to the said Company, under the provisions of this Act, shall be by them applied and expended in the completion of the said Navigation, and for no other purpose whatsoever.

CHAP. LXXIV.

AN ACT to authorise a Loan to the Cobourg Rail Road Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS, the President and Directors of the Cobourg Rail Road Company have, by their Petition, prayed for a Loan to the said Company, to enable them to carry into effect the objects of their Incorporation: *And whereas*, it is expedient to afford public aid to the said Company, by advancing the sum of Ten Thousand Pounds to them, by way of loan: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for His Majesty's Receiver General of this Province, for the time being, to issue and deliver to the President and Directors of the said Company, the Debentures of this Province, to the amount of Ten Thousand Pounds, in sums of not less than Fifty Pounds each, as may be required by the said Directors, payable to the order of the said Company, at the expiration of twenty years from the issuing of the same, with interest at the rate of Six per Centum per Annum, payable half-yearly, at such place as shall, from time to time, be named by the President of the said Company for the time being.

Debentures to the amount of £10,000, authorized to be issued to Company.

II. *And be it further enacted by the authority aforesaid,* That all such Debentures, and the interest thereon, shall be charged upon, and shall be repaid out of the monies which shall come into the hands of the said President, Directors and Company, for Tolls; and in case default shall be made in payment thereof by the said President, Directors and Company, the same shall be paid by the Receiver General, for the time being, out of any monies in his hands, at the disposal of the Legislature, and unappropriated.

Debentures and Interest to be paid from tolls, and in default of tolls, by Receiver General, out of revenues of the Province

III. *And be it further enacted by the authority aforesaid,* That before the said Debentures shall be issued, the said Company shall give such real or personal security, as shall be satisfactory to the Lieutenant Governor, for the time being, and the Executive Council of this Province, for the regular payment of the principal and interest on the said Debentures, according to the terms thereof.

Security for the payment of Principal and Interest to be given before Debentures are issued.

IV. *And be it further enacted by the authority aforesaid,* That no part of the said sum of Ten Thousand Pounds shall be raised by Debenture, as aforesaid, until it shall be made to appear, to the satisfaction of the said Lieutenant Governor and Council, that the sum of Fifteen Thousand Pounds, has been subscribed by the Stockholders of the said Company, and Five Thousand thereof, being Thirty-three and One-third per Centum, of the said subscribed Stock, has been paid into the hands of the Treasurer of the said Company, and actually expended upon the said Rail Road.

Debentures not to be issued until £15,000 stock subscribed, and £5,000 paid in and expended on road.

V. *And be it further enacted by the authority aforesaid,* That if the said sum of Ten Thousand Pounds, and the interest thereon, shall not be repaid when the said Debentures shall become due, it shall and may be lawful for His Majesty's Receiver General of this Province, for the time being, and he is hereby required, in the name and on the behalf of His Majesty, to take possession of the said Rail Road, which shall be constructed by the said Company, and appoint such Agents, Collectors and other Officers, as may be required to manage the same, and deposit and apply the proceeds thereof to the payment of the said Debentures, and the interest thereon.

Default being made in payment of Debentures and Interest, Government to take possession of the road.

VI. *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 issued under the same restrictions, and on the same security and provisions, provided in the Act granting aid to the Desjardins' Canal Company, or Macadamized Roads in various Districts.

Debentures issued under restrictions, and upon same security provided in Act granting aid to Desjardins Canal, &c.

Fifth clause of Act
4th Wm. 4th, limiting
route of Rail-road,
repealed.

VII. *And be it further enacted by the authority aforesaid,* That so much of the fifth clause of an Act passed in the fourth year of His present Majesty's reign, entitled, "An Act to incorporate certain persons under the style and title of 'The Cobourg Rail Road Company,'" as limits the said Rail Road to or near the route surveyed by F. P. Rubridge, Deputy Provincial Surveyor, be and the same is hereby repealed.

CHAP. LXXV.

AN ACT granting a sum of Money, by way of Loan, to the President, Directors and Company, of the Tay Navigation Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS, certain Stockholders of the Tay Navigation Company, have, by their Petition, prayed for a Loan to the said Company, to enable them to carry into effect further improvements in said Navigation: *And whereas*, the completion of the proposed improvements in the Navigation of the said Waters, will prove highly beneficial to the Agricultural, Commercial and Manufacturing interests of that part of the country, it is expedient to afford further public aid to the said Company, by advancing the sum of Seven Hundred and Fifty Pounds, by way of Loan: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General, for the time being, to cause any number of Debentures to be made out for any such Sums of Money, not exceeding in the whole the said Sum of Seven Hundred and Fifty Pounds, as may be required by the Directors of the said Company, redeemable in Twenty Years from the date of such Debentures, bearing an interest not exceeding Six per Cent. per Annum, payable half yearly.

£750 granted, to
be raised by Deben-
ture.

No advance under
this Act to be made,
until interest on for-
mer loan is paid;

II. *And whereas*, by an Act passed in the Fourth Year of His Majesty's Reign, entitled, "An Act authorising a Loan to the Tay Navigation Company," the Sum of One Thousand Pounds has been raised by

Debentures upon the credit of the Province, and loaned to the said Company: *And whereas*, the Interest upon the said Loan has not been paid by the said Company, according to the provisions of the said Act, *Be it further enacted by the authority aforesaid*, That no part of the Money loaned under this Act shall be advanced, nor any Debentures issued for raising the same, until the full amount of Interest due on the said Loan, shall be fully paid and satisfied by the said Company, and a Bond executed in due form of law, conditioned for the payment of the Interest and Principal of the Debentures, which shall, by the authority of this Act, be issued for their benefit, and a Mortgage be executed upon the Property held by the said Company, in the said Navigation, and the Tolls to be collected thereon, as collateral security for the performance of the conditions specified in such Bond, and such real and personal Security be procured as the Lieutenant Governor, for the time being, shall deem sufficient to ensure the payment of the Interest accruing on such Debentures, annually, and the ultimate liquidation of the Principal at such time, as the Loan thereof shall be contracted by the Government to be redeemed.

And security given
for advance to be
made under this Act.

CHAP. LXXVI.

AN ACT granting a further sum of money for completing the Macadamization of Yonge Street, and other Roads in the Home District.

[Passed 4th March, 1837.]

WHEREAS it is expedient to provide for the completion of the Macadamization of Yonge-Street, and the East and West Roads, to the limits of the Home District, with the least possible delay, and also to alter and amend an Act passed in the sixth year of His present Majesty's reign, entitled, "An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorize the erection of a Toll-gate thereon": *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,

Preamble.

Debentures to be issued on same terms as in former Acts, for £100,000 to be appropriated for completing and Macadamizing certain roads in the Home District.

Distribution of loan.

That it shall and may be lawful for His Majesty's Receiver General of this Province, to issue Debentures on the same terms, and to be paid and secured in the same manner, as is provided by an Act passed for the like purpose in the sixth year of His present Majesty's reign, entitled, "An Act to continue the improvement of certain Roads in the Home District," a further sum, not exceeding in the whole, One Hundred Thousand Pounds, to be expended and appropriated as follows: for completing Yonge Street to Holland Landing, or such other point of Northern termination, as the Trustees of the said Road may deem most expedient, the sum of Sixty Thousand Pounds; for continuing the improvement of the Eastern Road, to the Eastern limit of the Home District, the sum of Twenty Thousand Pounds; for continuing the improvement of the Western Road, to the Western limit of the said District, the sum of Twenty Thousand Pounds; making in all the sum sum of One Hundred Thousand Pounds, as aforesaid.

Debentures to be issued as required by Trustees, for £100,000.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Receiver General, to issue Debentures for such sums, and at such times, as the Trustees for the several Roads may find it necessary to demand therein, not exceeding in the whole the sum of One Hundred Thousand Pounds.

Tenth clause of former Act, exempting certain persons from commutation of statute labour, repealed.

III. *And be it further enacted by the authority aforesaid,* That so much of the tenth clause of the before recited Act, as provides that no person liable to perform Statute Labor, and living within half a mile of either side of either of the three Roads mentioned in this Act, shall be obliged to commute their Statute Labor, until the Macadamizing shall be completed to the lot of Land on which the parties so assessed are respectively located, be, and the same is hereby repealed.

Trustees of West York Road to appropriate £3000 for Macadamizing front road to Humber, &c. and improving road to Mimico Creek.

IV. *And be it further enacted by the authority aforesaid,* That the Trustees for the West York Road shall, so soon after the passing of this Act as may be practicable, appropriate the sum of Three Thousand Pounds, out of the money granted for the said West Road, for the purpose of Macadamizing the Front Road, from the South West corner of Colonel Givins's Park Lot, to the Beach near the mouth of the River Humber, and also in improving and Gravelling the Road along the Beach, till it reaches the Mimico Creek.

Commissioners of East Road, authorized to expend £5,000, in improving road to Resorville.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners for the East or Kingston Road, be authorized by this Act to expend the sum of Five Thousand Pounds, on the most direct and approved route, from some point on the Kingston Road, to the Village of

Resorville, in the eighth Concession of the Township of Markham: *Provided*, that no part of the said sum shall be expended, till a survey be made by a competent Surveyor or Engineer appointed by the said Commissioners, of the most direct route to the said Concession, to be approved of by the said Commissioners, and until it be shewn to the satisfaction of the said Commissioners, that such Road will pay the interest of the money to be laid out thereon, by the Toll to levied and collected on the said Road.

Survey of route to be first made, and Commissioners to be satisfied that Road will pay interest on sum expended.

VI. *And be it further enacted by the authority aforesaid*, That John Gamble, John Proudfoot, and Thomas Fisher, Esquires, be added to the present Board of Trustees, for the purpose of carrying into effect the provisions of this and the former Acts, passed for the improvement of the West York Road.

Additional Commissioners for West York Road.

VII. *And be it further enacted by the authority aforesaid*, That Benjamin Thorne, James Hogg, William Crookshank, James Young, Francis Boyd, David Bridgford, John Dawson, and William Laughton, Esquires, be added to the present Board of Trustees, for the purpose of carrying into effect the provisions of this and the former Acts, passed for the improvement of Yonge Street.

Additional Commissioners for Yonge-street Road.

VIII. *And be it further enacted by the authority aforesaid*, That Alexander McLean, Esquire, Peter Secor, and John Torrance, be added to the present Board of Trustees, for the purpose of carrying into effect the provisions of this and the former Acts, passed for the improvement of the East York Road.

Additional Commissioners for East York Road.

IX. *And be it further enacted by the authority aforesaid*, That in lieu of the Statute Labor, which it is declared shall be commuted for in money, so far as the operations of this and former recited Acts are concerned, and in order that the several Roads about to be Macadamized, may be kept in repair during the progress of the work, it shall be the duty of the Trustees, and they are hereby required, to employ such number of men on the several Roads aforesaid; as may be necessary to keep them in as good a state of repair as circumstances will permit.

In lieu of Statute Labour commuted for persons to be engaged to keep roads in repair.

X. *And be it further enacted by the authority aforesaid*, That in case the Tolls to be collected on the West Gwillimbury Road and Bridge, shall prove insufficient to meet the Interest and Principal when they become due, according to the provisions of this and the above recited Act, such deficiency shall be raised, levied and collected, from the Inhabitants of the County of Simcoe, paying or liable to pay the ordinary Taxes now by

In case Tolls on West Gwillimbury Road prove insufficient to pay Principal and Interest on sums expended, deficiency to be raised by Assessment on Inhabitants of the County of Simcoe.

Manner of levying
and applying same.

Law imposed, which additional rate shall be collected in the same manner as other Taxes, by the Collectors of the several Townships in the said County, and be paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of an order of the Magistrates in the Home District, in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon the Commissioners of the said Road and Bridge making it appear, to the satisfaction of the said Justices, that the amount due for the Interest and Principal loaned for the purposes of this and the first recited Act, cannot be otherwise paid and discharged, as required by this Act.

Tolls &c. proving insufficient to pay Interest on Loans, deficiency to be paid from Provincial Revenue.

XI. *And be it further enacted by the authority aforesaid*, That if it shall at any time happen, that the interest on the sum of money raised under the authority of this and the before recited Act, shall be in arrear and unpaid, in consequence of the Tolls and other means herein provided for the payment thereof, not being immediately available for that purpose, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the general uses of this Province, to advance such sum as may be necessary to meet the exigency of the case, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application being made by the Commissioners of the said West Gwillimbury Road.

Monies so advanced to be repaid by Commissioners of West Gwillimbury Road.

XII. *And be it further enacted by the authority aforesaid*, That any monies so advanced by the Receiver General as aforesaid, shall be charged against the Commissioners of the said West Gwillimbury Road, and shall be repaid in the same manner, as any other monies borrowed for the purposes of this and the before recited Act.

A further sum of £500 loaned for completion of West Gwillimbury Road and Bridge.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty's Receiver General, to raise, by way of loan, a further sum of Five Hundred Pounds, Provincial Currency, for the completion of the said West Gwillimbury Road and Bridge, upon application being made to him for that purpose, by the Commissioners, which sum of Five Hundred Pounds, shall be raised on the same security, and repaid in the same manner and at the same time, as the sum granted for the said West Gwillimbury Road, by the before recited Act.

To be raised on same security as former loan.

XIV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners of the said West Gwillim-

bury Road, to extend the improvement of the same beyond the western limit of the Bridge, should their funds enable them so to do; and also to fix and determine upon the place where it shall intersect Yonge-street.

Commissioners authorised to extend improvements of West Gwillimbury Road.

XV. *And be it further enacted by the authority aforesaid,* That so much of the Thirty-sixth Clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, entitled, "An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers, in this Province, except an Act passed in the fourth year of the reign of William the Fourth, Chapter Twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads;'" as relates to the wilful stopping up of any Highway or Road in any Township, be and the same is hereby repealed, so far as relates to the operations of the Trustees, in improving the West Gwillimbury Road and Bridge.

Thirty-sixth clause of Township Officers Act repealed, so far as the same relates to improvements by Trustees of West Gwillimbury Road.

XVI. *And be it further enacted by the authority aforesaid,* That out of the monies hereby granted, the Commissioners for Yonge-street, hereinbefore named, shall pay to James Cull, the sum of One Hundred Pounds, for services heretofore performed, in Macadamizing the Roads in the Home District of this Province.

£100 to be paid to James Cull.

CHAP. LXXVII.

AN ACT, granting a Sum of Money, by way of Loan, to Macadamize Hurontario Street, south of Dundas Street, to the Lake Shore.

[Passed 4th March, 1837.]

WHEREAS, it is necessary to improve the Road leading from Dundas Street to the Front Road, being that part of Hurontario Street south of Dundas Street, in the Township of Toronto, in the Home District, in a permanent manner: *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

Preamble.

Debentures to issue for £2,500, to be applied to Macadamizing road.

Payment of Principal and Interest to be secured in same manner as monies granted or loaned for Macadamizing Yonge-street and other roads in Home District.

Trustees appointed, and powers given them.

Money not to be expended until Trustees satisfied the Tolls will pay the Interest of Loan.

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 His Majesty's Receiver General of this Province, so soon after the passing of this Act as may be required by the Trustees hereinafter named, to issue Debentures to the amount of Two Thousand Five Hundred Pounds, for the purpose of Macadamizing the Road above mentioned; the payment of the Interest and Principal of the said Sum of Two Thousand Five Hundred Pounds, to be secured and repaid in the same manner as the Monies heretofore granted or loaned for Macadamizing Yonge Street, and other Roads in the Home District.

II. *And be it further enacted by the authority aforesaid,* That Francis Logan, Abijah Lewis, James Trotter, William Scott, and Moses Polly, be Trustees for carrying the Provisions of this Act into effect, who shall have the same power of erecting Toll-gates, and doing all other things necessary on the said Road, as the Trustees for Yonge Street and the other Roads in the Home District have, by virtue of the several Acts under which they are appointed Trustees for the said Roads.

III. *And be it further enacted by the authority aforesaid,* That no part of the said sum of Two Thousand Five Hundred Pounds shall be expended, until the Trustees hereinbefore named shall be fully satisfied, that the Tolls will pay the Interest of the Loan.

CHAP. LXXVIII.

AN ACT to raise a sum of Money to Macadamize the Main Road leading from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the Act passed in the third year of His present Majesty's Reign, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realised the advantages anticipated, and given general satisfaction: *And whereas,* John Haycock, Matthew Crooks, Alexander

Roxborough, John Aikman, Esquires, and others, of the District of Gore, have by petition set forth, that in consequence of the great increase of travel through the said District of Gore, to the Territory of Michigan in the United States, it is imperatively necessary that a substantial Turnpike Road should be constructed and Macadamized, from the Town of Hamilton, by the way of Ancaster, in the District of Gore, to Brantford, in the same District, with Toll-gates erected thereon, for the purpose of defraying the expense of constructing and keeping in repair the said Road, and it is expedient that the prayer of the petition should be granted: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same, upon the credit of the Tolls to be levied and collected on the Road hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general Revenue of this Province, any sum or sums of money, not exceeding in the whole Thirty Thousand Pounds, which said sum of Thirty Thousand Pounds, shall be appropriated and applied as follows, that is to say: to make a Macadamized Road from the Town of Hamilton, by the way of Ancaster, in the District of Gore, to the Town of Brantford, in the same District.

£30,000 authorised to be borrowed on security of the Tolls, &c.

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 or direct any number of Debentures to be made out, for such sum or sums of money, not exceeding in the whole Thirty Thousand Pounds, as any person or persons, Body or Bodies Corporate or Politic, shall agree to advance on the credit of the Tolls and other securities provided by this Act; which Debentures shall be prepared and made out in such manner and form, as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by the Receiver General, for the time being.

Receiver General to issue Debentures, &c.

III. *And be it further enacted by the authority aforesaid*, That the Tolls arising from said Road, shall be applied in payment of the interest on Loan, &c.

Tolls to be applied in payment of interest on Loan, &c.

and principal of such Debentures, and for no other purpose whatever, until the full amount of Thirty Thousand Pounds, and the interest thereon, shall have been fully paid and satisfied.

Receiver General to advance money to Trustees from loan, &c.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General, to pay such sum and sums of money, out of the said loan to be raised on the said Debentures, as the Trustees hereinafter to be appointed for the said Road may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary, to enable them to proceed with the work, not exceeding in the whole the sum of Thirty Thousand Pounds.

Interest on Debentures to be paid half-yearly, &c.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said Loan or Debentures, shall and may be payable in half yearly periods, to be computed from the date thereof, out of the funds hereinafter provided, and shall be paid by the Receiver General of this Province, who shall take care to have the same endorsed on each Debenture at the time of the payment thereof, expressing the time up to which the said interest shall have been paid, and shall take Receipts for the same respectively.

Punishment for forging Debentures.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon; or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or to be exchanged, or the endorsement thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, Body or Bodies Politic or Corporate, then every such person so offending; being thereof lawfully convicted, shall be adjudged a Felon.

Receiver General may call in Debentures due, &c.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or Loan, or any part thereof, respectively becomes due, it shall and may be lawful for the Receiver General of this

Province, if he think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures, to present the same for payment according to this Act, and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, hereinafter mentioned, shall have full power and authority to cause the necessary Surveys and Estimates to be made thereof, preparatory to the commencement of the said improvement, and by public tender, or otherwise as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor; for the performance of all which contracts, the said Trustees shall demand and take such good and sufficient Security, as they shall deem reasonable in each case.

Powers and authority of Trustees, &c.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway, or Road and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper; and to settle the direction of the said Road, or change or alter, or shorten, or make it more accessible; and to make, or cause to be made, Causeways; and to cut or make Drains, Ditches or Trenches, through any grounds lying contiguous to the said Roads, to make passage for the water, when it may be found necessary, from such Ditches or Trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such Drains, Ditches, passages and outlets, and the Workmen authorised by them may go upon the said Lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the District of Gore, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose, at the request of the party aggrieved; and if such verdict shall not exceed the amount of the sum offered, the owner of the land shall pay the costs of the Court on the assessments of such damages; and in case the verdict of the said Jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any monies in their hands for the purposes of the said Road.

Duties and authority of Trustees, in constructing and repairing road, &c.

Manner of making satisfaction to owners of land, and for damages done, &c.

Certain persons required to commute their statute labour.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one mile on either side of the said Road, and who, by the existing Laws of the Province, are liable to perform Statute Labour, shall, and they are hereby required, to commute the same, and pay the amount in money, at the rate of Two Shillings and Sixpence per day, for every day for which they are assessed.

Authority given to Path-masters to demand and receive commutation for statute labour, &c.

XI. *And be it further enacted by the authority aforesaid,* That the Path-masters in the several Divisions on this Road, so to be Turnpiked and Macadamized, shall have full power and authority, and they are hereby required, within their respective Divisions, to demand and receive the amount of commutation for Statute Labour to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Path-master of the Division shall proceed to collect it in the same manner, as he is authorized by law to collect other arrears and forfeitures, by virtue of his office as Path-master.

Punishment of Path-masters for neglect of duty, &c.

XII. *And be it further enacted by the authority aforesaid,* That if any Path-master shall fail or neglect to collect and pay over the Commutation money as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty, as is imposed for any other neglect or omission of his duty by the Law in such case provided, to be levied and collected in the same manner.

Money paid for commutation of statute labour, to be paid Trustees.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-masters the monies collected by them, under the authority of this Act.

Manner of applying money paid for commutation of statute labour.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such Commutation of Statute Labor, shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the Side Roads leading to the Road so to be Macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for Macadamizing the Road to which such Side Roads lead, and keeping the said Main Road in repair.

Trustees to report to Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required to report, at the close of every year, to the Lieutenant Governor, or Person Admi-

nistering the Government, for the information of the Legislature, the sums they have received and expended, together with the amount of Tolls received.

XVI. *And be it further enacted by the authority aforesaid;* That the Trustees of the said Road, shall have power to cause the necessary Surveys to be made thereof; and also to have all the hills on the said Road reduced to a proper level, the Road drained, and all necessary Bridges or Culverts made, so soon after the passing of this Act, as they or a majority of them, may think advisable and for the public good.

Power given to Trustees to make surveys, &c.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees of the said Road, with full powers to carry into effect the purposes of this Act, namely: Daniel G. Gun, James Hughson, Edmond Ritchie, William B. VanEvery, William Scott Burns, Thomas Hammil, James Chep, Doctor Craig, Enos Bunnell, John Westbrooke, and William Richardson, who shall have power to erect such number of Toll-gates on or across the said Road, as to them, or a majority of them, may appear requisite; and fix such Tolls as may be found necessary and expedient, to answer the purposes of this Act, which Rates or Tolls may be altered, from time to time; as circumstances may require: *Provided always,* That the Trustees, acting under the authority of this Act, shall have power to make such equitable arrangement with any person, desiring or having occasion merely to cross any Macadamized Road mentioned in this Act, and without any intention to evade the Tolls, as to them may seem just and reasonable.

Persons appointed Trustees &c., who shall have power to erect Toll-gates, and to fix tolls, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of His Majesty King William the Fourth, entitled, “An Act to reduce to one Act of Parliament, the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled; ‘An Act to regulate Line Fences and Water Courses,’ and to repeal so much of an Act passed in the twenty-third year of the reign of His late Majesty King George the Third, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the Office of Fence-viewers being discharged by Overseers of Highways and Roads,” as relates to the wilful stopping up of any Highway or Road in any Township, be, and the same is hereby repealed, so far as relates to the operations of this Act.

So much of the 36th clause of the Township Officers law, as relates to the wilful stopping up of highways, repealed, so far as respects this Act.

Time and place of meeting of Trustees, &c. and duty to be performed.

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees for the said Road shall meet at the Town of Ancaster, on the first day of June next, and elect one of their number to act as Chairman for the ensuing year, and all subsequent times and places of Meeting, shall be in the discretion of a majority of the Trustees.

A majority of Trustees to decide questions.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Monies collected at Toll-gates to be paid to Trustees, and by them to Receiver General, to be applied in payment of loan and interest.

XXI. *And be it further enacted by the authority aforesaid,* That all the monies collected at the different Toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them; and that it shall be the duty of the said Trustees, to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the interest on the said Loan, as it becomes due, and the overplus to be applied to the redemption of the principal.

Trustees required to levy tolls sufficient to pay principal and interest of sum loaned, in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees be, and they are hereby empowered and required, to levy such Tolls as may be necessary to pay the principal and interest of the respective sums loaned, for the purposes of this Act, within the term of thirty years.

Deficiencies to be raised by assessment on inhabitants of District of Gore.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the Tolls, for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the District of Gore, paying or liable to pay the ordinary Taxes now by Law imposed, which additional rate shall be raised in the same manner as other Taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates, in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said Loan cannot be otherwise paid and discharged, under the provisions of this Act.

If interest in arrear, deficiency to be paid from Provincial Revenues.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence

of the Tolls and other means hereinbefore provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary, to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application made to the Lieutenant Governor, by the Trustees for that purpose.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver General, as aforesaid, shall be charged against the Trustees of the said Road, and shall be repaid in the same manner, as other monies borrowed for the purposes of this Act.

Sums so advanced to be repaid, &c.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such Tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said Loan, and redeem the principal sum of Thirty Thousand Pounds, within a period of not less than thirty years from the passing of this Act.

After fifteen years, Trustees to raise tolls necessary to keep road in repair, pay interest, and redeem principal in 30 years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall be construed to prevent the Receiver General from issuing any Debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed Loan, to replace the same or any part thereof, so that the whole sum of Thirty Thousand Pounds, be liquidated within the period of thirty years.

Debentures may be issued for a shorter period than 30 years.

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

No obstruction of road permitted.

Parties offending, liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offenders goods and chattels, under the authority of any Warrant or Warrants to be for that

Manner of levying fines and forfeitures.

purpose issued, by any one of His Majesty's Justices of the Peace for the District of Gore, who are hereby authorised and empowered to grant the same.

Punishment of parties injuring road, or attempting forcibly to pass Toll gates without paying toll.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the Turnpike Gates, or any Toll-house, to be erected by virtue of this Act, every person so offending and lawfully convicted thereof, shall be deemed guilty of a Misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall remove any Earth, Stone or Timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine, not exceeding Two Pounds, nor less than Ten Shillings, Currency, to be recovered before any Magistrate of the District of Gore.

Money to be advanced upon Warrant, and to be accounted for through Lords of the Treasury.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as may for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of the same, 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.

Trustees may commute tolls, and to affix tables of rates of tolls, at Toll-gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may Commute the Tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such Tolls; and that the said Trustees shall affix, in a conspicuous place at all such Toll Gates, a table of the rates of Tolls to be exacted and taken, to be plainly and legibly printed.

Punishment of persons evading payment of tolls;

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road with any of the Carriages or Animals liable to the payment of Toll, turn out of the same into any other Road, and shall enter the said Road beyond the said Turnpike Gate or Gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Road, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said District

and appropriation of fines.

of Gore shall, on conviction of such offender, fine such person or persons in the said penalty, from whose judgment there shall be no appeal.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person or persons, occupying or possessing any enclosed lands near to any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any Gate, Passage or Way thereon, with any Carriage, or with any Horse, Mare, Gelding or other Animal, liable to the payment of Toll, whereby such payment shall be avoided, every such person so offending, and also the person or persons riding or driving the Animal or Carriage avoiding such payment, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum, not exceeding Ten Shillings, which shall be laid out in improving the Road aforesaid.

Owners or occupants of lands adjacent, permitting persons to pass through their lands to evade tolls, liable to be fined.

XXXV. *And be it further enacted by the authority aforesaid,* That all Persons, Horses or Carriages, going to or from places of worship on the Sabbath, attending or returning from the Funeral of any person, shall be allowed to pass any Toll-gate on the said Road, free of Toll.

Certain persons allowed to pass toll free.

XXXVI. *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, from time to time, by Commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise.

Governor to fill up vacancies among Trustees.

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to Lease from year to year, the different Toll Gates erected by them on the Road under their charge, to such individuals as shall, after due notice having been given for that purpose, offer the highest terms for the same.

Trustees may lease Toll-gates.

CHAP. LXXIX.

AN ACT to authorize the construction of a Macadamized Road, from Dundas to Waterloo, in the Gore District.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the improvement of the Public Highways approaching the City of Toronto, under the authority of an Act of the Parliament of this Province, passed in the third year of the reign of His present Majesty, entitled, “An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned,” has fully realized the advantages anticipated, and given general satisfaction: *And whereas* it is desirable, that such improvement should be made on the public Highway leading from the termination of the Desjardins Canal, in the Village of Dundas, to the Township of Waterloo: *Be it therefore enacted*, by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same on the credit of the Tolls to be levied and collected on the Road hereby authorised to be improved, and the other Securities provided by this Act, and not paid or chargeable against the general Revenue of this Province, any sum or sums of money, not exceeding in the whole Twenty-five Thousand Pounds, which said sum of Twenty-five Thousand Pounds, shall be appropriated and applied as follows, that is to say: to make a Macadamized Road from the Desjardin’s Canal, in the Village of Dundas, to the Township of Waterloo; and also a branch of said Road, from where the Galt Road intersects it in crossing the Bridge at Galt, to the Township line of Waterloo.

£25,000 authorized
to be loaned.

Receiver General to
issue Debentures, &c.

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 or direct any number of Debentures to be made out, for such sum or sums

of money, not exceeding Twenty-five Thousand Pounds, as any person or persons, Bodies Corporate or Politic, shall agree to advance on the credit of the Tolls and other Securities provided by this Act; 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 the Receiver General, for the time being.

III. *And be it further enacted by the authority aforesaid,* That the Tolls shall be applied solely, in payment of the interest and principal of such Debentures, and for no other purpose whatever, until the full amount of Twenty-five Thousand Pounds, with the interest thereon, be fully paid. Tolls to be applied in payment of interest on loan, &c.

IV. *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 pay such sum and sums of money, out of the said Loan so to be raised on the said Debentures, as the Trustees for the said Road may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary, to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of Twenty-five Thousand Pounds. Receiver General to advance money to Trustees, &c.

V. *And be it further enacted by the authority aforesaid,* That the Interest due upon the said Loan or Debentures, shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid 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 respectively, and that the Receiver General of the Province, shall pay the Interest on the said Loan or Debentures half-yearly, as the same becomes due, out of the funds provided by this Act. Interest to be paid half-yearly, &c.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person Punishment for forgery of Debentures, &c.

or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon.

Receiver General may call in Debentures due, &c.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or Loan, or any part thereof respectively, becomes due, according to the terms thereof, it shall and may be lawful for the Receiver General 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 the said Debentures to present the same for payment, according to this Act; and if, after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Power and authority of Trustees, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road hereinafter mentioned, shall have full power and authority, to cause the necessary Surveys and Estimates to be made thereon, preparatory to the commencement of the said improvement, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor, for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security, as they shall deem reasonable in each case.

Duties and authority of Trustees in constructing and repairing roads, &c.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway or Road, and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper, and to settle the direction of the said Road, or change or alter, or shorten, or make it more accessible; and to make, or cause to be made, Causeways; and to cut or make Drains, Ditches or Trenches, through any grounds lying contiguous to the said Roads; to make passage for the Water, when it may be found necessary, from such Ditches or Trenches, through the lands or premises of any adjacent proprietor; and also, to keep clear such Drains, Ditches, Passages and Outlets, and the workmen authorised by them may go upon

the said lands for that purpose : *Provided always*, that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages to be done thereby ; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the District of Gore, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose, at the request of the party aggrieved ; and if such verdict shall not exceed the amount offered, the owner of the land shall pay the costs of the Court on the assessment of such damages ; and in case the verdict of the said Jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any monies in their hands for the purposes of the said Road.

Manner of making reparation to owners of lands, and for damages done, &c.

X. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, all persons living within half a mile on either side of the said Road, and who are, by the existing laws of the Province, liable to perform Statute Labour, shall, and they are hereby required, to commute the same, and pay the amount in money, at the rate of two shillings and sixpence per day, for every day for which they are assessed.

Commutation of statute labour required.

XI. *And be it further enacted by the authority aforesaid*, That the Path-masters in the several Divisions on the said Roads, so to be Macadamized, as aforesaid, shall have full power and authority, and are hereby required, within their respective Divisions, to demand and receive the amount of commutation for Statute Labour, to be paid under this Act ; and in case any person or persons shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Path-master of the Division shall proceed to collect it in the same manner, as he is authorised by Law, to collect other arrears and forfeitures, by virtue of his office as Path-master.

Path-masters to collect and receive commutation of statute labour.

XII. *And be it further enacted by the authority aforesaid*, That if any Path-master shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty, by the Law in such case provided, to be levied and collected in the same manner.

Punishment of Path-master for neglect of duty.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Trustees of the said Road, as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-masters, the money so collected by them.

Path-masters to pay monies received for commutation of statute labour, to Trustees.

Application of money received for commutation of statute labour.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of Statute Labour, shall be expended and applied by the Trustees, as follows, that is to say : so much thereof as the said Trustees shall think just and necessary, on the Side Roads leading to the Road so to be Macadamized, as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for Macadamizing the Road to which such Side Roads lead, and keeping the same in repair.

Trustees to report to Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Trustees of the said Road, and they are hereby required, to report at the close of every year, to the Lieutenant Governor, or Person Administering the Government, for the time being, for the information of the Legislature, the sum they have received and expended, together with the amount of Tolls received.

Power given to Trustees to make surveys, &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall have power to cause the necessary Surveys to be made thereon, and also to have all such of the hills on the said Road reduced to the proper level, the Road drained, and all necessary Bridges or Culverts made, so soon after the passing of this Act, as they or a majority of them, may think advisable, and for the public good.

Names of Trustees.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full power to carry into effect the purposes of this Act, viz.—Peter Bombarger, Dundas, Innkeeper; Andrew T. Kerby, Esquire, West Flamborough; Adam Ainslie, Esquire, Beverley; Thomas Rich, Carpenter, of Dumfries; James K. Andrews, Merchant, Galt; George Clemens, Waterloo, Yeoman; Adam Ferrie, Junior, Merchant, Preston, and John A. Cornwall, Beverley, who shall have power to erect such number of Gates on or across the said Road, as to them, or a majority of them, may appear requisite, and fix such Toll as may be found necessary and expedient to answer the purposes of this Act, which Rates or Tolls may be altered from time to time, as circumstances require: *Provided always,* that the Trustees acting under the authority of this Act, shall have power to make such equitable arrangement, with any person desiring or having occasion merely to cross any Macadamized Road mentioned in this Act, and without any intention to evade the Tolls, as to them may seem just and reasonable.

Power given them to erect Toll-gates, and fix rates and tolls, &c.

Part of 36th clause of Township Officers law, repealed.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of His Majesty King William the Fourth, entitled, “An Act to reduce to one

Act of Parliament the several Laws relative to the appointment and duties of Township Officers, in this Province, as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed, so far as relates to the operations of this Act.

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees for the said Road shall meet in the Village of Dundas, on the first Monday in April next, and elect one of their number to act as Chairman for the ensuing year, and all subsequent times and places of meeting, shall be in the discretion of a majority of the Trustees.

Time and place of meeting of Trustees.

XX. *And be it further enacted by the authority aforesaid,* That all Acts, Proceedings, Orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Majority of Trustees to decide questions.

XXI. *And be it further enacted by the authority aforesaid,* That all the money collected at the different Toll Gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them, and that it shall be the duty of the said Trustees, to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the Interest on the said Loans as it becomes due, and the overplus to be applied to the redemption of the Principal.

Application of monies received at Toll-gates, and to whom to be paid.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required, to levy such Tolls as may be necessary, to pay the Principal and Interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Tolls to be sufficient to pay principal and interest of sum loaned in 30 years.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the Tolls, for the purposes of this Act, such deficiencies shall be raised, levied and collected, from the Inhabitants of the District of Gore, paying or liable to pay the ordinary Taxes now by Law imposed, which additional rate shall be paid in the same manner as other Taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of any Order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province, for that purpose, upon its being made to appear to the satisfaction of the said Justices, that the Interest upon the

Deficiencies to be raised by Assessment on inhabitants of District of Gore.

said Loan cannot be otherwise paid and discharged, under the provisions of this Act.

If Tolls and other means are unequal to payment of interest, deficiency to be supplied from Provincial Treasury.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the Interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the Tolls and other means hereinbefore provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application being made to the Lieutenant Governor, by the Trustees for that purpose.

Sum so advanced, to be repaid, &c.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money, so advanced by the Receiver General, as aforesaid, shall be charged against the Trustees for the said Road, and shall be repaid in the same manner, as other monies borrowed for the purposes of this Act.

After fifteen years, Tolls to be raised so as to keep the Road in repair, and pay Loan in thirty years.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees, to raise such Tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said Loan, and redeem the principal sum of Twenty-five Thousand Pounds, within a period of not less than thirty years from the passing of this Act.

Debentures may be issued for a shorter period than thirty years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall be construed to prevent the Receiver General from issuing any Debenture, authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed Loan, to replace the same or any part thereof, so that the whole sum of Twenty-five Thousand Pounds, be liquidated within the period of thirty years.

No obstruction of Road permitted.

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any Wagon, Cart or other Carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind, or nuisance upon the said Road, or in any of the Ditches or Drains

thereof; and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding Twenty Shillings.

Parties offending liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures, authorised to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's Goods and Chattels, under the authority of any Warrant or Warrants, for that purpose, to be issued by any one of His Majesty's Justices of the Peace, for the District of Gore, who are hereby authorised and empowered to grant the same.

Manner of levying fines and forfeitures.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break-down or otherwise destroy, any of the Turnpike Gates, or any Toll-house, to be erected by virtue of this Act, every person so offending, and being lawfully convicted, shall be deemed guilty of a Misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any Earth, Stone or Timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force any of the said Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding Two Pounds, nor less than Ten Shillings, Currency, to be recovered before any Magistrate of the District of Gore.

Punishment of parties injuring Road or attempting forcibly to pass Toll-gates without paying Tolls.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act, shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of the same, and 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.

Money to be advanced upon Warrants, and to be accounted for through Lords of the Treasury.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the Tolls with any person or persons, by taking of him or them a certain Sum, either monthly or annually, in lieu of such Tolls; and that the said Trustees shall affix, in a conspicuous place, at all such Toll-gates, a Table of the Rates of Tolls to be exacted and taken, to be plainly and legibly printed.

Trustees may commute Tolls, and affix tables at Toll gates.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road, with any of the carriages or animals liable to pay Toll, turn out of the same,

Punishment of persons evading payment of Tolls;

into any other Road, and shall enter the said Road beyond the said Turnpike-gate or gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Road, or towards the payment of the Principal or Interest of the sum expended thereon; and any one Magistrate of the said District of Gore shall, on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

and appropriation of fines.

Owners and occupants of adjacent lands permitting persons to pass through them, to evade Tolls, liable to be fined.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person or persons, occupying or possessing any enclosed Lands near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such Lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of Toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage, whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum not exceeding Ten Shillings, which shall be laid out in improving such Road.

Certain persons exempt from payment of Tolls.

XXXV. *And be it further enacted by the authority aforesaid,* That all persons, horses, or carriages, going to, or attending, or returning from any Funeral of any person, shall pass the gate free of Toll.

Vacancies among Trustees to be filled by Lieutenant Governor.

XXXVI. *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, from time to time, by Commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation, or otherwise.

Trustees authorised to lease Tolls

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees, acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to Lease, from year to year, the different Gates, to such individuals as, upon due notice having been given, shall offer the highest terms for them.

CHAP. LXXX.

AN ACT to raise a sum of Money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of Toll Gates on the said Roads.

[Passed 4th March, 1837.]

WHEREAS an Act passed in the third year of His present Majesty's Reign, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," has fully realised the advantages anticipated, and given general satisfaction: *And whereas* it is desirable that a similar improvement should be made on the Road leading from the Town of Brockville, to the Town of Saint Francis, with branches from the said Road to the Towns of Beverly, Lyndhurst, Charleston and Portland, all in the District of Johnstown: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, Body or Bodies Corporate or Politic, who may be willing to advance the same, upon the credit of the Tolls to be levied and collected on the Roads hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general Revenue of this Province, any sum or sums of money, not exceeding in the whole the sum of Thirty Thousand Pounds, which said sum of Thirty Thousand Pounds, shall be appropriated as follows, that is to say: to construct and make a Macadamized Road from the Town of Brockville, to the Town of Saint Francis, with branch Roads from the said Road to the Towns of Beverly, Lyndhurst, Charleston and Portland, aforesaid.

Preamble.

£30,000 authorised to be borrowed on security of Tolls, &c.

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 Receiver General to issue Debentures.

or direct any number of Debentures to be made out, for such sum or sums of money, not exceeding the sum of Thirty Thousand Pounds, as any person or persons, Body Politic or Corporate, shall agree to advance on the credit of the Tolls and other Securities provided by this Act; which Debentures shall be made out and prepared in such manner and form, as the said Receiver General shall think most safe and convenient, and shall be signed by him.

Tolls to be applied to payment of interest, and principal of Loan.

III. *And be it further enacted by the authority aforesaid,* That the Tolls collected on the said Road, shall be applied solely to the payment of the interest and principal of such Debentures, and for no other purpose whatever, until the full amount of Thirty Thousand Pounds, with the interest thereon, shall be fully paid and satisfied.

Receiver General to advance money to Trustees from loan.

IV. *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 pay such sum and sums of money, out of the said Loan, so to be raised, as the Trustees hereinafter to be appointed may require, either for such parts of the work, as may from time to time be completed, or for such materials from time to time furnished, on such Trustees certifying that such sum or sums, not exceeding in the whole the said sum of Thirty Thousand Pounds, are necessary to enable them to proceed in the due execution and completion of the work.

Interest on Debentures to be paid half-yearly, &c.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said Loan or Debentures, shall be payable at half yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall be paid by the Receiver General, for the time being, who shall take care to have the same endorsed on each Debenture at the time of the payment thereof, expressing the time up to which the said interest shall have been paid, and shall take Receipts for the same respectively.

Punishment for forging Debentures.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall forge or counterfeit any Debenture, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or to

be exchanged, or the endorsement thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, Body Politic or Corporate, every such person so offending, being lawfully convicted thereof, shall be adjudged a Felon.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or Loan, or any part thereof respectively, becomes due, according to the terms thereof, it shall and may be lawful for the Receiver General of this Province, if he think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, according to this Act, and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Receiver General may call in Debentures due, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, hereinafter appointed, shall have full power and authority, to cause the necessary Surveys and Estimates thereof to be made, preparatory to the commencement of the said improvement, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Roads, or for the supply of any part of the materials therefor; for the due performance of which contracts, the said Trustees shall demand and take such Security, as they shall deem safe and reasonable in each case.

Powers and authority of Trustees.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highways or Roads, and the Bridges on the same, to be constructed and amended, widened or repaired, in such manner as they shall think proper; and to settle the direction of the said Road, and alter or shorten the same, to make it more accessible; and to make Causeways, and to cut Drains, Ditches or Trenches, through any grounds lying contiguous thereto; to make passage for the waters discharged from such Ditches or Trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such Drains, Ditches, Passages and Outlets, and the Workmen authorised by them may go upon the said Lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages done thereby; and that

Duties and authority of Trustees, in repairing road, &c.

Manner of making satisfaction to owners of land, and for damages done, &c.

for this purpose, the said Commissioners shall appoint three of their number to assess all damages claimed under the provisions of this Act, and who, before entering upon the discharge of that duty, shall be sworn before some one of His Majesty's Justices of the Peace for the District of Johnstown, well and truly to assess the damages, according to the best of their judgment, and whose duty it shall be, when assessing the damages done to any individual, through whose lands such road or roads may pass, to take into consideration, also the benefits (if any,) accruing or likely to accrue, to such person, by reason of the said Road or Roads being carried through his or her Lands.

Certain persons required to commute their Statute Labour.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one half mile on either side of the said Roads, and who, by the existing Laws of the Province, are liable to perform Statute Labour, shall, and they are hereby required, to commute the same, and pay the amount in money, at the rate of Two Shillings and Sixpence per day, for every day for which they are assessed.

Overseers of Highways authorized to demand and receive commutation of Statute Labour.

XI. *And be it further enacted by the authority aforesaid,* That the Overseers of Highways in the several Divisions, through which the said Roads shall pass, shall have full power and authority, and they are hereby required, within their respective Divisions, to demand and receive the amount of commutation money, to be paid under this Act; and in case any person shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Overseer of the Division shall proceed to collect it in the same manner, as he is authorized by Law to collect other arrears and forfeitures, by virtue of this Act.

Punishment of Overseers for neglect of duty.

XII. *And be it further enacted by the authority aforesaid,* That if any Overseer of Highways shall fail or neglect to collect and pay over the commutation money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty, as is imposed for any other neglect or omission of his duty by the Law in such case provided, to be levied and collected in the same manner.

Money paid for commutation of Statute Labour, to be paid Trustees.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road, or for such persons as they shall appoint, to ask for and receive from the several Overseers aforesaid, any monies collected by them.

Manner of applying money paid for commutation of Statute Labour.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such Commutation of Statute Labor, shall be expended

and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the Side or Branch Roads leading to the Main Road, as they may think adviseable, and the remainder to go to the general fund for Macadamizing the Main Road, and keeping the same in repair.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required to report, in detail, at the close of every year, to the Lieutenant Governor, or Person Administering the Government, for the time being, for the information of the Legislature, the sums they have received and expended, together with the amount of Tolls received, with the proper vouchers for the disbursements by them made. Trustees to report to Lieutenant Governor.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Roads, shall have power to cause the necessary Surveys to be made thereof; and also to have all the Hills on the said Roads reduced to a proper level, the Roads drained, and all necessary Bridges and Culverts made, so soon after the passing of this Act, as they, or a majority of them, may deem advisable and for the public good. Power given to Trustees to make surveys, &c.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees of the said Road, with full powers to carry into effect the purposes of this Act, namely: Sir Daniel Jones, Knight, Ogle Robert Gowan, Henry Jones, James Morris, Patrick Anderson, Thomas Newsom, James Shaw, Jonas Jones, and Paul Glasford, Esquires, who shall have power to erect such a number of Toll-gates on or across the said Roads, or any of them, as to a majority of the said Trustees may appear requisite; and to fix such Tolls as may be found necessary and expedient, to answer the purposes of this Act, which Rates or Tolls may be by them altered as circumstances, from time to time, may require: *Provided always,* That the said Trustees shall have power to make such equitable arrangement with any person, desiring or having occasion merely to cross any Macadamized Road mentioned in this Act, and without any intention to evade the Tolls, as to them may appear just and reasonable. Persons appointed Trustees, who shall have power to erect Toll-gates, and to fix Tolls, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, entitled, "An Act to reduce to one Act of Parliament, the several Laws relative to the appointment and duties of Township Officers in this Province," as relates to the wilful stopping up of So much of the 36th clause of the Township Officers law, as relates to the wilful stopping up of highways, repealed, so far as respects this Act.

of any Highway or Road in any Township, be, and the same is hereby repealed, so far as relates to the operations of this Act.

Time and place of meeting of Trustees, &c. and duty to be performed.

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall meet at the Town of Brockville, on the first day in April next, and elect one of their number to act as Chairman for the ensuing year, and all subsequent times and places of Meeting, shall be in the discretion of a majority of the Trustees.

A majority of Trustees to decide questions.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them.

Monies collected at Toll-gates to be paid to Trustees, and by them to Receiver General, to be applied in payment of loan and interest.

XXI. *And be it further enacted by the authority aforesaid,* That all the monies collected at the different Toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them so to do; and that it shall be the duty of the said Trustees, to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the interest on the said Loan, as it becomes due, and the overplus to be applied to the redemption of the principal.

Trustees required to levy tolls sufficient to pay principal and interest of sum loaned, in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees be, and they are hereby required, to levy such Tolls as may be necessary to pay the principal and interest of the respective sums loaned, for the purposes of this Act, within the term of thirty years.

Deficiencies to be raised by assessment on inhabitants of Johnstown District.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the Tolls, for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the District of Johnstown, paying or liable to pay the ordinary Taxes now by Law imposed, which additional Rate shall be paid in the same manner as other Taxes, to the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates, in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said Loan cannot be otherwise paid and discharged, under the provisions of this Act.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the Tolls and other means hereinbefore provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of the Province, to advance such sum as may be necessary, to pay off any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application made to the Lieutenant Governor, by the Trustees for that purpose.

If interest in arrear, deficiency to be paid from Provincial Revenues.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver General, as aforesaid, shall be charged against the Trustees of the said Road, and shall be repaid in the same manner, as other monies borrowed for the purposes of this Act.

Sums so advanced to be repaid, &c.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such Tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said Loan, and redeem the principal sum of Thirty Thousand Pounds, within a period of not less than thirty years from the passing of this Act.

After fifteen years, Trustees to raise tolls necessary to keep road in repair, pay interest, and redeem principal in 30 years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall be construed to prevent the Receiver General from issuing any Debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed Loan, to replace the same or any part thereof, so that the whole sum of Thirty Thousand Pounds, be liquidated within the aforesaid period of thirty years.

Debentures may be issued for a shorter period than 30 years.

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any Wagon, Cart or other Carriage, nor shall lay or cause to be laid or left, any matter or thing creating, or likely to create, an obstruction of any kind or nuisance upon the said Road, or in any of the Ditches or Drains thereof; and any person so offending, shall, for every such offence, forfeit and pay the sum of Twenty Shillings.

No obstruction of road permitted.

Parties offending, liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may

Manner of levying fines and forfeitures.

be levied and collected by distress and sale of the offenders goods and chattels, under the authority of any Warrant or Warrants to be for that purpose issued, by any one of His Majesty's Justices of the Peace for the District of Johnstown, who are hereby authorised and empowered to grant the same.

Punishment of parties injuring road, or attempting forcibly to pass Toll gates without paying toll.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the Turnpike Gates, or any Toll-house, to be erected by virtue of this Act, every person so offending, and lawfully convicted thereof, shall be deemed guilty of a Misdemeanor, and be punished by fine and imprisonment; and if any person shall remove any Earth, Stone or Timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages by him or them committed, and shall forfeit and pay a fine, not exceeding Two Pounds, nor less than Ten Shillings, Currency, to be recovered before any Justice of the Peace of the District of Johnstown.

Money to be advanced on Warrant, and accounted for through Lords of the Treasury.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act, shall be paid by the Receiver General, in discharge of such Warrant or 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, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, may be pleased to direct.

Trustees may commute tolls, and to affix tables of rates of tolls, at Toll-gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may Commute the Tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such Tolls; and that the said Trustees shall affix, in a conspicuous place at all the Toll Gates, a table of the rates or Tolls to be exacted and taken, to be plainly and legibly printed.

Punishment of persons evading tolls; and appropriation of fines.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road or Roads, with any of the Carriages or Animals liable to the payment of Toll, turn out of the same into any other Road, and shall re-enter the said Road or Roads beyond the said Turnpike Gate or Gates, without paying Tolls, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Ten Shillings, which shall be expended on the said Road or Roads, or towards the payment of the

principal or interest of the sum expended thereon; and any one Magistrate of the District of Johnstown shall, on conviction of such offender, fine such person or persons in the said penalty, from whose judgment there shall be no appeal.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person occupying any enclosed lands, near to any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any Gate, Passage or Way thereon, with any Carriage, or with any Horse, Mare, Gelding or other Animal, liable to the payment of Toll, whereby such payment shall be avoided, every person so offending, and also the person or persons riding or driving the Animal or Carriage avoiding such payment, being thereof convicted, shall, for every such offence, severally forfeit and pay any sum, not exceeding Ten Shillings, which shall be laid out in improving the Road or Roads aforesaid.

Owners or occupants of lands adjacent, permitting persons to pass through their lands to evade tolls, liable to be fined.

XXXV. *And be it further enacted by the authority aforesaid,* That all Persons, Horses or Carriages, going to or returning from the Funeral of any person, shall be allowed to pass any Toll-gate on the said Roads, free of Toll.

Certain persons allowed to pass toll free.

XXXVI. *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 the Province, for the time being, from time to time, by Commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the Board of Trustees appointed by this Act, by death, resignation or otherwise.

Governor to fill up vacancies among Trustees.

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees acting under the authority of this Act, if they can deem it advisable and advantageous to the public interest, to Lease from year to year, the different Toll-gates erected by virtue of this Act, on the Road or Roads under their charge, to such individuals as shall, after due notice given for that purpose, offer the highest terms for the same.

Trustees may lease Toll-gates.

CHAP. LXXXI.

AN ACT to raise a sum of Money to Macadamize the Road between the Town of Kingston and the Village of Napanee, in the Midland District, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the improvement of the road between the Town of Kingston and the Village of Napanee Mills, in the Midland District, would be of material advantage, and greatly tend to the increase in the value of property in said District, particularly along the said road: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same on the credit of the Tolls on the Road hereby authorised to be improved, and not paid or chargeable against the general Revenue of this Province, any sum or sums of money, not exceeding in the whole Thirty Thousand Pounds.

£30,000 authorized to be loaned.

Receiver General to issue Debentures, &c.

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 or direct any number of Debentures to be made out, for such sum or sums of money, not exceeding Thirty Thousand Pounds, as any person or persons, Bodies Corporate or Politic, shall agree to advance on the credit of the Tolls of the said Road, 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 the Receiver General, for the time being.

Tolls to be applied to the payment of loan.

III. *And be it further enacted by the authority aforesaid*, That the Debentures to be issued shall be secured by the Tolls of the said Road,

and the Trustees to be appointed by this Act shall have the sole management of such Road, and the Tolls thereof shall be applied solely on the said Debentures.

IV. *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 pay such sum and sums of money, out of the said Loan so to be raised on the said Debentures, as the Trustees may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary, to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of Thirty Thousand Pounds.

Receiver General to
advance money to
Trustees.

V. *And be it further enacted by the authority aforesaid,* That the Interest due upon the said Loan or Debentures, shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid by the Receiver General of this Province, for the time being; who shall take care to have the same endorsed upon 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 respectively, and that the Receiver General of the Province, shall pay the Interest on the said Loan or Debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

Interest to be paid
half-yearly.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the said Debenture so tendered in payment to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted; shall be adjudged a Felon.

Punishment for for-
gery of Debentures.

Receiver General may call in Debentures due.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or Loan, or any part thereof respectively, becomes due, according to the terms thereof, it shall and may be lawful for the Receiver General of this Province, if he think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, according to this Act; and if, after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Power and authority of Trustees.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees hereinafter mentioned, shall have full power and authority to cause the necessary Surveys and Estimates to be made, preparatory to commencing the said Road and improvements, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor, for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security, as they shall deem reasonable in each case.

Duties and authority of Trustees in constructing and repairing road.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highways or Roads, and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper, and to settle the direction of the said Roads, or change or alter, or shorten, or make them more accessible; and to make, or cause to be made, Causeways; and to cut or make Drains, Ditches or Trenches, through any grounds lying contiguous to the said Road; to make passage for the Water, when it may be found necessary, from such Ditches or Trenches, through the lands or premises of any adjacent proprietor; and also, to keep clear such Drains, Ditches, Passages and Outlets, and the workmen authorised by them may go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the Midland District, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose, at the request of the party aggrieved; and if such verdict shall not exceed the amount offered, the owner of the said land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said Jury shall exceed the offer

Manner of making reparation to owners of lands, and for damages done, &c.

made by the said Trustees, then the costs of such trial and assessment shall be paid by the said Trustees, out of any monies in their hands for the purposes of the said Road.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one mile on either side of the said Road, and who are, by the existing laws of this Province, liable to perform Statute Labour, shall, and they are hereby required, to commute the same, and pay the amount in money, at the rate of two shillings and sixpence per day, for every day for which they are assessed; *Provided always,* that in lieu of such Statute Labour, and in order that the Road to be Macadamized may be kept in repair, during the progress of the work, the Trustees shall employ such number of men on the said Road, as may be found necessary for that purpose.

Certain persons required to commute their Statute Labour.

XI. *And be it further enacted by the authority aforesaid,* That the Path-masters on the several Divisions on the said Road, so to be Macadamized as aforesaid, shall have full power and authority, and are hereby required, within their respective Divisions, to demand and receive the amount of commutation for Statute Labour, to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Path-master of the Division shall proceed to collect it in the same manner, as he is authorised by Law to collect other arrears and forfeitures, by virtue of his office as Path-master.

Path-masters to collect and receive commutation of statute labour.

XII. *And be it further enacted by the authority aforesaid,* That if any Path-master shall fail or neglect to collect and pay over the commutation money as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any neglect or omission of his duty, by the Law in such case provided, to be levied and collected in the same manner.

Punishment of Path-master for neglect of duty.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the Road, or for such persons as they shall appoint, to ask for and receive from the several Path-masters, the money so collected by them.

Path-masters to pay monies received for commutation of statute labour, to Trustees.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of Statute Labour, shall be expended and applied by the Trustees, as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the Side Roads lead-

Application of money received for commutation of statute labour.

ing to the Road so to be Macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for Macadamizing the Road to which such Side Roads lead, and keeping the same in repair.

Trustees to report to
Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required, to report at the close of every year, to the Lieutenant Governor, or the Person Administering the Government of this Province, for the time being, for the information of the Legislature, the sum they have received and expended; together with the amount of Tolls received.

Power given to Trustees
to make surveys,
&c.

XVI. *And be it further enacted by the authority aforesaid,* That the said Trustees shall have power to cause the necessary Surveys to be made on such Road, and also to have all or such of the hills on the said Road reduced to the proper level, the Road drained, and all necessary Bridges and Culverts made, so soon after the passing of this Act, as they or a majority of them, may think advisable, and for the public good.

Persons appointed
Trustees who shall
have power given
them to erect Toll
Gates, fix Tolls, &c.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full powers to carry into effect the purposes of this Act, viz.—Thomas Kirkpatrick, of the Town of Kingston, Esquire; John Counter, of the Town of Kingston, Baker; Horace Yeomans, of the Township of Kingston, Physician; Darius Champion Smith, of the Township of Ernestown, Yeoman; John Lewis Fralick, of the same place, Yeoman, and Allan Macpherson, of the Township of Richmond, Esquire, who shall have authority over the said Road, and shall have power to erect such number of Gates in or across the said Road, as to them, or a majority of them, may appear requisite; and fix such Tolls as may be found necessary and expedient to answer the purposes of this Act, which Rates or Tolls may be altered from time to time, as circumstances require: *Provided always,* that the Trustees acting under authority of this Act, shall have power to make such equitable arrangement, with any person desiring or having occasion merely to cross any Macadamized Road mentioned in this Act, and without any intention to evade the Tolls, as to them may seem just and reasonable.

Time and place of
meeting of Trustees.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Trustees shall meet at the Inn of John Blake, of the Township of Ernestown, on the first Monday in April next, or so soon after as may be convenient, and elect one of their number to act as Chairman for the ensuing year, and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

XIX. *And be it further enacted by the authority aforesaid,* That all Acts, Proceedings, Orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Majority of Trustees to decide all questions.

XX. *And be it further enacted by the authority aforesaid,* That all the money collected at the different Toll Gates on such Road, shall be paid by the Collector to the Trustees of such Road when required by them, and that it shall be the duty of the said Trustees of such Road, to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the Interest on the said Loans as it becomes due, and the overplus to be applied to the redemption of the Principal: *Provided always,* that the money paid by the Trustees of such Road shall be applied only to the Debentures issued for such Road.

Application of monies received at Toll-gates, and to whom paid.

XXI. *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required, to levy such Tolls as may be necessary, to pay the Principal and Interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Tolls to be sufficient to pay principal and interest of sum loaned in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the Tolls, for the purposes of this Act, such deficiencies shall be raised, levied and collected, from the Inhabitants of the Midland District, paying or liable to pay the ordinary Taxes now by Law imposed, which additional rate shall be collected in the same manner as other Taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of any Order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province, for that purpose, upon its being made to appear to the satisfaction of the said Justices, that the Interest upon the said Loan cannot be otherwise paid and discharged, under the provisions of this Act.

Deficiencies to be supplied by Assessment on inhabitants of Midland District.

XXIII. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen that the Interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the Tolls and other means herein provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such In-

If tolls and other means unequal to payment of interest, deficiency to be supplied from Provincial Treasury.

terest, on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application being made to the Lieutenant Governor by the Trustees, for that purpose.

Monies so advanced to be repaid.

XXIV. And be it further enacted by the authority aforesaid, That any sum of money so advanced by the Receiver General as aforesaid, shall be charged against the Trustees for the said Road, and shall be repaid in the same manner as any other monies borrowed for the purposes of this Act.

After 15 years tolls to be raised sufficient to keep the road in repair, and pay loan in 30 years.

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees of such Roads, to raise such Tolls on the said Roads, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Roads in repair, pay the Interest on the said Loan, and redeem the principal sum of Thirty Thousand Pounds, within a period of not less than thirty years from the passing of this Act.

Debentures may be issued for a shorter period than 30 years.

XXVI. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any Debentures authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed Loan to replace the same or any part thereof, so that the whole sum of Thirty Thousand Pounds be liquidated within the period of thirty years.

No obstruction of road permitted.

XXVII. And be it further enacted by the authority aforesaid, That no person shall leave any Wagon, Cart or other Carriage, nor shall lay, or cause to be laid or left, any matter or thing creating an obstruction of any kind, or nuisance, upon any of the said Roads, Ditches or Drains thereof, and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding Twenty Shillings.

Parties offending liable to penalties.

Punishment of parties injuring road, or attempting forcibly to pass toll-gates without paying tolls.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall cut, break-down or otherwise destroy, any of the Turnpike Gates, or any Toll-house, to be erected by virtue of this Act, every person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any Earth, Stone or Timber, on the said Road, to the damage of the same, or shall forcibly pass, or attempt to pass by force, any of the said Gates, without having first paid

the legal Toll at such Gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine, not exceeding Two Pounds, nor less than Ten Shillings, Currency, to be recovered before any two Magistrates within the Midland District.

XXIX. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act, shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of the same, 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.

Money to be advanced upon Warrant, and accounted for through Lords of the Treasury.

XXX. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may Commute the Tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such Tolls, and that the said Trustees shall affix, in a conspicuous place at all such Toll Gates, a table of the Rates of Tolls to be exacted and taken, to be plainly and legibly printed.

Trustees may commute tolls.

Tables of rates to be affixed at Toll-gates.

XXXI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon any of the said Roads with any Carriages or Animals liable to Toll, turn out of the same into any other Road beyond the said Turnpike-gate or gates, without paying Toll, whereby such payment shall be evaded, he shall, for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Roads, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said Midland District shall, on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

Punishment of persons evading tolls; and appropriation of fines.

XXXII. *And be it further enacted by the authority aforesaid,* That if any person or persons, occupying or possessing any enclosed Lands near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such Lands, or through any gate, passage, or way thereon, with any Carriage, or with any Horse, Mare, Gelding, or other animal liable to the payment of the Toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage, whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay any

Possessors or occupants of adjacent lands permitting persons to pass through them, to evade Tolls, liable to be fined.

sum not exceeding Ten Shillings, which shall be laid out in improving such Road.

Certain persons
to pass toll-free.

XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That all persons, horses, or carriages, going to, or attending, or returning from any Funeral of any person, shall pass the gate free of Toll.

Vacancies among
Trustees to be filled by
Lieutenant Governor.

XXXIV. *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, from time to time, by Commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation, or otherwise.

Part of 36th clause
of Township Officers
Act, repealed.

XXXV. *And be it further enacted by the authority aforesaid,* That so much of the Thirty-sixth Clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, entitled "An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers, in this Province, as relates to the wilful stopping up of any Highway or Road in any Township," be and the same is hereby repealed, so far as relates to the operations of this Act.

CHAP. LXXXII.

AN ACT to raise a sum of Money to Macadamize the Main Road from Queenston to the West Boundary Line of Grimsby, in the Niagara District, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS an Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned, has fully realised the advantages anticipated, and given general satisfaction: *And whereas* it is desirable that such improvement should be made on the Main Public Highway leading from Queenston, through Saint Catharines, to the Western limit of the Township of Grimsby, 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, 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 Québec, 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 Receiver General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person or persons, Body Politic or Corporate, who may be willing to advance the same, on the credit of the Tolls to be levied and collected on the Road hereby authorised to be improved, and the other securities provided by this Act, and not paid or chargeable against the general Revenue of this Province, any sum or sums of money, not exceeding in the whole Thirty Thousand Pounds, which said sum of Thirty Thousand Pounds, shall be appropriated and applied as follows, that is to say: to make a Macadamized Road from the Village of Queenston, to the Western limit of the Township of Grimsby, aforesaid.

£30,000 authorised to be borrowed on security of Tolls.

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 or direct any number of Debentures to be made out for such sum or sums of money, not exceeding Thirty Thousand Pounds, as any person or persons, Bodies Corporate or Politic, shall agree to advance, on the credit of the Tolls and other securities provided by this Act; which Debentures shall be prepared and made out in such manner and form as His Majesty’s Receiver General shall think most safe and convenient, and shall be signed by the Receiver General, for the time being.

Receiver General to issue Debentures.

III. *And be it further enacted by the authority aforesaid,* That the Tolls shall be applied solely in payment of the interest and principal of such Debentures, and for no other purpose whatsoever, until the full amount of Thirty Thousand Pounds, and the interest thereon, be fully paid.

Tolls to be applied to payment of interest, and principal of Loan.

IV. *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 pay such sum and sums of money, out of the said Loan so to be raised on the said Debentures, as the Trustees for the said Road may require, for such parts of the work, as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of Thirty Thousand Pounds.

Receiver General to advance money to Trustees from loan.

Interest on Debentures to be paid half-yearly, &c.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said Loan or Debentures, shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid 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 respectively; and that the Receiver General of the Province shall pay the Interest on the said Loan or Debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

Punishment for forging Debentures.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged Debenture or Debentures, with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment, or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the person appointed to pay off the said Debentures, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon.

Receiver General may call in Debentures due, &c.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or Loan, or any part thereof respectively, becomes due, according to the terms thereof, it shall and may be lawful for the Receiver General of this Province, if he think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, according to this Act, and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentation for payment.

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, hereinafter mentioned, shall have full power and authority, to cause the necessary Surveys and Estimates to be made thereon, preparatory to the commencement of the said improvement, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said Road, or for the supply of any materials therefor, for the due performance of which contracts, the said Trustees shall demand and take such good and sufficient Security, as they shall deem reasonable in each case.

Powers and authority of Trustees.

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorised, to cause the said Highway or Road, and Bridges on the said Road, to be amended, widened and repaired, in such manner as they shall think proper; and to settle the direction of the said Road, or change, or alter or shorten, or make it more accessible; and to make or cause to be made, Causeways; and to cut, or make Drains, Ditches or Trenches, through any grounds lying contiguous to the said Road, to make passage for the water where it may be found necessary, from such Ditches or Trenches, through the lands or premises of any adjacent proprietor; and also to keep clear such Drains, Ditches, Passages and Outlets, and the Workmen authorised by them may go upon the said Lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises, for the damages to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the District of Niagara, at the Court of General Quarter Sessions, to be empannelled and sworn for that purpose, at the request of the party aggrieved, and if such verdict shall not exceed the amount offered, the owner or occupier of the land, shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said Jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners, out of any monies in their hands for the purposes of the said Road.

Duties and authority of Trustees, in repairing road, &c.

Manner of satisfaction to owners of land, and for damages done.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one half mile on either side of the said Road, and who are, by the existing Laws of the Province, liable to perform Statute Labour, shall, and they are hereby required, to commute the same, and pay the amount in money, at the rate of Two Shillings and Sixpence per day, for every day for which they are assessed.

Certain persons required to commute their Statute Labour.

Path Masters to demand and receive commutation for Statute Labour.

XI. *And be it further enacted by the authority aforesaid,* That the Path-masters in the several Divisions on the said Roads, so to be Macadamized as aforesaid, shall have full power and authority, and they are hereby required, within their respective Divisions, to demand and receive the amount of commutation for Statute Labour, to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same, for the space of fourteen days after it shall be so demanded, the Path-master of the Division shall proceed to collect it in the same manner, as he is authorized by Law to collect other arrears and forfeitures, by virtue of his Office as Path-master.

Punishment of Path-Masters for neglect of duty.

XII. *And be it further enacted by the authority aforesaid,* That if any Path-master shall fail or neglect to collect and pay over the commutation money as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty, as is imposed for any other neglect or omission of his duty by the Law in such case provided, to be levied and collected in the same manner.

Money paid for commutation of Statute Labour to be paid Trustees.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said Road as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-masters the money so collected by them.

Manner of applying money for commutation of Statute Labor.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such Commutation of Statute Labor, shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary, on the side Roads leading to the Road so to be Macadamized as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for Macadamizing the Roads to which such side Roads lead, and keeping the same in repair.

Trustees to report to Lieutenant Governor.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Trustees of the said Road, and they are hereby required to report, at the close of every year, to the Governor, Lieutenant Governor, or Person Administering the Government, for the time being, for the information of the Legislature, the sums they have received and expended, together with the amount of Polls received.

Power given to Trustees to make surveys, &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road, shall have power to cause the necessary Surveys to be made thereon; and also to have all such of the Hills on the said Road reduced to the proper level, the Road drained, and all necessary

Bridges or Culverts made, so soon after the passing of this Act, as they, or a majority of them, may think advisable and for the public good.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full power to carry into effect the purposes of this Act, videlicet: Joseph Wynn, of Queenston; William Woodruff, of Saint Davids; John Lampman and George Havens, of Grantham; Oliver Phelps and George Adams, of Saint Catharines; John McCarthy, of Louth; Timothy Hixon, of Beamsville, and Dennis Woolverton, of Grimsby, who shall have full power to erect such number of Gates on or across the said Road, as to them, or a majority of them, may appear requisite; and fix such Toll as may be found necessary and expedient, to answer the purposes of this Act, which Rates or Tolls may be altered, from time to time, as circumstances require: *Provided always,* that the Trustees acting under the authority of this Act, shall have power to make such equitable arrangement, with any person desiring or having occasion merely to cross any part of the Macadamized Road mentioned in this Act, and without any intention to evade the Tolls, as to them may seem just and reasonable.

Persons appointed Trustees, who shall have power to erect Toll-gates, and to fix Tolls, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That so much of the thirty-sixth clause of an Act, passed in the fifth year of the reign of His Majesty King William the Fourth, entitled, "An Act to reduce to one Act of Parliament, the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter Twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads,'" as relates to the wilful stopping up of any Highway or Road in any Township, be and the same is hereby repealed, so far as relates to the operations of this Act.

So much of the 36th clause of the Township Officers law, as relates to the wilful stopping up of highways; repealed, so far as relates to this Act

XIX. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Road shall meet in the Village of Saint Catharines, on the first Monday in April next, and elect one of their number to act as Chairman for the ensuing year, and all subsequent times and places of meeting, shall be in the discretion of a majority of the Trustees.

Time and place of meeting of Trustees, &c. and duty to be performed.

XX. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, orders, matters and things, relative to the execution of the

A majority of Trustees to decide questions.

trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Monies collected at Toll-gates to be paid to Trustees, and by them to Receiver General, to be applied in payment of loan and interest.

XXI. *And be it further enacted by the authority aforesaid,* That all the money collected at the different Toll-gates on the said Road, shall be paid by the Collector to the Trustees aforesaid, when required by them; and that it shall be the duty of the said Trustees, to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the interest on the said Loans, as it becomes due, and the overplus to be applied to the redemption of the principal.

Trustees required to levy tolls sufficient to pay principal and interest of sum loaned, in 30 years.

XXII. *And be it further enacted by the authority aforesaid,* That the Trustees are empowered and required, to levy such Tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Deficiencies to be raised by assessment on inhabitants of District of Niagara.

XXIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the Tolls, for the purposes of this Act, such deficiency shall be raised, levied and collected, from the inhabitants of the District of Niagara, paying or liable to pay the ordinary Taxes now by Law imposed, which additional Rate shall be raised in the same manner as the other Taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied and collected, under and by virtue of any order of the Magistrates, in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear, to the satisfaction of the said Justices, that the interest upon the said Loan cannot be otherwise paid and discharged, under the provisions of this Act.

If interest in arrear, deficiency to be paid from Provincial Revenues.

XXIV. *And be it further enacted by the authority aforesaid,* That if it shall at any time happen, that the interest on the sum of money raised under the authority of this Act, shall be in arrear and unpaid, in consequence of the Tolls and other means hereinbefore provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of the Province, to advance such sum as may be necessary, to pay any balance in arrear on account of such interest; on receiving from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a Warrant for that purpose, which Warrant shall and may be issued at any time, upon application being made to the Lieutenant Governor, by the Trustees for that purpose.

XXV. *And be it further enacted by the authority aforesaid,* That any sum of money so advanced by the Receiver General as aforesaid, shall be charged against the Trustees for the said Road, and shall be repaid in the same manner, as other monies borrowed for the purposes of this Act.

Sums so advanced to be repaid, &c.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees to raise such Tolls on the said Road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such Road in repair, pay the interest on the said Loan, and redeem the principal sum of Thirty Thousand Pounds, within a period of not less than thirty years from the passing of this Act.

After fifteen years, Trustees to raise tolls necessary to keep road in repair, pay interest, and redeem principal in 30 years.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing contained in this Act, shall be construed to prevent the Receiver General from issuing any Debenture authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed Loan, to replace the same or any part thereof, so that the whole sum of Thirty Thousand Pounds, be liquidated within the period of thirty years.

Debentures may be issued for a shorter period than 30 years.

XXVIII. *And be it further enacted by the authority aforesaid,* That no person shall leave any Wagon, Cart or other Carriage, nor shall lay or cause to be laid or left, any matter or thing creating an obstruction of any kind or nuisance upon the said Road, or in any of the Ditches or Drains thereof; and every person so offending, shall, for every such offence, forfeit and pay a sum, not exceeding Twenty Shillings.

No obstruction of road permitted.

Parties offending, liable to penalty.

XXIX. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorised to be imposed by this Act, shall and may be levied and collected, by distress and sale of the offenders goods and chattels, under the authority of any Warrant or Warrants for that purpose to be issued, by any one of His Majesty's Justices of the Peace for the District of Niagara, who are hereby authorised and empowered to grant the same.

Manner of levying fines and forfeitures.

XXX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down or otherwise destroy, any of the Turnpike Gates, or any Toll-house, to be erected by virtue of this Act, every such person so offending, and being lawfully convicted, shall be deemed guilty of a Misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any Earth, Stone or Timber, on the said Road, to the damage of the same, or shall forcibly pass, or at-

Punishment of parties injuring road, or attempting forcibly to pass Toll gates without paying toll.

tempt to pass by force, any of the Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine, not exceeding Two Pounds, nor less than Ten Shillings, Currency, to be recovered before any Magistrate of the District of Niagara.

Money to be advanced on Warrant, and accounted for through Lords of the Treasury.

XXXI. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act, shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants issued for that purpose, by the Governor, Lieutenant Governor, or Person Administering the Government of the same, 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.

Trustees may commute tolls, and to affix tables of rates of toll, at Toll-gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the Tolls with any person or persons, by taking of him, her or them, a certain sum, either monthly or annually, in lieu of such Tolls; and that the said Trustees shall affix, in a conspicuous place at all such Toll Gates, a table of the rate of Tolls to be exacted and taken, to be plainly and legibly printed.

Punishment of persons evading payment of tolls; and appropriation of fines.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after proceeding upon the said Road, with any of the Carriages or Animals liable to pay Toll, turn out of the same into any other Road, and shall enter the said Road beyond the said Turnpike Gate or Gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Road, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the District of Niagara shall, on conviction of such offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

Owners or occupants of lands adjacent, permitting persons to pass through their lands to evade tolls, liable to be fined.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any person or persons occupying or possessing any enclosed lands, near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any Horse, Mare, Gelding or other animal, liable to the payment of the Toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall,

for every such offence, severally forfeit and pay any sum, not exceeding Ten Shillings, which shall be laid out in improving such Road.

XXXV. *And be it further enacted by the authority aforesaid,* That all persons, Horses or Carriages, going to or attending, or returning from any Funeral of any person, shall pass the Gate free of Toll. Certain persons allowed to pass toll free.

XXXVI. *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, from time to time, by Commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise. Governor to fill up vacancies among Trustees.

XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees, acting under the authority of this Act, if they deem it advisable and advantageous to the public interest, to Lease from year to year, the different Gates, to such individuals as, upon due notice having been given, shall offer the highest terms for them. Trustees may leave Toll-gates.

CHAP. LXXXIII.

AN ACT granting a sum of Money for the erection of a Toll Bridge over the River Thames, at Chatham, in the Western District.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to erect a Bridge across the River Thames, at Chatham, in the Western District: *And whereas,* it is necessary to provide a sum of money to defray the expense of erecting and keeping the same in repair; 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 Preamble.

Power given to Governor, from time to time, to appoint Commissioners to superintend erection of Bridge, &c and to carry Act into effect.

Commissioners to report proceedings, for information of the Legislature.

£1,500 to be raised by Loan, on Bills or Debentures.

Receiver General authorised to issue Debentures.

said Province," and by the authority of the same, That the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall have power, from time to time, to appoint two or more Commissioners, to superintend the erection and completion of a Bridge across the River Thames, at Chatham, in the Western District, and such Commissioners to remove, and at his pleasure to appoint another or others in lieu thereof, whose duty it shall be to procure plans and estimates of such Bridge, and to Contract with such person or persons as shall undertake to build and erect the same, and the works and approaches therewith connected, or any part thereof; and who shall do and perform all and whatsoever act and acts, thing and things, as may be necessary and proper to carry the intentions of this Act into full effect; and shall and may from time to time, after the completion of such Bridge, and the approaches thereto, fix such Rates and Tolls as to them may seem just, 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 January in each and every year, all matters by them annually done or performed by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

II. *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, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, from any person or persons, Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding Fifteen Hundred Pounds, at a rate of interest not exceeding six per centum, payable half yearly in this Province.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General of this Province, for the time being, 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 Fifteen Hundred Pounds, as any person or persons, Body 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, three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one-third of the sum

so advanced, at the expiration of eight, nine, and ten years, respectively, with Interest at the rate aforesaid, from the date of each Debenture until the same shall be discharged; and every such Debenture shall and may be signed by the Receiver General of this Province, for the time being.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with any such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment, or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony.

Punishment for forgery of Debentures.

V. *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, correct accounts of the numbers, amounts 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 the same, to be laid before the Legislature of this Province.

Receiver General to report amount of Debentures issued.

VI. *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

Interest on Debentures to be paid half-yearly.

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 the 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 taken by him, as aforesaid.

Warrant to issue for payment of Debentures.

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

Debentures, when due, to be called in and discharged.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures, to present the same for payment according to this Act, and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such Debentures, after the expiration of 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.

Vacancies in Board of Commissioners to be filled by Governor.

IX. *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 which, from time to time, shall or may happen in the said Board of Commissioners, by death, resignation or otherwise.

Commissioners authorised to appoint Agents & Engineers, and to pay them,

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners may, from time to time, appoint such Engineers, Agents, Officers, Workmen and Servants, as they may think fit, and pay them such salaries as they may deem just and reasonable, to carry into effect

the provisions of this Act, taking when necessary, good security for the faithful discharge of the trust reposed.

XI. *And be it further enacted by the authority aforesaid,* That no Commissioner or Secretary appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested, in any Contract or Agreement, for the performance of any work which may be necessary, under the authority of this Act.

Commissioner or Secretary appointed not to be concerned in Contracts.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first general meeting held after the said Bridge, together with the approaches thereto, shall be completed, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and it shall and may be lawful for the said Commissioners, to alter the said Rates and Dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a Schedule of Rates and Dues shall be affixed on the Gate of the said Bridge.

Rates and Dues to be levied, to be fixed by Commissioners.

XIII. *And be it further enacted by the authority aforesaid,* That the said several Tolls or Dues shall be paid to such person or persons, and in such manner, and under such regulations, as the said Commissioners shall direct or appoint; and in case of denial or neglect of payment of any such Tolls 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.

Commissioners empowered to collect Tolls and Dues.

XIV. *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, gate, or any works, machine or device, 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 this Act, or completing, supporting, or maintaining the said Bridge, every such person or persons, so offending, shall be guilty of misdemeanor.

Punishment for wilful mischief done Bridge, &c.

XV. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have liberty to use, with Horses, Cattle, and Carriages, the Bridge, Roads and approaches, to be made as aforesaid, upon payment of such Tolls and Dues, as shall be established by said Commissioners.

Public to have leave to use Bridge, &c. on payment of Tolls, &c.

XVI. *And be it further enacted by the authority aforesaid,* That all Penalties and Forfeitures for Offences against this Act, or against any

How Penalties to be recovered.

rule, order, or by-law of the said Commissioners, to be made in pursuance thereof, shall, upon proof of the Offences respectively, before any two Justices of the Peace for the Western District, either by the confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by Warrant under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures, and the charges of such sale, are deducted, shall be returned on demand to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties or forfeitures shall not be faithfully 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 the Western 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 costs and charges attending the same, shall be sooner paid and satisfied.

and if not paid, in what manner offenders to be punished.

Appropriation of Fines and Penalties.

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 Commissioners, to be made in pursuance thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, to be by them, with other monies, 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 and form as His Majesty, shall be pleased to direct.

Protection of parties sued for acts done under this Act.

XVIII. *And be it further enacted by the authority aforesaid,* That if any plaint 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 or 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 doing or committing such damages shall cease, and not afterwards; and the Defendant or Defendants in such Action or Suit may plead the general issue, and give this Act and the special matters 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 hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

XIX. *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 and subscribe 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 duties and conduct of the 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 questions.

XX. *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, or some other person, to act in all matters relating to the management and control of the works, to be carried on under their orders and directions, subject to such restrictions as the said Commissioners, or a majority of them, shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them as aforesaid, for his services, out of the monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

Commissioners may appoint one of themselves to act; and to make compensation to him for his services.

XXI. *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 the said Commissioners may name and appoint.

First Meeting of Commissioners.

XXII. *And be it further enacted by the authority aforesaid,* That all monies that shall be raised by Debenture, under the provisions of this Act, 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, for the time being, in favor of the said Commissioners, and 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.

Moneys advanced to be paid by Receiver General, upon warrant issued by Governor, and to be accounted for through the Lords of His Majesty's Treasury.

CHAP. LXXXIV.

AN ACT granting pecuniary aid to the Grantham Academy, by way of Loan.

[Passed 4th March, 1837.]

Preamble.

WHEREAS the Trustees of the Grantham Academy have, by their petition set forth, that a judgment was obtained, during the last Niagara Assizes, against the said Institution, for the sum of One Hundred and Seventy-nine Pounds, and that an Execution is now pending for the same against the said Institution: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Dues already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of Two Hundred and Fifty Pounds, which said sum of Two Hundred and Fifty Pounds, shall be appropriated and applied in liquidation of the debt aforesaid, now pending against the said Institution, and the balance, (if any should remain after the payment of the said debt) to be applied to repair the Building, and for no other use whatever.

£250 granted, to liquidate a debt due by the Academy;

And to repair the building.

Security to be given before money is paid, for its repayment, with interest, in five years.

II. *And be it further enacted by the authority aforesaid,* That before the money granted by this Act shall be paid, security shall be given by the Trustees, by mortgage, to the Receiver General of this Province, upon the said Academy and Lands attached thereto, for the repayment of the said sum of Money and Interest, at the expiration of five years, and that such Mortgage, if found to be valid and sufficient, shall be certified to be so by the Attorney General of this Province, and shall be deposited in the Office of the Receiver General.

Accounting clause.

III. *And be it further enacted by the authority aforesaid,* That the said sum of Two Hundred and Fifty Pounds, shall be paid to the Trustees of the Grantham Academy, for the time being, in discharge of any Warrant

or Warrants 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.

CHAP. LXXXV.

AN ACT to grant the Commissioners of the Dunnville Bridge a certain sum of Money to complete the same.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS the sum of One Thousand Two Hundred and Fifty Pounds, hath been by Law granted for the erection of a Bridge across the Grand River, at the Village of Dunnville: *And whereas* the said sum is insufficient in amount for that purpose: *And whereas* it is expedient that a further sum be granted for the completion of the said Bridge; 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 levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, unappropriated, the sum of Two Hundred and Fifty Pounds, be placed at the disposal of the Commissioners for the erection of a Bridge across the Grand River, at the Village of Dunnville, for the purpose of completing the erection of the said Bridge.

II. *And be it further enacted by the authority aforesaid,* That the said sum of money hereby granted shall be paid by the Receiver General, in discharge of such Warrant or Warrants as may be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, through the

Preamble.

£250 granted.

How to be paid and accounted for.

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.

CHAP. LXXXVI.

AN ACT to Grant a Loan to the Port Dover Harbour Company, and increase the Capital Stock of the said Company.

[Passed 4th March, 1837.]

Preamble.

Act, entitled "An Act for incorporating a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Dover Harbour."

12th clause repealed.

Stock, inclusive of real estate, not to exceed £10,000, in shares of £6 5s. each.

WHEREAS an Act was passed in the second year of His Majesty's reign, entitled, "An Act for incorporating a Joint Stock Company, under the style and title of 'The President Directors and Company of the Port Dover Harbour,'" and the said President, Directors and Company, have, by their petition to the Legislature, prayed that the Capital Stock of the said Company may be increased to the sum of Ten Thousand Pounds, and also for a loan of Three Thousand Five Hundred Pounds, to enable them more readily to complete the said Harbour: *And whereas* the said Company have already expended from their own means, the sum of Two Thousand One Hundred and Twenty-five Pounds, and have constructed a substantial Pier extending six hundred and sixty feet in length, and the situation of Port Dover, and the advantages likely to accrue to the Navigation and Commerce of Lake Erie, render it desirable that the work should be proceeded with, and completed without further delay: *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 Twelfth Clause of the above recited Act be, and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid*, That the whole Capital or Stock of the said Company, inclusive of any real Estate which the said Company may have or hold by virtue of this Act, shall henceforth not exceed in value Ten Thousand Pounds, to be held in Sixteen Hundred Shares, of Six Pounds Five Shillings each; and that the Shares of

the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same, to other person or persons, and such transfer shall be entered and registered in a Book or Books, to be kept for that purpose by the said Company.

Shares may be transferred, after first instalment paid.

III. *And be it further enacted by the authority aforesaid,* That Books of Subscription may be opened at such times and places, and by such person or persons, and under such Rules and Regulations, as a majority of the Directors, for the time being, shall deem most beneficial.

Books of subscription to be opened.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to authorise and direct His Majesty's Receiver General of this Province, to raise by loan from any person or persons, Body or Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under the authority of this Act, a sum of money not exceeding Three Thousand Five Hundred Pounds, at a rate of interest not exceeding six per centum per annum, which said sum of Three Thousand Five Hundred Pounds, shall be advanced by way loan to the said President, Directors and Company, at the same rate of interest at which it is obtained, to be by them applied in the completion of the said Harbour at Port Dover aforesaid.

Loan of £3,500 to be raised by Debenture.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Receiver General for the time being, to cause any number of Debentures to be made out, for any sum or sums, not exceeding in the whole the said sum of Three Thousand Five Hundred Pounds, as any person or persons, Body or 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 on the day on which the same shall be actually issued, conditioned for the payment of Three Thousand Five Hundred Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and shall be signed by the said Receiver General.

Receiver General authorised to issue Debentures.

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 late Majesty's reign, entitled, "An Act to authorise the Government to borrow a certain sum of money

Act relating to Welland Canal, passed in the 7th year of His late Majesty, so far as relates to Debentures, made applicable to this Act.

upon Debentures, to be loaned to the Welland Canal Company," respecting the Debentures authorised to be issued by the said Act passing current with Public Accountants; the suspension of Interest in certain cases; the submitting to the Legislature accounts of such Debentures; the paying off or 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.

Security to be given
for repayment of loan.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of Three Thousand Five Hundred Pounds, hereby authorised to be loaned to the said Company, shall be advanced by the Receiver General, the said Company shall give such Security to the Receiver General as the Governor, Lieutenant Governor, or Person Administering the Government shall, by and with the advice of His Majesty's Executive Council of this Province, deem satisfactory, for the regular payment of the interest, and the final repayment of the principal, of the sum so loaned, within the aforesaid term of ten years.

Money borrowed to
be applied to comple-
tion of work.

VIII. *And be it further enacted by the authority aforesaid,* That the said sum of Three Thousand Five Hundred Pounds, or so much thereof as shall be advanced by His Majesty's Receiver General to the said Company, under the provisions of this Act, shall be by them applied and expended in the completion of the said Harbour, and for no other purpose whatsoever.

CHAP. LXXXVII.

AN ACT to amend an Act passed during the last Session, entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and for other purposes therein mentioned."

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to alter and amend an Act passed in the last Session, entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and for other purposes therein 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,’ ^{2nd and 5th clauses repealed.} and by the authority of the same, That the Second and Fifth Clauses of the said Act, passed last Session, be, and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the Trustees now appointed, or who may hereafter be appointed, to Superintend the Macadamization of the East York Road, be authorised to expend the sum of Six Hundred Pounds, granted by the said recited Act, whose duty it shall be to procure Plans and Estimates of a Bridge across the River Rouge, 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 William Weller, for any work he may have done in pursuance of any Contract he may have made with the former Commissioners, Charles Fothergill, and Francis Leys, Esquires, and which work may be valued at a greater sum than Five Hundred Pounds, heretofore advanced to the said William Weller, for the above purpose. ^{Trustees appointed to superintend Macadamization of East York Road, to expend money granted by above recited Act; And to remunerate William Weller.}

III. *And be it further enacted by the authority aforesaid,* That the said Trustees shall render a just and true account in detail, with Vouchers, of the money to be expended by them under this Act, to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at its next ensuing Session. ^{Trustees to render Accounts.}

CHAP. LXXXVIII.

AN ACT to amend an Act passed during the last Session, entitled, “ 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.’ ”

[Passed 4th March, 1837.]

WHEREAS it is expedient to complete the Light House which has been commenced on Gull Island, and to repeal the Second, Third, Fourth and Fifth Clauses of an Act passed during the last Session, entitled, “ 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 ^{Preamble.}

on Gull Island, or such other place as the Commissioners may select": *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, Third, Fourth and Fifth, Clauses of the said Act be, and the same are hereby repealed.

2nd, 3rd, 4th, & 5th clauses of Act repealed.

Governor to appoint Commissioners, in place of former Commissioners.

II. *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, constitute and appoint, three Commissioners, for the purposes of the said Act passed in the first Session of the last Provincial Parliament, in the place and stead of John David Smith, William Kingsmill, and Ebenezer Perry; and the said Commissioners to be appointed as aforesaid, are hereby authorized and empowered to do and transact all such matters and things as may be necessary, for the purpose of completing the said Light House on Gull Island.

Commissioners to be appointed under this Act, to receive from former Commissioners monies in their hands;

Less sums advanced by them on Contracts.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners to be appointed as aforesaid, to demand and receive of and from the said John David Smith, William Kingsmill, and Ebenezer Perry, the sum granted by the Legislature and placed in their hands, for the erection of the said Light-house: *Provided always*, that the sum advanced by them in pursuance of any Contract entered into by them for the completion of the said Light-house, may be retained by them out of the money so granted and placed in their hands, as aforesaid.

Commissioners appointed under this Act, authorized to compound and agree with present Contractors, and make new Contracts.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners to be appointed as aforesaid, to compound, compromise and agree, with the Contractor for the said Light-house, for any work he may have done, or for any materials he may have provided, in pursuance of such Contract; and on the delivery of such materials, it shall and may be lawful for the Commissioners to be appointed as aforesaid, to cancel such Contract, and to enter into another, with any person or persons they may think fit, for the completion of the said Light House.

V. *And be it further enacted by the authority aforesaid,* That the said Commissioners to be appointed as aforesaid, shall not be authorised to allow the said Contractor a greater sum than Three Hundred Pounds, for the work done and materials furnished, and which sum the Contractor has already received. Present Contractor not to be allowed more than £300.

VI. *And be it further enacted by the authority aforesaid,* That in case the Contractor shall refuse to deliver up the materials aforesaid, it shall and may be lawful for the Commissioners to be appointed as aforesaid, to proceed on the bond, agreement, or other security entered into for the completion of the said Light-house, in the name of the said John David Smith, William Kingsmill, and Ebenezer Perry. If present Contractor refuses to deliver up materials, &c. action may be brought, &c.

VII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be appointed as aforesaid, shall render an account in detail, with proper vouchers, of the expenditure of any sum of money which shall come into their hands under the provisions of this Act, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the information of the Legislature, at its next ensuing Session. Commissioners to render accounts, &c.

CHAP. LXXXIX.

AN ACT to authorize the payment of a certain portion of the War Losses.

[Passed 4th March, 1837.]

WHEREAS, an Act was passed in the last Session of the Parliament of this Province, entitled, “An Act granting a sum of money to complete the payment of the War Losses,” in which Act it is provided, that there shall 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, as proposed to be granted, according to the terms of a certain Despatch, recited in a Message from His Excellency the Lieutenant Governor of this Province, sent to the House of Assembly on the twenty-sixth day of January, one thousand eight hundred and thirty-five: *And* Preamble.

whereas, the directing the payment of the sum of Twenty Thousand Pounds so granted, to be suspended, until the Receiver General shall actually have received from His Majesty's Government, the balance of money necessary to complete the payment of the Losses in full, has been found to present an obstacle to the payment of the monies, which His Majesty's Government has consented to grant, and there is every reason to believe, that by dispensing with that condition, an arrangement will be readily effected for paying the whole remaining balance to the claimants: *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 notwithstanding any thing in the said Act contained, the Receiver General of this Province shall pay to the claimants respectively, their proportion of the sum of Twenty Thousand Pounds, granted by the said Act, so soon as the necessary Warrant or Warrants shall be issued to him, by the Lieutenant Governor of this Province for that purpose.

£20,000 to be advanced, &c.

II. *And whereas*, it is further provided in the said Act, that when any person having a claim for Losses shall apply for the same by Agent or Attorney, it shall be lawful for the Receiver General of this Province to require a Power of Attorney, of a date not antecedent to the passing of the said Act, as his authority for the payment of the same to such Agent: *And whereas*, there is reason to believe, that in many cases the claims of persons for Losses may have been assigned wholly, or in part, in security for debts actually due, or may have been absolutely transferred for a valuable consideration paid to such claimants respectively, and it would be unjust in such cases to suffer a Power of Attorney to be revoked, which may have been given for carrying any such transaction into effect: *Be it therefore further enacted by the authority aforesaid*, That the provision herein last recited and contained in the said Act, shall not apply in any case in which it shall satisfactorily appear to the Receiver General of this Province, that the Power of Attorney which may be produced to him, was given for any such purpose aforesaid, or was in any manner coupled with an interest in the monies to be received under such Power.

Letters of Attorney, and bona fide assignments of claims for losses to be recognized by Receiver General.

CHAP. XC.

AN ACT providing for the support of the Provincial Penitentiary.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to proceed with the completion of the Provincial Penitentiary, so far as may be requisite for the safe keeping of the Convicts, and for the accommodation of the Officers and Keepers, and the due enforcement of Discipline; and also 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 for 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 Warrant or Warrants as shall from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favor of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such Warrant and Warrants, shall be applied in completing the Hospital, Mess-Room, Kitchen and Offices therein; as may be found immediately necessary in Clothing, Feeding, Lodging and furnishing employment for Convicts; and in paying the salaries and wages of the Officers, Keepers and Watchmen of the said Penitentiary.

Preamble.

Money necessary, to be paid by Receiver General, on Warrants issued by Governor.

II. *Provided always, and be it further enacted by the authority aforesaid*, That the said monies shall not exceed in amount Five Thousand Pounds.

Not to exceed £5,000 in amount.

Accounts in detail
to be rendered;

And sums advanced
to be accounted for
through Lords of
Treasury.

III. *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 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.

CHAP. XCI.

AN ACT granting a sum of money to complete the Burlington Bay Canal, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by the Report of the Commissioners of the Burlington Bay Canal, that a further grant of money is required to be made, towards the final completion and support of that work : *And whereas,* it is highly necessary, that every reasonable exertion should be made in putting into a good state of repair, and keeping so, the works erected at the said Canal, that no impediment may prevent the free passage of Steamboats, and other craft plying upon Lake Ontario, through the said Canal, at all times during the season of Navigation : We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, 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 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 Five Thousand Pounds, to enable His

£5,000 granted;

Majesty to expend the like sum in finishing and repairing the Burlington Bay Canal, and erecting a Light-house at the said Canal.

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, to the Commissioners of the Burlington Bay Canal, in discharge of any Warrant or Warrants which shall be issued by His Excellency the Lieutenant Governor, or Person Administering the Government of this Province, for the time being, for that purpose, 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, may be graciously pleased to direct.

To be advanced on Warrants issued by Governor:
And accounted for through Lords of the Treasury.

III. *And be it further enacted by the authority aforesaid,* That the money hereby granted, shall be expended by the said Commissioners, in completing and putting in repair the works erected at the said Canal, and an account, in detail, shall be prepared, of the expenditure of the said sum of Five Thousand Pounds, by the said Commissioners, and presented to His Excellency the Lieutenant Governor, before the first day of December next, for the information of the Legislature.

Accounts in detail to be rendered.

IV. *And be it further enacted by the authority aforesaid,* That no part of the money hereby granted shall be issued by the Receiver General of this Province, until the works and proposed alterations and improvements shall have been approved and reported upon by a competent Engineer, to be appointed by His Excellency the Lieutenant Governor for that purpose; and further, that it shall be lawful for His Excellency the Lieutenant Governor, to appoint two additional Commissioners in addition to those already appointed, to superintend the said works.

No money to be advanced until proposed works and improvements have been reported upon by competent Engineer.
Governor to appoint two additional Commissioners.

CHAP. XCII.

AN ACT to provide for the permanent completion of the Welland Canal, and for other purposes herein mentioned.

[Passed 4th March, 1837.]

WHEREAS under the provisions of several Acts of the Parliament of this Province, the sum of One Hundred and Seven Thousand, Five Hundred Pounds, has been subscribed as Public Stock in the Welland Canal

Preamble.

Company, and the further sum of One Hundred and Two Thousand Pounds, has been loaned by the Government to the said Company, under the provisions of several other Acts: *And whereas*, it is expedient to convert the said loans into Public Stock, and further to extend the public aid of this Province to the said Company, so as to effect the completion of the said Canal, in a substantial and permanent manner, with Stone Locks: *And whereas*, it is expedient to repeal part of, and amend the Laws relating to the said Welland Canal: *And whereas*, it is expedient to provide, for a careful examination and survey of the Route of the said Canal, in order to ascertain what changes in the same (if any) would be for the public interest: *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 so much of the twenty-fifth clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," as limits the number of shares of the Stock in the said Company to Two Thousand; and also the twenty-ninth clause of the said Act; and also so much of the first clause of an Act passed in the sixth year of the reign of His said late Majesty, entitled, "An Act to repeal part of, and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, entitled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," as limits the number of shares to be held by the said Company to Sixteen Thousand; and also the sixth and eleventh clauses of the said last mentioned Act; and also so much of an Act passed in the seventh year of His said late Majesty, as makes the said Company liable for the payment of the sum of Twenty-five Thousand Pounds, and Interest thereon, to the Government of the Province, advanced under the provisions of the said last recited Act; also so much of an Act passed in the eleventh year of His said late Majesty, entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," as makes the said Company liable for the payment of the further sum of Twenty-five Thousand Pounds, and Interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act, by way of loan; also so much of an Act passed in the first year of His present Majesty's reign, entitled, "An Act to afford

So much of the 25th clause of an Act passed in the 4th year, Geo. 4th, entitled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," as limits the number of Shares to be 2000;

and also the 29th clause of that Act.

Part of 1st clause Act 6th Geo. 4th, c. 2;

the 6th and 11th clauses of last mentioned Act;

Part of 7th Geo. 4th, c. 29;

Part of 11th Geo. 4th, c. 11;

Part of 1st Wm. 4th, c. 18;

further aid to the Welland Canal Company, and to repeal part of and amend the Laws now in force relating to the said Company," as makes the said Company liable for the payment of the sum of Fifty Thousand Pounds, and the Interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act, by way of loan; and also the second and eighth clauses of an Act passed in the fourth year of the reign of His present Majesty, entitled, "An Act to alter and amend the Charter, and increase the Stock of the Welland Canal Company, and to authorise His Majesty's Receiver General to subscribe Stock in the said Company, on behalf of this Province," be and the same are hereby repealed.

2nd and 8th clauses
4th Wm. 4th, c. 39;

repealed.

II. *And be it further enacted by the authority aforesaid,* That the said sum of One Hundred and Two Thousand Pounds, advanced to the said Company, by way of loan, as aforesaid, shall hereafter be held as, and deemed to be Public Stock in the said Company.

£102,000 heretofore advanced, by way of loan, to be held and deemed as Public Stock.

III. *And be it further enacted by the authority aforesaid,* 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 further Stock in the said Company, to the amount of Two Hundred and Forty-five Thousand Pounds, and that the same, together with the amount of the said loans, converted into Stock as aforesaid, shall from thenceforth be held as, and deemed to be Public Stock, and that the Government of this Province shall, as the holder of such Stock, be subject to the same conditions, and have the same powers, advantages and privileges, as other Stockholders in the said Company.

Governor authorized to subscribe for £245,000 additional Stock.

IV. *And be it further enacted by the authority aforesaid,* That the Capital Stock of the said Company shall be Five Hundred and Ninety-seven Thousand, Three Hundred Pounds, divided into Forty-seven Thousand, Seven Hundred and Eighty-four Shares, of the value of Twelve Pounds Ten Shillings each, and shall be held as follows:—By the Government of Upper Canada, Thirty-six Thousand Three Hundred and Sixty—by the Government of Lower Canada, Two Thousand—by Private Stockholders, Nine Thousand Four Hundred and Twenty-four.

Capital Stock of Company to be £597,300, in Shares of £12 10s. each.

Government of Upper Canada to hold 36,360 Shares; Government of Lower Canada 2,000 Shares; and Private Stockholders 9,424 Shares.

V. *And be it further enacted by the authority aforesaid,* That during the present year, it shall and may be lawful for the Directors of the said Company, to expend such sums as may be necessary for temporary Repairs, payment of Debts now actually due, and for the purchase of the Real Estate and Hydraulic Works and Sites hereinafter mentioned, so as

Directors limited to the expenditure of £45,000 the present year, for temporary repairs, payment of debts, purchase of Hydraulic works, &c.

the whole sum to be expended for all these purposes, shall not exceed Forty-five Thousand Pounds.

Commissioners to appoint two practical Engineers, to examine and report on the propriety of changing present route of Canal, and generally upon the state of the work.

Commissioners limited to the expenditure of £100,000 in all upon Canal the present year.

Report of Engineers employed to be laid before Legislature. No expenditure beyond £100,000 to be made, until after end of next Session.

Management of affairs to be entrusted to five Directors: three to be appointed by Governor, and two by Stockholders.

Manner and time of holding Election of Directors.

One of the number to be appointed President. No person to be elected Director who is not a British subject, resident in the Province, and possessed of at least ten Shares. Three Directors necessary to decide questions.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors, immediately after the passing of this Act, to appoint two scientific and practical Engineers, not in any way interested in the Stock or Property, Debts or Effects of the said Canal, whose duty it shall be to examine into the state of the Canal, the present Route, and to explore the Country surrounding the present Route, and to report fully on the propriety or necessity, as regards the public interests only, of altering the present Route, or any part thereof, and the expense of making the said Canal a permanent work, either on the present or on any other Route which they may recommend; and that the Directors of the said Canal may, during the present year, expend a sum of the amount granted by this Act, which, together with the sum hereinbefore authorised to be expended, shall not in the whole exceed One Hundred Thousand Pounds, in the permanent construction of the said Canal, on that part only of its present Route from which the said Engineers, in their Report so to be made as aforesaid, shall not recommend any deviation, or in procuring Materials for such improvement.

VII. *And be it further enacted by the authority aforesaid,* That the Report of the said Engineers shall be laid before both branches of the Legislature, at their next ensuing Session, and that no expenditure of the amount granted by this Act, beyond that already authorised and pointed out, shall be made until after the end of the said next ensuing Session.

VIII. *And be it further enacted by the authority aforesaid,* That the Stock, Property, affairs and concerns, of the said Corporation, shall be managed by five Directors, three of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and two elected by the Stockholders, annually, on the first Monday in April in every year, at the Office of the said Company, at such time of the day as the Directors for the time being shall appoint, and Public Notice shall be given by the said Directors, in the Upper Canada Gazette, and three other Newspapers in this Province, at such time and place, not more than sixty nor less than thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Private Stockholders of the said Company as shall attend for that purpose, in their own proper persons, or by proxy; and all Elections for Directors shall be by Ballot, and so soon as may be after the Election of Directors as aforesaid, the five Directors, or such of them as shall attend for that purpose, shall appoint one of their number

to be President: *Provided always*, that no person shall be eligible to be elected a Director as aforesaid, who shall not be a British Subject, resident in the Province, and who shall not be a Stockholder to the amount of at least Ten Shares: *And provided further*, that no Act requiring the assent of the Board shall be adopted, unless three of the Directors shall concur therein.

IX. *And be it further enacted by the authority aforesaid*, That the first Election of Directors, on the part of the Stockholders, shall take place at the Office of the Welland Canal Company, on the first Monday in April next, at the hour of twelve, noon.

Time of holding first Election of Directors.

X. *And be it further enacted by the authority aforesaid*, That any vacancy occurring in the Office of any Director, appointed or elected under the authority of this Act, by death, resignation, removal from the Province, or otherwise, shall be filled in the same manner as is provided for the original appointment or election.

Manner of filling vacancies among Directors.

XI. *And be it further enacted by the authority aforesaid*, That in order to provide more effectually for the proper expenditure of the monies to be granted by this Act, and for the careful superintendence of the said work, so that all casualties may, as speedily as possible, be repaired, and the Canal kept in a navigable state, it shall and may be lawful for the Directors appointed and elected as aforesaid, to appoint, by the vote of a majority, some one person, not being one of their own body, with such salary as they may think reasonable, to have the control, care and superintendence of the said work, and to take all necessary measures, subject to the control of the said Directors, for keeping the same in good repair, and for rendering the use thereof convenient to the persons navigating the said Canal; and that the said Superintendent may be removed by a vote of the majority of the said Directors, and another appointed in his place: *Provided*, that due notice shall be given to all the Directors of the intention to propose the appointment or removal of such Superintendent, so that they may all have an opportunity of attending the Meeting that may be called for that purpose.

Superintendent to be appointed by Directors.

May be removed by vote of majority of Directors, and another appointed.

XII. *And whereas*, it is of much consequence for making the said Canal effective, that the entire control of the waterp assing through the same, should be at all times within the power of the said Company, and to that end it is desirable that the several situations along the line of the said Canal, possessing Hydraulic advantages, and which have been heretofore alienated by the said Company, should be again acquired by them, in order that the same may be leased upon such terms as will prevent any danger

Hydraulic privileges and real estate along the line of Canal to be purchased and obtained by Company.

of obstruction to the use of the Canal: *And whereas*, the proprietors of the sites or situations possessing the Hydraulic advantages, have signified their willingness to re-convey the same to the said Company, with all buildings, works and improvements, erected thereon, upon the consideration, that they shall receive from the said Company the amount of monies paid by them for the purchase of the said sites, and for the improvements which they have placed thereon respectively: *Be it therefore further enacted by the authority aforesaid*, that no part of the monies granted by this Act, except that which may be required for unavoidable repairs, shall be paid by the Receiver General, until it shall be shewn to his satisfaction, that the Directors of the said Company have obtained from the proprietors of the sites or situations aforesaid, a valid conveyance of the same, and of all the buildings and improvements erected and made thereon, to the said Welland Canal Company; and that all liability whatsoever of the said Company, under the agreement made in the month of June, in the year of our Lord one thousand eight hundred and thirty-four, between the President and Directors of the Welland Canal Company, of the one part, and Alexander McDonell, John B. Yates, and Ogden Creighton, of the second part, for the re-purchase of a certain portion of the real estate, and Hydraulic privileges of the said Canal, shall be absolutely and entirely released and discharged; and the said Directors are hereby authorised, to contract with the said proprietors of the said Hydraulic sites and works aforesaid, for the re-purchase thereof, upon the terms aforesaid, and to pay the amount that shall be necessary for that purpose out of any monies which shall come into their hands, under the provisions of this Act: *Provided always*, that the whole expense of the re-purchase, including any liability under the said agreement of June, one thousand eight hundred and thirty-four, shall, in no case, exceed Twenty Thousand Pounds.

Expense of purchase
not to exceed £20,000.

Debentures to be
issued for £245,000.

XIII. *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 authorize and direct His Majesty's Receiver General, to issue and deliver to the Directors to be appointed and elected under the provisions of this Act, the Debentures of this Province, to the amount of Two Hundred and Forty-five Thousand Pounds, in sums not less than Fifty Pounds each, as may be required by the said Directors, payable to the order of the said Company forty years from the date of such Debentures, bearing an interest not exceeding Six per Cent. per Annum, payable half-yearly in this Province.

Debentures chargeable
on Revenues of the
Province.

XIV. *And be it further enacted by the authority aforesaid*, That all such Debentures as are hereby authorized to be issued, and the interest thereon, 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 said Directors, from Tolls; and in case default shall be made in the payment thereof by the said Directors, the same shall be paid by the Receiver General out of any monies in his hands, at the disposal of the Legislature, and unappropriated.

XV. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in the said recited Act, passed in the seventh year of His late Majesty's reign, entitled, "An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures authorised by the said Act, passing current with certain Public Accountants; the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon, (when any shall be paid from the Revenues of this Province,) and the expenses attending the same; paying off and cancelling the said Debentures; and also, the provision made in the seventh section of the said Act for punishing the forging of any Debenture; thereby authorised 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.

Former Act relating to Debentures to apply to Debentures issued under this Act.

XVI. *And be it further enacted by the authority aforesaid,* That the Board of Directors 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, in discharge of the duties of their office, with an account, in detail, of all monies by them received and paid, with the proper vouchers for all payments made by them.

Board of Directors to report to Governor.

XVII. *And be it further enacted by the authority aforesaid,* That the Tolls received upon the Canal, after deducting the amount required for the charges now made thereon by Law, or so much thereof as shall be necessary, shall be first annually applied to discharge the interest which will accrue upon the said sum of Two Hundred and Forty-five Thousand Pounds, to be advanced for the purposes aforesaid, and the remainder of the income received by the said Company, shall be divided among the private Stockholders, until it shall equal Six per Cent. on the amount of their investments.

Tolls received to be first applied to payment of interest on the £245,000, mentioned in this Act, and next to Stockholders, until they receive Six per Cent. on amount of their investments.

CHAP. XCIII.

AN ACT for granting a sum of Money to defray a part of the expense to finish the Survey of the River Thames, from Chatham to London.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it is just and reasonable to discharge the remaining expenses of procuring a Survey, Plan, Profile and Estimate, for improving the Navigation of the River Thames, from the Town of London to the Town of Chatham, on that River: *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 Rates and Duties levied and collected, or hereafter to be levied and collected, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Two Hundred and Fifty Pounds, to be paid to Thomas Parke, and John Harris, Esquires, to enable them to discharge the remaining expenses of procuring a Survey, Plan, Profile and Estimate, for improving the Navigation of the River Thames, from the Town of London to the Town of Chatham, on that River.

£250 granted.

To be paid by Warrants on Receiver General,

and accounted for through Lords of Treasury.

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, for the purposes of this Act, 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.

CHAP.

CHAP. XCIV.

AN ACT to provide for a Survey of the South Petite Nation River, together with the Country lying between that River and the River Saint Lawrence.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is highly expedient to the Commercial interests of this Province, that the South Petite Nation River and the Country lying between it and the River Saint Lawrence should be Surveyed, and efficient measures taken to ascertain the practicability of making a Navigable Communication between the Rivers Saint Lawrence and Ottawa, through the medium of the South Petite Nation River: *And wheseas* it is necessary to provide for the expense of such Survey: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise His Majesty's Receiver General of this Province, to pay a sum not exceeding Two Hundred Pounds, out of such monies as are in his hands, and unappropriated, to be applied in the employing of a Surveyor and Engineer, to examine the Route of the South Petite Nation River, and the Country lying between the same and the River Saint Lawrence, and to report upon the practicability of establishing a communication by water between the said Rivers, and thence to the River Ottawa.

Preamble.

£200 granted.

II. *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 be Commissioners; and in case any vacancy or

Governor to appoint Commissioners.

vacancies should happen in the said Board of Commissioners, by death, resignation or removal from office, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to fill such vacancy or vacancies.

Commissioners authorized to appoint an Engineer.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised to engage an Engineer and Surveyor, and pay them such salaries as they may deem just and reasonable, to carry into effect the provisions of this Act.

Account to be rendered.

IV. *And be it further enacted by the authority aforesaid,* That so soon as the said Survey shall have been completed, the Commissioners shall, without delay, transmit a Report of all proceedings had under the provisions of this Act, together with a detailed statement of the expenses attending the same, to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at its next Session.

Accounting clause.

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

CHAP. XCV.

AN ACT granting to His Majesty a sum of Money for the erection of certain Light-houses, within the Province, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it is necessary for the safety and convenience of Navigation in this Province, to provide for the erection of Light-houses in certain places in this Province, 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 raised, levied and collected, and remaining in the hands of the Receiver General, unappropriated, there be granted to His Majesty the sum of Three Thousand Five Hundred Pounds, to enable His Majesty to defray the expense of erecting Light-houses, and furnishing the same, in the following places, and for the following sums respectively; that is to say:—At Presqu'isle Point, in the Newcastle District, the sum of One Thousand Pounds—At Oakville, in the District of Gore, Five Hundred Pounds—At Port Colborne, in the Niagara District, the sum of Five Hundred Pounds—At Port Burwell, in the London District, the sum of Five Hundred Pounds—At the mouth of the Thames, on Lake Saint Clair, in the Western District, the sum of One Thousand Pounds; and that such sums shall be paid by Warrant of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to be issued in favor of the respective Commissioners hereinafter mentioned, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form, as His Majesty shall be graciously pleased to direct.

£3,500 granted and apportioned;

To be paid by Receiver General;

And accounted for, &c.

II. *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, immediately after the passing of this Act, to appoint one or more Commissioner or Commissioners, for erecting the said Light-house at Presque'ile Point, and in like manner to appoint Commissioners, for erecting each of the other Light-houses hereinbefore mentioned, at the respective places appointed for the same, and to procure the necessary apparatus for the same respectively.

Governor to appoint Commissioners.

III. *And be it further enacted by the authority aforesaid,* That the several Commissioners hereby authorised to be appointed for the purposes of this Act, shall, on or before the first day of January, One Thousand Eight Hundred and Thirty-nine, render an Account, in detail, with proper Vouchers, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, of the monies expended under this Act, to be submitted as soon as may be to the Legislature.

Commissioners to account.

IV. *And be it further enacted by the authority aforesaid,* That for the purpose of defraying the Interest and Principal of the said sum of Three Thousand Five Hundred Pounds, a duty of One Shilling per Ton, shall be demanded and collected upon every Boat and Vessel owned by British Subjects, navigating Lakes Erie and Ontario, which said duty of One

Tonnage duty on Vessels, &c. imposed to pay interest, and principal.

Boats under ten tons,
exempt.

Shilling per Ton, shall be charged upon the full and actual measurement of every such Vessel: *Provided always*, that no Boat under ten Tons shall be liable to the payment of such duty.

Certificate of tonnage
duty to be granted.

V. *And be it further enacted by the authority aforesaid*, That on payment of the said sum of One Shilling per Ton, by any Owner or Master of any Boat or Vessel, to the Collector or Deputy Collector of any Port in this Province, such Collector or Deputy Collector shall grant a Certificate thereof to such Owner or Master, which Certificate shall be effectual to discharge such Owner or Master from any further payment, in respect of such Boat or Vessel, until the first day of January, next after the date of such Certificate.

Vessels navigated
without certificate,
or if Master refuse to
produce the same,
Vessel liable to
seizure.

VI. *And be it further enacted by the authority aforesaid*, That if any such Boat or Vessel shall be navigated without such Certificate, or if the Master or Owner thereof shall neglect or refuse to produce the same, on reasonable demand, to any Collector or Deputy Collector of any Port in this Province, where such Boat or Vessel shall enter, then, and in every such case, such Boat or Vessel shall be liable to seizure and forfeiture, and may be proceeded against for condemnation, in like manner as for any infraction of the Revenue Laws of this Province.

Collectors to account.

VII. *And be it further enacted by the authority aforesaid*, That the several Collectors to whom such duties shall be paid, shall quarterly make a Return of the same to the Inspector General, and the amount thereof shall be paid by such Collectors to the Receiver General, and shall be applied to the repayment of the Interest and Principal sum expended in the erection of the said Light-houses, and for the annual support of the same.

CHAP. XCVI.

AN ACT to provide for the payment of Light-house Keepers in this Province; to maintain Lights in the several Light-houses, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient and necessary to provide for the erection of a Dwelling-house adjoining the Light-house, on the Nine Mile Point, near Kingston, in the Midland District, for the use of the Keeper of the

said Light-house; and also to make provision for the payment of the Keepers of the several Light-Houses in this Province, and for maintenance of Lights in the said Light-houses: *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 there be granted to His Majesty such sum, not exceeding One Hundred and Fifty Pounds, as may be necessary for erecting a sufficient Dwelling-house for the Keeper of the Light-House on the Nine Mile Point, near Kingston, in the Midland District; and the further sum of One Hundred Pounds, for the purpose of changing the construction of the Light of the Light-house erected on False Duck's Island, so as to make it a revolving light.

£150 granted to erect Dwelling-house for Light-house Keeper at Nine Mile Point; and £100 to change Light on False Ducks.

II. *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 appoint some fit and discreet person a Commissioner to superintend the erection of the said Dwelling-house, and of changing the said Light at False Duck's Island.

A Commissioner to be appointed.

III. *And be it further enacted by the authority aforesaid*, That a sufficient sum of money be granted to His Majesty, to enable him to pay the Salaries or stipend to the Keepers of the several Light-houses in this Province, in the rates and proportions following, that is to say: to each and every Keeper of any Light-house on the main land, the sum of Sixty-five Pounds per annum; and to each and every Keeper of a Light-house on any Island, the sum of Eighty-five Pounds per annum; such Salaries to be computed and become payable, from the first day of January last past: *Provided always*, that the Light-houses on Gibraltar Point, in the Home District, and on Point Peters, in the District of Prince Edward, shall be, for the purposes of this Act, considered as erected on Islands; also that the expense of Light-house Keepers at all Pier Harbours, shall be sustained by the said Harbour, whether they are in possession of the Public, or Private Companies.

A sum granted sufficient to pay Light-house Keeper.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Inspector General, for the time being, of this Province, to advertise annually for Tenders for supplying all the Light-

Inspector General to advertise for Tenders for supplies necessary for lighting and maintaining Light-houses.

houses of this Province with Oil, Wicks, Lamps, Glass, Tubes and all other necessaries, for maintaining the Lights therein, and to enter into Contracts with any person or persons for furnishing such Supplies, to any or all of the said Light-houses; and that a sum of money sufficient to defray the necessary expenditure for the Supplies before mentioned, for maintaining the said Lights, shall be annually granted to His Majesty, His Heirs and Successors.

A sum granted to defray the expenses.

Accounts of expenditure to be rendered.

V. *Provided always, and be it further enacted by the authority aforesaid,* That Accounts in detail, with Vouchers, of the expenditure of all and every the sums authorised to be expended under this Act, shall be annually laid before both Branches of the Legislature of this Province.

Monies to be paid by Receiver General;

VI. *And be it further enacted by the authority aforesaid,* That the several sums, that may from time to time be necessary for the purposes aforesaid, shall be paid from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the Receiver General, unappropriated, in discharge of such Warrant or Warrants as may be issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

And accounted for, &c.

CHAP. XCVII.

AN ACT granting a sum of Money in aid of the Toronto Hospital.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it is expedient to afford aid to the Hospital in the City of Toronto, 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 raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to Your Majesty, Your Heirs and Successors, the sum of Two Hundred and Fifty Pounds, to enable Your Majesty to afford aid to that extent to the funds of the Hospital in the City of Toronto. £250 granted.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Two Hundred and Fifty Pounds, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall, for that purpose, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of the Province, in favor of the Treasurer of the said Hospital, and shall be accounted for to His Majesty, 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. To be paid by Receiver General:
And accounted for.

CHAP. XCVIII.

AN ACT granting a sum of Money in aid of the Kingston Hospital.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

WHEREAS the Clergy and other Inhabitants of Kingston, have, by their Petition, set forth, that all the Bedding, Furniture and Stoves, belonging to the Hospital at Kingston, has been destroyed by Fire, and stating the necessity there exists for immediately furnishing and fitting up the new Hospital in the said Town, and have prayed that the sum of Five Hundred Pounds should be granted 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,'" Preamble.

£500 granted.

and by the authority of the same, That from and out of the Rates and Duties raised, levied and collected, and unappropriated, or hereafter to be raised, levied and collected, and unappropriated, there be granted to His Majesty the sum of Five Hundred Pounds, for the purpose of furnishing, completing and fitting up, the new Hospital at Kingston.

To be paid by
Receiver General;

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, for the time being, in favour of the Commissioners heretofore appointed, to purchase a site and erect the said Hospital, and shall be accounted for by the said Receiver General to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

And accounted for.

CHAP. XCIX.

AN ACT granting a sum of Money, for the purpose of Purchasing Books for the Library, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

£1,000 granted,
to be expended in the
purchase of books,
to be selected by the
Speakers of the Legis-
lative Council and
House of Assembly.

WHEREAS from the advanced state of this Province, and the variety and importance of the subjects requiring to be considered and acted upon by the Legislature, it is highly necessary to make provision for the increase of their Library, which is at present very limited and imperfect, 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 and collected, or which hereafter may be raised, levied and collec-

ted, and remaining in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of One Thousand Pounds, which said sum of One Thousand Pounds, shall be appropriated and applied to the purchase of Books for the use of the Legislature, to be selected and procured by the Speakers of the Legislative Council and House of Assembly, and to the payment of charges attending the same.

II. *And be it further enacted by the authority aforesaid*, That after the present year there be granted annually to His Majesty, out of the Rates and Duties aforesaid, the sum of Fifty Pounds, to be expended in like manner, by the Speakers of the two Houses, in the purchase of Books for the Library of the Legislature. £50 granted annually, to be expended in like manner.

III. *And whereas*, it is necessary to provide a small sum annually, for procuring for the more convenient reference of the Members of each House, the Statutes and Journals of the Imperial Parliament, and of other Legislative Bodies, and of other Publications and proceedings which it may be necessary frequently to refer to: *Be it therefore enacted by the authority aforesaid*, for the present year, and in every year hereafter, there be granted to His Majesty, out of the Rates and Duties aforesaid, the further sum of Thirty Pounds, one-half of which sum shall be paid to the Speaker of each House of the Legislature, to be by him expended in the purchase of such Books and Maps, as may be necessary for the more ready reference within each House, to be kept within the Clerk's Office, or some other apartment belonging to each House respectively. £30 granted annually, to provide for purchase of Statutes and Journals of the Imperial Parliament, and other Legislative bodies.

IV. *And be it further enacted by the authority aforesaid*, That the several sums of money hereby granted shall be paid by the Receiver General, in discharge of such Warrant or Warrants as may be issued for that purpose, by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favor of the Speakers, for the time being, of the Houses of the Legislature respectively, in pursuance of this Act, 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 graciously pleased to direct. Money to be paid by Receiver General; And accounted for.

CHAP.

CHAP. C.

AN ACT granting to His Majesty a sum of Money to remunerate the Arbitrator appointed to ascertain the amount of Revenue to be paid to this Province from Lower Canada.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it is expedient to compensate the services of the Arbitrator appointed in behalf of this Province, under the provisions of the Act of the Imperial Parliament, passed in the third year of His late Majesty's Reign, entitled, "An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," 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 Dues now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of the Province, and in the hands of the Receiver General, unappropriated, there be granted to His Majesty the sum of Two Hundred Pounds, to enable His Majesty to compensate the said Arbitrator, for his services as aforesaid.

£200 granted.

To be paid by
Receiver General;

and accounted for.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Two Hundred Pounds, shall be paid by the Receiver General of this Province, in discharge of any Warrant which may be issued by the Lieutenant Governor, for that purpose, 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.

CHAP

CHAP. CI.

AN ACT to remunerate the Honorable John Henry Dunn, for Services rendered to this Province.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

WHEREAS the Honorable John Henry Dunn, Your Majesty's Receiver General of this Province, did, at considerable expense, by going to Eng-^{Preamble.}land, negotiate Loans highly advantageous to the interest of this Province: We, Your Majesty's faithful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, therefore humbly 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 levied and collected, or here-^{A sum not exceeding £1,000 granted;}after to be levied and collected, and unappropriated, there be granted to His Majesty, His Heirs and Successors, a sum equal to One-fourth per Centum upon the said Loans, made by the said Receiver General, which sum the said Receiver General is hereby authorised to charge in his Public Accounts, and to retain out of any money in his hands, applicable to the general uses of the Province, and which sum shall be accounted for by the said Receiver General 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: *Provided always*, that the total sum to which the said Honorable John Henry Dunn shall be entitled, under the authority of this Act, shall not exceed One Thousand Pounds.^{to be retained by Receiver General, out of Public Monies in his hands, and to be accounted for.}

CHAP. CII.

AN ACT granting a sum of Money to His Majesty, for the remuneration of certain Services rendered by the late Hugh C. Thompson, Esq.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS the late Hugh Christopher Thompson, Esquire, was appointed one of the Commissioners for procuring information, with plans and estimates, preparatory to the erection of a Penitentiary within this Province: *And whereas*, to the exertions of Mr. Thompson, this Province is mainly indebted for the advantages already derived from the introduction of the Penitentiary system of punishment within the same: *And whereas*, the said Hugh Christopher Thompson, died while in the commission aforesaid, without having received any remuneration for the services rendered as such Commissioner, and his Family were not only subjected to the loss of a Father and protector, but also to great inconvenience, from the neglected state of his private affairs while engaged in performing the duties of his Commission, and it is reasonable that some allowance should be made for the services thus performed: We, Your Majesty's faithful Subjects the Commons of Upper Canada, therefore humbly 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 raised, levied and collected, and in the hands of the Receiver General of this Province, and unappropriated, there be granted to His Majesty the sum of One Hundred Pounds, to enable His Majesty to pay to the Widow of the late Hugh Christopher Thompson, Esquire, of Kingston, as remuneration for the services of her late Husband, the said sum of One Hundred Pounds, which said sum of One Hundred Pounds, shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants which may be issued by the Lieutenant Governor, or Person Ad-

£100 granted.

To be paid by
Receiver General;

ministering the Government of this Province, for the time being, for that purpose, and shall be accounted for to His Majesty, through the Lords and accounted for. Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

CHAP. CIII.

AN ACT authorising the payment of Pensions to Militia-men, disabled during the late War with the United States of America, under certain restrictions.

[Passed 4th March, 1837.]

WHEREAS, Ziba Marcus Phillips, James Fortier, Samuel Hodgkinson, Allan McDonell, Joseph Duseau, John Bryant, Nathaniel Bell, Angus McDougall, John Berdan, and Hiram Young, have, by their several Petitions during the late and present Sessions of the Parliament, prayed to be entered on the Pension List of this Province, on account of disability occasioned by wounds and accidents, received during the late War with the United States, and it is expedient to afford the said Petitioners relief in the premises: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint three Surgeons, resident in the several Districts in which the said Petitioners respectively reside, and authorised by the Laws of this Province to practice Physic and Surgery, to examine the said Petitioners respectively; and the decision of the said Surgeons, so appointed, or any two of them, shall be final; and if the said Surgeons, or any two of them, shall be satisfied, on such examination, that the Petitioners, or either of them, are, or is actually disabled from wounds or accident, received on service during the late War with the United States, and due proof of the same shall be submitted to the Governor, Lieutenant Governor, or Person Administering the Government, to cause the name of such Petitioners, or

Preamble.

Governor authorised to appoint three Surgeons resident in several Districts, to examine certain Petitioners for Militia Pensions.

When names (being favourably reported upon,) may be inserted on Militia Pension List.

such of them as may appear by such Certificate and proof, to have been so disabled, to be inserted on the Pension List of this Province; and the person or persons who shall be so inserted, shall, from thenceforth, be entitled to receive a Pension of Twenty Pounds per Annum, in the same manner as other Militia Pensioners.

CHAP. CIV.

AN ACT to grant a certain sum of Money for the relief of the Poor and Distressed of the City of Toronto.

[Passed 4th March, 1837.]

Preamble.

WHEREAS under the great prevailing distress in the City of Toronto, arising from the number of Paupers, the high price of provisions, and the severity of the season, it is expedient to assist the benevolent exertions of private individuals, for the relief of the Poor, with a small grant of Public Money: 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, Duties and Assessments now raised, levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the Receiver General, unappropriated, there be granted to His Majesty the sum of Two Hundred and Fifty Pounds, to enable His Majesty to advance the like sum in aid of the means already adopted during this season, for the relief of the Poor and Distressed of the City of Toronto.

£250 granted.

To be paid by the Receiver General;

and accounted for.

II. *And be it further enacted by the authority aforesaid*, That the money hereby granted shall be paid by the Receiver General of this Province, 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, 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 and Successors, shall be graciously pleased to direct.

CHAP. CV.

AN ACT granting a sum of Money for the support of Common Schools, for the Year 1837.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to grant a sum of money for the support of Common Schools in the several Districts of this Province, 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 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 Thirty-seven, 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

Preamble.

£5,650 granted.

Apportioned among the several Districts.

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.

To be paid by the Receiver General ;

and accounted for.

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, 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.

Teachers not to receive any allowance from Public Funds, unless Trustees of School have made provision for paying such Teacher double the amount allotted by Board of Education.

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 Teachers 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.

Board of Education in each District to pay their Clerks £5 additional salary.

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.

CHAP. CVI.

AN ACT to repeal part of an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, "An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province," and to establish the Public School for the London District in the Town of London.

[Passed 4th March, 1837.]

WHEREAS the District School of the London District has been heretofore kept at Vittoria, and it is expedient that the said School should in future be kept in the Town of London, in the District 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 so much of the Tenth Clause of an Act passed in the Fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same," as relates to the opening and keeping the Public School for the District of London at Vittoria, in the Township of Charlotteville, be and the same is hereby repealed.

Preamble.

10th clause of Act 59th, Geo. III. repealed, so far as relates to opening District School at Vittoria.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Public School for the District of London, shall be opened and kept in the Town of London, in the Township of London, in the said London District.

District School for District of London to be henceforth held in the Town of London.

CHAP.

CHAP. CVII.

AN ACT to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a Sum of Money, for the Improvement of the Roads and Bridges in the several Districts of this Province.'

[Passed 4th March, 1837.]

Preamble.

Act of last Session, granting £50,000 for Roads and Bridges, in part repealed and amended.

Clauses of Act relating to distribution of money on different Roads, time for accounting for the same, and appointing Commissioners, repealed.

Appropriation of money in Eastern District.

WHEREAS a Bill was passed by the Legislative Council and House of Assembly, during the last Session of the Provincial Parliament, granting Fifty Thousand Pounds, to be expended on the Roads and Bridges in this Province, which Bill was reserved by His Excellency the Lieutenant Governor, for the signification of His Majesty's pleasure thereon: *And whereas*, certain of the provisions of the said Bill could not be complied with after it had assumed the title of an Act of Parliament, by reason of His Majesty's assent to the same not having been received and promulgated in time for the prosecution and completion of certain work to be done, and monies to be accounted for by a given period: *And whereas*, it is necessary to repeal and amend the provisions of the said Act, in respect to the distribution of the money, the time for accounting for the expenditure of the same, and appointment of Commissioners: *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 clauses of the said Act, passed as aforesaid, entitled, "An Act granting to His Majesty a sum of money, for the Improvement of Roads and Bridges in the several Districts of this Province," which relate to the distribution of the money on particular Roads, the time for accounting for the same, and appointment of Commissioners, be, and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid*, That the sum of Four Thousand Pounds, granted to the Eastern District, shall be appropriated and expended as follows:—*In the County of Glengarry*.—On the roads in the townships of Charlottenburgh and Lancaster, the sum of three

hundred and six pounds thirteen shillings and fourpence; and that John McGillivray, Alexander Fraser, and Alexander McKenzie, Esquires, Mr. James McDonald, and Captain McMillan, be Commissioners for expending the same. On the Indian land road, the sum of fifty pounds; and that Alexander McMartin, and Neil McDonald, Esquires, Mr. Daniel Kennedy, and Mr. J. Fisher, be Commissioners for expending the same. On the common road between the village of Lancaster and Dundas-street, the sum of one hundred and fifty pounds; and that John McLennan, and Hugh McGillis, Esquires, and Messrs. Angus McPherson, Kenneth McLaughlin, and Donald McPherson, be Commissioners for expending the same. On the common road between Dundas-street and the eighth concession of Lancaster, the sum of two hundred and fifty pounds; and that Alexander Chisholm, Esquire, Messrs. Alexander McDonell, and John McRae, be Commissioners for expending the same. On the road between Alexandria and Saint Raphael Church, the sum of one hundred and fifty pounds; and that Duncan McDonnell, and Angus McDonnell, Esquires, be Commissioners for expending the same. On the road between the first and second concessions of Lochiel, the sum of fifty pounds; and that Alexander Chisholm, Esquire, Messrs. Allan Williams, and Duncan McDonnell, be Commissioners for expending the same. On the road between Alexandria and Eig, the sum of twenty pounds; and that Messrs. Donald McKinnon, Donald McDonald, and William McKinnon, be Commissioners for expending the same. On the common road from the river Delisle, in the third concession of Lochiel, the sum of fifty pounds; and that Donald Cattanach, Esquire, Mr. Alexander McMillan, number one, fifth concession of Kenyon, and Mr. Alexander McGillis, be Commissioners for expending the same. On the roads and bridges in the township of Kenyon, the sum of one hundred and fifty-three pounds six shillings and eightpence, to be expended under the control of the Board of Commissioners in the said township. On the roads and bridges in the township of Lochiel, the sum of one hundred and fifty-three pounds six shillings and eightpence, to be expended under the control of the Board of Commissioners in the said township. *In the County of Stormont*—the sum of one thousand three hundred and thirty-three pounds six shillings and eightpence, as follows:—In the township of Cornwall, on the concession line between the first and second concessions east of the town of Cornwall, the sum of fifteen pounds. On the nine mile road, from Cornwall to Saint Andrew's Church, the sum of seventy pounds: twenty pounds on the first concession; twenty pounds from the south branch bridge to Campbell's; twenty pounds on the fourth concession; and ten pounds on the fifth concession—all on the said nine mile road. On the nine mile road, from Saint Andrew's Church to the first concession of the township of Roxborough, the sum of eighty pounds: forty pounds in the sixth and seventh, and forty

pounds in the eighth and ninth concessions. On the concession road between the first and second concessions west of the nine mile road, from Dixon's mills, the sum of twenty pounds. On the nine mile road between lots C and D, in the ninth concession, including said road in the eighth concession, the sum of twenty-eight pounds. On the nine mile road, from the south branch between lots six and seven, to include the bridge over the south branch, to the fifth concession, twenty pounds. On the nine mile road, from John Chisholm's, north branch River aux Raisins, to the front of the sixth concession, including the bridge over the River aux Raisins, the sum of forty pounds, six shillings and eightpence. On the fourth concession road, from James McQueen's to the western boundary line, the sum of thirty pounds. On the nine mile road, from Henry Empey's to Mille Roches, the sum of fifteen pounds. On the road between lot number eighteen and lot number nineteen, first concession, the sum of twenty pounds. On the concession road between the third and fourth concessions, from the eastern boundary to lot number six, the sum of twenty-five pounds. On the eighth concession road, west of lot number twenty-nine, to include the nine mile road from that section to the fourth concession, the sum of thirty pounds. On the post road, from lot number sixteen westward, the sum of seventeen pounds. Township of Roxborough.—On the nine mile road, between lots letter A and number one, from the second concession to the rear of the township, the sum of fifty pounds. On the nine mile road, between lots number six and seven, in the first and second concessions, the sum of thirty pounds. On the nine mile road, between lots numbers twelve and thirteen, the sum of one hundred pounds. On the concession road, between the third and fourth concessions, from number thirty-seven, eastward, the sum of thirty-four pounds. On the road between the townships of Roxborough and Finch, to the rear of the sixth concession, the sum of sixty pounds. Township of Osnabruck, on the east nine mile road leading into the township of Finch, and communicating with the nine mile road in said township, between lots numbers eighteen and nineteen, the sum of one hundred and ninety pounds, to be expended as follows:—forty pounds of said sum in improving and covering the causeways in the first, second and third concessions; twenty pounds on said nine mile road, in the fourth concession; ten pounds on the said nine mile road, in the rear of the fifth concession; twenty pounds on the continuation of said road, in the sixth concession; thirty pounds on the seventh concession, on said nine mile road, being between lots numbers seven and eight; seventy pounds on the continuation of said nine mile road, in the eighth and ninth concessions. On the nine mile road, between lots numbers twelve and thirteen, in the first, second and third concessions, the sum of fifteen pounds. On the concession road, between the seventh and eighth concessions, from number seven eastward, the sum of thirty-five

pounds. On the nine mile road, from the churches in the said town of Osnabruck, to the rear of the township, in such places as are most in want of repair, the sum of eighty pounds. On the nine mile road, from Crysler's village to the rear of the fifth concession, the sum of seventy pounds, in such places as are most in want of repairs. In the township of Finch, on the nine mile road, between lots eighteen and nineteen, first concession from the concession road in front of the said township, to the rear of said concession, the sum of twenty pounds. On the concession road, between the third and fourth concessions, from lot number twenty to lot number twenty-four, the sum of forty pounds. On the concession road, between the second and third concessions, from the western limit of the township to lot eighteen, the sum of forty pounds. On the allowance for road between the first and second concessions, from lot number four to lot number fourteen, the sum of forty pounds. From the nine mile road, between Roxborough and Finch, along the front of said township of Finch, to lot number eighteen, the sum of forty-nine pounds. On the road from Dr. McMillan's to Crysler's Mills, the sum of seventy pounds. Commissioners for the townships of Cornwall and Roxborough—Alexander McLean, Cornwall; John Cameron, lot number six, fourth concession, Cornwall; Adam Johnston, lot number fourteen, second concession, Cornwall; Donald McMillan; James McDonell, lot number twenty-two, fourth concession, Cornwall; Duncan McDonell, lot number four, fifth concession, Cornwall; Donald McDonald, lot number eight, first concession, Roxborough; John Montgomery, Benjamin Helmer, Doctor William Johnston, John McMillan, lot number thirty-five, fifth concession, Roxborough; and Duncan McIntire, Commissioners to expend the monies in the west part of Roxborough, on the road between that township and Finch. Commissioners for the townships of Osnabruck and Finch—James Grant, Henry Shaver, second concession; Gilbert Morgan, William Warner, Roger Wood, for Osnabruck; and Hector McLean, Alexander Roy McMillan, James Crysler, Jacob Link, for Finch. In the township of Williamsburgh, the sum of four hundred and six pounds thirteen shillings and fourpence; and that George Weaver, Peter Baker, Henry Schweatfager, Samuel Kyle, George Bedstead, Barnard Wiltsher, and John V. Bedstead, be Commissioners for expending the same on such roads and bridges as they shall think most expedient. In the township of Winchester, the sum of two hundred and sixty pounds; and that Levi Grandy, George Hammil, Thomas Armstrong, Andrew Summers, Richard H. Bolton, and Robert Grey, be Commissioners for expending the same on such roads and bridges as they shall think most expedient. In the township of Matilda, the sum of three hundred and sixty-six pounds thirteen shillings and fourpence; and that Nicholas Brouse, Peter Carman, John Strader, John Flagg, Edmond Dorin, be Commissioners for expending the same on such roads

and bridges as they shall think proper. In the township of Mountain the sum of three hundred pounds; and that John McIntire, John Vancamp, Hugh M'Carger, Henry Boulton, Francis Smith, be Commissioners for expending the same on such roads and bridges as they shall think proper.

Distribution of
money in District of
Ottawa.

III. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Six Hundred Pounds, hereby granted to the Ottawa District, shall be appropriated and expended as follows:—*In the County of Prescott.*—On the road leading from L'Original to VanKliuck's hill, between George Cross' and the farm of Robert Brock, the sum of fifty pounds; and that Robert Brock, George Cross, and Joseph Griffin, be Commissioners for expending the same. On the concession road between the third and fourth concessions of the township of Hawkesbury, from the eastern line of Longueil to the Kirby road in East Hawkesbury, the sum of fifty pounds; and that William Dunning, William Wait, and Oliver Orton, be Commissioners for expending the same. In the eastern division of the township of Hawkesbury, the sum of three hundred and seventy-five pounds; and that William Kirby, Hiram Wyman, William Tesdale, William McDonald, John Cameron, Jeremiah Horrigen, Solomon Grout, senior, Simeon S. Eastman, and Charles Waters, be Commissioners for expending the same, on such roads in the said division as they shall deem proper and expedient. In the western division of the township of Hawkesbury, the sum of one hundred and seventy-five pounds, on the post road between Lochiel and Mear's mills, on the road leading from VanKliuck's to Cameron's mills, and on the road between the seventh and eighth concessions from the post road to Caledonia line; and that James P. Wells, Barnabas VanKliuck, John Campbell, Simeon Cass, and Charles Kersey, be Commissioners for expending the same. On the road leading from Joseph Griffin's, through Caledonia, to intersect the Scotch road leading from the Nation River to MacLaurin's mills, the sum of eighty pounds; and that Joseph Griffin, James Gates, and Waters Wells, be Commissioners for expending the same. On the road leading from Donald MacAlpine's, to intersect the road leading from Joseph Griffin's, through Caledonia, the sum of twenty pounds; and that James MacNally, Donald MacAlpine, and John Hunter, be Commissioners for expending the same. On the Chesser road, between DesAtica Creek and Chesserville, the sum of one hundred pounds; and that Elijah Kellog, Calvin Pattie, and Thomas Leitle, be Commissioners for expending the same. On the front road from the village of L'Original to New Inverness, the sum of one hundred and thirty-seven pounds ten shillings; and from New Inverness to the eastern boundary of Clarence, the sum of one hundred and sixty-two pounds ten shillings; and that William Wait, Peter VanKliuck, and Charles Flynn, be Commissioners for expending the

same. On the road from New Inverness to Donald MacDonald's, the sum of fifty-five pounds; and that John Kearnes, James Malloy, and Peter Georgen, be Commissioners for expending the same. On the road from Donald MacDonald's to Thomas MacDonald's, the sum of twenty pounds; and that Duncan MacGregor, Alexander Gordon, and James Forrest, be Commissioners for expending the same. On the road in the Gore of Plantagenet, leading to MacLawrin's mills in Caledonia, the sum of fifty pounds; and that Peter MacLawrin, and Donald MacDonald, be Commissioners for expending the same. On the road from New Inverness, on the west side of the Nation River, through the Irish Settlement, to the road leading from Chesserville to Thomas Campbell's, the sum of fifty pounds; and that John Biggs, John MacCrank, and Andrew Darrah, be Commissioners for expending the same. On the bridge across the Nation River, at Chesserville, the sum of twenty-five pounds; and that John Kearns, and Alfred Chesser, be Commissioners for expending the same. On the road leading from Chesserville to the west line of Plantagenet, the sum of two hundred pounds; and that John Kearns, James Molloy, and John Chesser, be Commissioners for expending the same. On the road from Chesserville to Kenneth Fletcher's, the sum of fifty pounds; and that Kenneth Fletcher, George Ryan, and John Faulkner, be Commissioners for expending the same. *In the County of Russell.*—On the front road through Gloucester to Cumberland, the sum of seventy-five pounds; and that James Stevenson, Esquire, Clement Bradley, and Robert Lang, be Commissioners for expending the same. On the front road through Cumberland and Clarence, the sum of two hundred and fifty pounds; and that Archibald Petrie, James Edwards, Nicholas Ager, Nicholas Gifford, and James Fox, Esquires, be Commissioners for expending the same. On the center road, through Clarence and Cumberland, leading from Chesser's mills to Bytown, the sum of eighty-seven pounds ten shillings, and that Archibald Petrie, James Edwards, Nicholas Ager, Nicholas Gifford, and James Fox, Esquires, be Commissioners for expending the same. On the road from Ottawa River to number eleven fronting Rideau, in Gloucester, the sum of fifty pounds; and that James Stephenson, Esquire, C. Bradley, and Robert Lang, be Commissioners for expending the same. On the road through Gloucester to Osgood, the sum of two hundred and twenty-five pounds; and that William Smyth, Esquire, John Cunningham, and William Brennan, be Commissioners for expending the same. On the road from Gloucester through Osgood, the sum of two hundred and fifty pounds; and that Archibald MacDonald, Peter MacLawrin, and Duncan MacMartin, Esquires, be Commissioners for expending the same. On the road from Louck's mill to Bytown, the sum of thirty-seven pounds ten shillings; and that Elisha Loucks, and Peter MacLawrin, Esquires, be Commissioners for expending the same.

Expenditure of
money in County of
Lanark.

In the County of Lanark, the sum of two thousand three hundred pounds shall be expended as follows:—In the township of Bathurst, the sum of two hundred and seventy-five pounds. In the township of Drummond, the sum of two hundred and seventy-five pounds. In the township of Beckwith, the sum of two hundred and seventy-five pounds, except fifty of this sum which shall be laid out on the main road from Perth, commencing at Franktown, and continuing on the main road to the town line of Goulbourn. In the township of Ramsay, the sum of two hundred and seventy-five pounds, fifty pounds of which shall be expended in the erection of a bridge across the Mississippi River, on or about the side line between lots three and four, in the tenth concession of said township, on the line of road as passed by the Magistrates assembled in General Quarter Sessions. In the township of Lanark, the sum of two hundred and seventy-five pounds. In the township of Dalhousie, the sum of two hundred and ninety-five pounds. In the township of North Sherbrooke, the sum of one hundred and twenty-five pounds. In the township of South Sherbrooke, the sum of eighty pounds. In the township of Darling, the sum of forty pounds. In the township of Macnab, the sum of one hundred and ninety pounds; one hundred and ten pounds of this sum to be laid out in building a bridge across the Madewaski, at Johnson Island. In the township of Horton the sum of eighty pounds. To aid in completing a bridge across the river Tay, at locks in the town of Perth, the sum of fifty pounds. To finish the bridge across the river Tay, at the burial ground in the town of Perth, the sum of twenty-five pounds. To complete the new bridge across the river Tay, in Drummond-street in the town of Perth, the sum of twenty-five pounds. To repair the bridges between Perth and Lanark, on the town line between Drummond and Bathurst, the sum of fifteen pounds; and that the township Commissioners for the respective townships in the said county, shall be the Commissioners for expending the said sums respectively appropriated, in their respective townships, in such manner as they, or a majority of them, shall deem expedient, except the township of Beckwith, for which John Drisdale, Robert Bell, and Colin MacLarin, are hereby appointed Commissioners, and who shall, by the first day of December next, render a full and detailed account and return of such expenditures, with the necessary vouchers, to the Lieutenant Governor, to be laid before the Legislature at its next Session. *In the County of Carleton*, the sum of Two Thousand Pounds, to be expended as follows:—In the township of Pakenham, the sum of two hundred pounds: and that Andrew Dixon, Owen McCarthy, James White, Peter Russell, and David Ogilve, be Commissioners for expending the same. In the township of Fitzroy, the sum of two hundred pounds; fifty pounds of this sum to be expended on the road from the town line of Huntley to Fitzroy Harbour; and that Rufus

Distribution of
money in County of
Carlton.

Andrews, Michael Hodgins, and Denis Cavenagh, be Commissioners for expending the same: the remaining one hundred and fifty pounds to be expended by the following Commissioners: James Hubble, Alpin Mac-Millan, John Grant, Andrew Forbes, James Howe, and Hamilton Lowrie. In the township of Torbolton, the sum of one hundred pounds; and that Lieutenant Baird, James Grierson, Henry Edwards, George Edge, and John Buckam, be Commissioners for expending the same. In the township of March, the sum of two hundred pounds; and that Captain Bradley, John Goodman, Frederick Richardson, George Morgan, George Edge, John Boucher, and Edward Logan, senior, be Commissioners for expending the same. In the township of Nepean, the sum of four hundred pounds; one hundred and fifty pounds of this sum to be expended on the high road leading from Richmond to Bytown; and that Francis Davison, Chester Chapman, Joseph Finley, and D. McCrea, be Commissioners for expending the same: the remaining two hundred and fifty pounds to be expended by the following Commissioners: Orlando Chapman, John Robertson, John Scott, Thomas Scarff, William Thomson, Esquire, James Bradley, John Scarff, senior, and William Stuart, Esq. In the township of Huntley, the sum of three hundred pounds; fifty pounds of this sum to be expended in opening the road from the third line to the twelfth concession; and that John Kenedy, John Maunion, and John Clarke, be Commissioners for expending the same: the remaining two hundred and fifty pounds to be expended by the following Commissioners: John Burrows, senior, Denis Hogan, John Mulligan, Robert Johnston, Moses Wilson, Henry MacBride, William Mooney, Michael Lewry, and James Hodgins. In the township of Goulbourne, the sum of twenty-five pounds, to complete the bridge over the river Goodwood, on Macbeanstreet, in Richmond, and to repair the road leading thereto; and that Joseph Maxwell, Esquire, Andrew Joynt, and Patrick McEllroy, be Commissioners for expending the same. From the town line of Marlborough to the third concession line in Goulbourne, the sum of thirty pounds; and that Robert Dobson, Patrick McEllroy, and David Harrison, be Commissioners for expending the same. On the town line between Marlborough and Goulbourne, the sum of ten pounds; and that David Harrison, Andrew Taylor, and James Mills, be the Commissioners for expending the same. From the fourth line of Goulbourne, and on the road leading to Huntley, the sum of eighty pounds; and that Robert Little, Thomas Sproull, William McGhee, and Samuel Stewart, be Commissioners for expending the same. To build a bridge over the creek at Mr. Maxwell's, the sum of thirty pounds; and that Joseph Maxwell, George Lyons, and George Edge, junior, be Commissioners for expending the same. On the third concession line of Goulbourne, opposite lots twenty-three and

twenty-four, the sum of five pounds; and that John Torney be Commissioner for expending the same. On the fourth concession line above the river Goodwood, the sum of twenty pounds; and that John Anderson, and Richard Tyghe, be Commissioners for expending the same. On the fourth concession line below the Jock, the sum of forty pounds; and that Robert Montgomery, Thomas Davis, and George Edge, junior, be Commissioners for expending the same. On the said line between lots fifteen and sixteen, at Murray's Tavern, the sum of forty pounds; and that Robert Adams, John Larkin, and Robert Adey, be Commissioners for expending the same. On the third concession line, the sum of forty-five pounds; and that William Mackie, junior, James Henderson, John Nealan, and John Garland, be Commissioners for expending the same. On the town line between Beckwith and Goulbourne, the sum of ten pounds; and that Thomas Rath, James Lemon, and Robert Purdie, be Commissioners for expending the same. On the bridge over the Jock in Fowler's-street, the sum of forty pounds; and that John Torney, and David Harrison, be Commissioners for expending the same. On the twelfth concession line the sum of thirty pounds; and that Francis Powell, Robert Grant, and Joseph Woolsey, be Commissioners for expending the same. On the eleventh concession, the sum of ten pounds; and that George Argue, James Pack, and Isaac Walker, be Commissioners for expending the same. On the tenth concession, the sum of five pounds; and that James Daily, and James McCaffrey, be the Commissioners for expending the same. On the tenth concession, the sum of ten pounds, to be expended between lots nineteen and twenty-two; and that Thomas McCaffery, Michael Hodgins, and Thomas Fisher, be Commissioners for expending the same. On the ninth concession, the sum of forty pounds; and that James Monholland, John Pierce, John Barton, and William Simpson, be Commissioners for expending the same. On the eighth concession, from lot number one to lot number six, and between lots five and six down said concession, the sum of twenty-five pounds; and that Thomas Garland, Patrick Kiely, and Nicholas Garland, be Commissioners for expending the same. On the seventh concession, the sum of twenty pounds; and that William Healy, junior, Carleton Catchart, and Simeon Kerrison, be Commissioners for expending the same. On the town line between Beckwith and Goulbourne, and on the seventh concession of Goulbourne, the sum of twenty pounds; and that John Tomlinson, and Andrew Spearman, be Commissioners for expending the same. On the eighth concession of Goulbourne, the sum of twenty pounds; and that Thomas Catchart, John Philips, and James Simpson, pensioner, be Commissioners for expending the same. On the road leading from the bridge over the lock at Burwells, and on the road leading to Shipman mills, the sum of twenty pounds; and that William Mortan, William Burwell, and

John Sykes, be Commissioners for expending the same. On the sixth concession, the sum of ten pounds; and that William Browne, and Thomas Rutledge, be Commissioners for expending the same. To open the road between lots number ten and eleven, from the sixth concession to the ninth, the sum of ten pounds; and that Andrew Fleming, Robert Lyndsay, and Robert MacCorcle, be Commissioners for expending the same. To erect a bridge over the creek at Menards, the sum of five pounds; and that Colonel Burke, and Samuel Stewart, be Commissioners for expending the same.

IV. *And be it further enacted by the authority aforesaid,* That the sum of Four Thousand Seven Hundred Pounds, granted to the District of Johnstown, be appropriated and expended as follows:—*In the County of Leeds*—the sum of two thousand five hundred pounds, to be expended by the Commissioners hereinafter named in the different Townships of the said County, on such roads and bridges as in their judgment and discretion they shall think just and expedient: and that Joseph King Hartwell, of Elizabethtown; John Weatherhead, of Yonge; Patrick Anderson, of Escott, (formerly Yonge); Richard Johnson, of Lansdowne; William S. Macdonald, of Leeds; John Blackley, of Kitley; Nicholas Bresee, of Bastard; John Leggett, of South Crosby; James Shaw, of Elmsley; William Brooke, of Burgess; and Benjamin Tett, of North Crosby, Esquires, shall be Commissioners for expending the said sum of two thousand five hundred pounds, and that the said Commissioners shall meet at Brockville, on the first Monday in April next, for the purpose of allotting to the several Townships in the said County the amount to be expended in each, and the said Commissioners, or a majority of them, shall determine in what manner and under whose special superintendance the same shall be expended, and shall, by the first day of December next, render a full account and return of such expenditures, (in detail,) with the necessary vouchers, to the Lieutenant Governor, to be laid before the Legislature at its next Session. *In the County of Grenville*—the sum of two thousand two hundred pounds, shall be expended as follows, that is to say: In the township of North Gower, the sum of two hundred pounds. In the township of South Gower, the sum of two hundred and fifty pounds; of which one hundred pounds shall be expended on the road leading through South Gower, Mountain, and Osgood, to Bytown. In the township of Marlborough, the sum of three hundred pounds. In the township of Montague, the sum of three hundred pounds. In the township of Woford, the sum of three hundred pounds. In the township of Edwardsburgh, the sum of two hundred and seventy-five pounds. In the township of Oxford, the sum of three hundred pounds. In the township of Augusta, the sum of two hundred and seventy-five pounds: *Provided*, that the sum of one hun-

Distribution of money
in District of Johnstown, County of Leeds.

County of Grenville.

dred and fifty pounds of the sum appropriated to the township of Oxford, and the sum of one hundred pounds, appropriated to the township of Augusta, shall be expended on the road leading direct from Prescott to Kemptville, by Hick's mill, in Augusta, and the upper settlement of the township of Oxford.

Township Commissioners to expend money in County of Grenville.

V. *And be it further enacted by the authority aforesaid,* That the Township Commissioners for the respective Townships in the said County, shall be the Commissioners for expending the said sums respectively appropriated in their respective townships, in such manner as they, or a majority of them, shall deem expedient.

Distribution of money in Midland District.

VI. *And be it further enacted by the authority aforesaid,* That the sum of Five Thousand Five Hundred Pounds, hereby granted to the Midland District, be appropriated as follows: *In the County of Frontenac*—the sum of fifteen hundred and eighty-three pounds six shillings, namely—In the township of Kingston, on the road from the Penitentiary to Herchimer's point, over the Catarqui bridge, the sum of sixty pounds; and that James Sampson, Jesse Milburn, and Daniel Everett, be Commissioners for expending the same. From Ward's tavern, near Kingston, by Collins' Bay, to the town line of Ernestown, the sum of one hundred pounds; and that Anthony MacGuin, Samuel Anning, John Brass, and John Grass, Jr. be Commissioners for expending the same. From Waterloo to the cross road at Harper's corner, the sum of twenty-five pounds; and that Horace Yeomans and Albert MacMichal, be Commissioners for expending the same. From Harper's corner to the Loughborough line, near Tunis Snook's house, the sum of one hundred pounds; and that Tunis Snook, John Merrills, Junior, and John Scott, be Commissioners for expending the same. On the road leading from lot number sixteen in the sixth concession, towards Yarker's mills, on the township line of Loughborough; the sum of twenty-five pounds; and that George W. Yarker, William Trotter, and William Guess, be Commissioners for expending the same. On the Portland road, from Harper's corner to the township line of Portland, the sum of ninety-five pounds; and that James Gordon, George Gibson, Jacob Powley, and William Walker, be Commissioners for expending the same. On the Montreal road, from Kingston to Kingston Mills, and to the town line of Pittsburgh, straightening and improving the same, the sum of one hundred pounds; and that Thomas Bernans, Thomas Collins, and Peter Mozers, be Commissioners for expending the same. On the road from Tuttle's hill towards Aynsley's mills, to the town line of Pittsburgh, the sum of thirty-seven pounds ten shillings; and that James Doil, and John Mowat, be Commissioners for expending the same. On the cross road by Glenburney to the Kingston road, leading to Loughbo-

rough, the sum of thirty pounds; and that Alexander Pringle, Duncan Beath, and Emmanuel Waggoner, be Commissioners for expending the same. On the lower road from Waterloo to Kingston, by Purdy's mills, on the eastern boundary of Kingston, the sum of twenty-five pounds; and that Doctor Beamish, Elijah Beach, and Samuel Rees, be Commissioners for expending the same. From the Montreal road westerly along the front of the fourth concession, the sum of ten pounds sixteen shillings; and that George Hill, Thomas Collins, and James MacConnell, be Commissioners for expending the same. On Wolf Island, the sum of seventy-five pounds; and that Baron Grant, J. Hitchcock, and William Hinckley, be Commissioners for expending the same. In the township of Pittsburgh: on the Montreal road, from Mrs. Franklin's house east to the Leeds line, the sum of one hundred and twenty pounds; and that Alexander Cowan, Wallace Firman, William Vanhorn, and William Stark, be Commissioners for expending the same. On the new road from McLelland's house to meet the Perth road, the sum of thirty-seven pounds ten shillings; and that George Strachan, John McLelland, and George Banter, be Commissioners for expending the same. On the Barriefield road to McLelland's house, the sum of fifteen pounds; and that George Strachan, James Kirk, and John McCollum, be Commissioners for expending the same. On the Pecor road, from McLelland's house to McLean's house on the Montreal road, the sum of fifteen pounds; and that J. McLean, John McLaughlin, and William Franklin, be Commissioners for expending the same. On the road from Joseph McLean's mills to the Montreal road, including the bridge, the sum of thirty-two pounds ten shillings; and that Thomas Rice, William Chesnut, and William Logie, be Commissioners for expending the same. On the Perth road, from the Montreal road north to the Leeds line, the sum of ninety pounds; and from the Perth road on the eighth concession to the Leeds line east, the sum of ten pounds; and that James Mathewson, James Birmingham, and Sophrenus Hickey, be Commissioners for expending the same. On the Ainsley road, from and including the seventh and ninth concessions, the sum of twenty pounds; and from the ninth concession to the Loughborough line, the sum of ten pounds; and that John Waldron, John Ritchie, William McConnell, and James Tuttle, be Commissioners for expending the same. In the township of Loughborough, the sum of two hundred and seventy-five pounds; and that William Holditch, John Wolf, Anthony Willowby, Lawrence Rail, and William Simkins, be Commissioners for expending the same. In the township of Portland, the sum of two hundred and seventy-five pounds, viz:—From the township line of Kingston on the Waterloo road to Smith's corner in Portland, the sum of seventy-five pounds; from Smith's corner towards the rear of the township leading to Hinchinbrook, the sum of fifty-five pounds. To be expended on such

roads in said township as most require it, a further sum of one hundred and forty-five pounds; and Jacob Shibley, John Shibley, senior, Thomas Dennison, Bryant Spyke, and Thomas Segsworth, be Commissioners for expending the same. *In the Counties of Lenox and Addington*, the sum of two thousand one hundred and sixty-six pounds, thirteen shillings and eight pence, as follows:—For the erection of a bridge over Parrott's Bay, the sum of five hundred pounds; and that Colin McKenzie, Jeremiah Larkins, Joseph Amy, Anthony McGuinn, and Isaac Fraser, be Commissioners for expending the same. In the township of Ernestown, the sum of five hundred pounds. In the township of Camden, the sum of three hundred and fifty pounds. In the township of Richmond, the sum of three hundred pounds. In the township of Fredericksburgh, the sum of three hundred pounds. In the township of Sheffield, the sum of two hundred pounds; and that the road Commissioners, together with the township Clerk, the Collector and Assessor, for the respective townships, or a majority of them, be Commissioners to lay out the sums appropriated to their several townships, on such roads as they may deem most expedient. In the township of Amherst Island, the sum of sixteen pounds thirteen shillings and eight pence; and that the road Commissioners, the township Clerk, Assessor and Collector, be the Commissioners to lay out and expend the same, on such roads or approaches to any of the harbours or landing places on the shores of the same, as they may deem most expedient. *In the County of Hastings*, the sum of one thousand eight hundred and thirty-three pounds, six shillings and eight pence, viz. :—In the township of Tyendinaga, the sum of two hundred and fifty pounds, as follows:—For building a bridge across Sucker Creek in the Indian Tract, the sum of seventy-five pounds; and that Thomas D. Appleby, William Church, John Portt, and John Campbell, be Commissioners for expending the same. From the Slash road down to the York road, between lots number twenty-seven and twenty-eight, where an allowance is left for the same, the sum of twenty-five pounds. On the east part of the Slash road, leading through to Richmond, the sum of fifty pounds; and that the above named Commissioners do expend the same. For building a bridge across Mud Creek, the sum of twenty pounds six shillings and eight pence; and that J. Sweny, and Robert Portt, be Commissioners for expending the same. On the road leading from Shannonville to the back settlement, between lots number five and six in Tyendinaga, the sum of eighty pounds; and that James R. Howell, Richard Lazier, Benjamin Simkins, and John McFarlane, be Commissioners for expending the same. In the township of Hungerford, the sum of two hundred pounds, to be expended as follows:—On the leading road from the new bridge across the River Moira to the west line of the Hungerford road, known by the name of Garrison's road, leading through to Munro's mills, the sum of one hun-

dred pounds; and that Jonas Garrison, senior, Jonas Minaker, John B. Way, William Cayton, and John Anderson, be Commissioners for expending the same. On the road leading from the said bridge to the centre of the fourth concession of Huntingdon, known by the name of Denike's road, the sum of fifty pounds; and that Matthew Jones, Thomas McKinney, James Kitchison, John Bradshaw, and William Mallock, jun. be Commissioners for expending the same. On the road south of the bridge, in levelling the road from the bridge to the hill, and in cutting down the hill, the sum of fifty pounds; and that Thomas Clapp, Leonard Ross, and Lawrence Badgely, be Commissioners for expending the same. In the township of Madoc, the sum of two hundred pounds, viz :—On the leading road from Madoc mills to Belleville, by the way of Huntingdon, the sum of two hundred pounds; and that J. Pendergast, J. Mallowry, Rufus Huntley, James O'Hara, and William Allan, senior, be Commissioners for expending the same. In the township of Huntingdon, the sum of two hundred pounds, to be expended on the road leading direct from the Madoc road to Belleville, by the way through Huntingdon, to Thomson's mills in Sydney, thence through to Simeon Ashley's, where the majority of the Commissioners may deem expedient; and that Nisbet Reed, Jacob Hough, Dorland Reed, and Benjamin Turner, be Commissioners for expending the same. In the township of Thurlow, the sum of two hundred pounds, to be expended on the roads leading from Canniff's mills to Belleville; and that Joseph Canniff, Jonas Canniff, Francis McAnany, David B. Sole, and Royal Munro, be Commissioners for expending the same. For building a bridge across the river Moira, near Simeon Ashley's, the sum of one hundred and thirty-three pounds; and that Simeon Ashley, Robert Thomson, and Joseph Thrasher, be Commissioners for expending the same. In the township of Marmora, the sum of two hundred pounds; from the Marmora Iron Works on the main road to Belleville, from said works to Rawdon's mills, known by the name of Fiddler's mills; and that William Campeon, Solomon Johns, George Westfall, John Hilton, and Edward Fiddler, Esquire, be Commissioners for expending the same. In the township of Rawdon, the sum of two hundred pounds, to be expended on the leading road from Fiddler's mills to Belleville; and that Edward Fiddler, Elijah Allan, John Weesor, and Peter Davidson, be Commissioners for expending the same. In the township of Sidney, the sum of two hundred and fifty pounds, as follows: For the building a bridge across the river Trent, at the mouth of Cold Creek, at Scott's mills, the sum of one hundred pounds; and that William Bowen, Abel Scott, James O'Connor, Thomas Kitchison, and John Tomkins, be Commissioners for expending the same. On the town-line between Sydney and Thurlow, from Mr. Tenny's in the third concession to the second concession, the sum of twenty-five pounds; and that Jacob

Fralick, and David Roblin, be Commissioners for expending the same. For cutting down the hill on lot number twenty-six in the fourth concession of Sydney, the sum of fifteen pounds; and that Joseph Coverley, Archibald Chisholm, and Peter Graham, be Commissioners for expending the same. On the most direct road from Peter Davidson's in the fifth concession of Sidney, to Belleville, the sum of one hundred and ten pounds; and that Henry Hagerman, Cabel Gilbert, Joseph N. Lockwood, Joseph Caviller, and W. Kitchison, Esquire, be Commissioners for expending the same, where the majority of the Commissioners may deem most expedient.

Distribution of money
in District of Prince
Edward.

VII. *And be it further enacted by the authority aforesaid,* That the sum of One thousand Three Hundred Pounds, granted to the District of Prince Edward, be appropriated and expended in the following manner, viz.:—On the bridge leading from Big Island to the main land in the township of Sophiasburgh, the sum of fifty pounds; and that Jacob Howell, George Boulter, and Samuel Solmes, be Commissioners for expending the same; and that the remaining sum of twelve hundred and fifty pounds, be appropriated and expended on such roads, and in the erection and repairs of such bridges, as a majority of the Commissioners hereby appointed may think most expedient, namely,—In the township of Hallowel, the sum of two hundred and fifty pounds; and that John Thirkell, Eliphalet Leavens Guy, H. Young, David Youmans, Caleb Williams, and Benjamin Simpson, be Commissioners for expending the same. In the Township of Marysburgh, the sum of two hundred and fifty pounds; and that John Lane, James Caven, John Richards, Edward Acherman, John Allan, junior, and Earnest Snider, be Commissioners for expending the same. In the township of Sophiasburgh, the sum of two hundred and fifty pounds; and that Thomas Davis, John Lazier, Richard Solmes, John Allison, and John Black, be Commissioners for expending the same. In the township of Hillier, the sum of two hundred and fifty pounds; and that Thomas Flagler, Daniel Miller, Henry Osterhout, Abraham Marsh, John German, George Cameron, and Arnoldi Dorland, be Commissioners for expending the same. In the township of Ameliasburgh, the sum of two hundred and fifty pounds; and that John P. Roblin, Edward Crowter, Samuel Peterson, John H. Morden, Simon Delong, and William Brickman, be Commissioners for expending the same.

Distribution of money
in the District of
Newcastle.

VIII. *And be it further enacted by the authority aforesaid,* That the sum of Five Thousand Pounds, granted to the District of Newcastle, be appropriated and expended as follows:—*In the County of Durham,*—To improve the road from Darlington to Scugog Lake, the sum of two hundred pounds; and that Robert Fairbairn, William Warren, and W. R.

Cubit, Esquires, be Commissioners for expending the same. On the road between Darlington and Whitby, the sum of fifty pounds; and that Ethan Card, and John Brown, both of Darlington, be the Commissioners for expending the same. To open and repair roads in the township of Clarke, leading north and south of the village of Newton, the sum of one hundred and twenty-five pounds; and that William P. Drewry, and Ezra Smith, be Commissioners for expending the same. To improve the middle road in the township of Hope, the sum of one hundred pounds; and that John Huston, Esquire, John Campbell, and Isaiah Hilles, be Commissioners for expending the same. To make and repair the middle road in the township of Cavan, the sum of one hundred and twenty-five pounds; and that John Thompson, Esquire, John Huston, Esquire, and Thomas Kells, be Commissioners for expending the same. In the township of Emily, the sum of four hundred and fifty pounds; of which three hundred pounds shall be expended in completing the bridge near Baldwin's mills, or erecting a new one on or near the middle road; fifty pounds in repairing the bridge at Williamstown, and one hundred pounds to improve the road leading from Williamstown to Peterborough; and that William Cottinham, Francis Henderson, John McCall, and Murty Kane, be Commissioners for expending the same. To open and repair roads in the township of Ops, the sum of one hundred and fifty pounds; and that John Logie, Esquire, and Thomas Rae, be Commissioners for expending the same. To open and repair roads in the township of Cartwright, the sum of one hundred pounds; and that Robert Fairbairn, Esq. Henry S. Reid, W. R. Cubit, Esquire, and Henry Cæsar, be the Commissioners for expending the same. To open roads in Verulam, the sum of one hundred and twenty-five pounds; and that Thomas Need, Esquire, John Darius, Esquire, and Richard Athill, be Commissioners for expending the same. In Mariposa, the sum of one hundred and twenty-five pounds; and that the township Commissioners do expend the same. In Eldon, the sum of one hundred and twenty-five pounds; and that the township Commissioners do expend the same: and in Fenelon, the sum of one hundred and twenty-five pounds; and that James Wallis, Esquire, Robert Deniston, and Captain Dobbs, be Commissioners for expending the same. To repair the stage road towards Peterborough, from Brown's mills to Black's tavern, the sum of two hundred pounds; and that William Sowden, Esquire, Joseph Graham, and John Ainley, be Commissioners for expending the same. *In the County of Northumberland.*—On the roads in the township of Haldimand, the sum of one hundred and thirty pounds; and that John Taylor, Alexander Noble, Donald McTavish, John Grover, and Benjamin Ewing, be Commissioners for expending the same. In the Township of Cramahe, the sum of eighty pounds; and

that Joseph A. Keeler, John Steele, Donald Campbell, William Coulson, and James D. Goslee, be Commissioners for expending the same. In the township of Murray, the sum of eighty pounds; and that Matthias Young, Charles Biggar, Marmaduke Tyrrell, and Sheldon Hawley, be Commissioners for expending the same. In Otanabee, the sum of one hundred pounds. In Asphodel, the sum of one hundred pounds. In Percy, the sum of one hundred pounds. In Ennismore, the sum of seventy pounds. In Douro, the sum of one hundred and thirty pounds. In Dummer the sum of one hundred pounds. The above sums to be expended by the township Commissioners, on such roads and bridges as they may think proper. To open and repair roads in the township of Seymour, the sum of one hundred and eighty pounds, of which fifty pounds is to be applied on the road in front of Seymour, leading to Rawdon; and that Matthew Cassan, Benjamin Ranney, and R. P. Boucher, be Commissioners for expending the same. In the township of Belmont, the sum of fifty pounds; to be expended on the best line for a road from the Marmora road to Round Lake, in Belmont; and that Walter Scott, and Adam Stark, be Commissioners for expending the same. In the township of Harvey, the sum of fifty pounds; and that John Hay, and R. P. Madge, Esquire, be the Commissioners for expending the same. On the road leading from Black's tavern, on the boundary line between the counties of Northumberland and Durham, and from the said boundary line to Peterborough, the sum of five hundred pounds; and that Joseph Graham, Stafford F. Kirkpatrick, Richard Lillico, and Gustavus Dundas, be Commissioners for expending the same. On the communication road between Peterborough and Mud Lake, the sum of one hundred and sixty pounds; and that Stephen Nichol, William Dixon, and Thomas Milburn, be Commissioners for expending the same. From Rice Lake to Charles Rubidge's at Otanabee, the sum of ninety pounds; and that Thomas Carr, and Charles Rubidge, be Commissioners for expending the same. For building and repairing two bridges over the Otanabee River, at Peterborough, the sum of two hundred pounds; and that James Thompson, Alexander McDonnell, and the Honorable Zaccheus Burnham, be Commissioners for expending the same. For re-building the bridge at the village of Keene, in Otanabee, the sum of one hundred and fifty pounds; and that Thomas Carr, Adam Starke, and John Gilchrist, be Commissioners for expending the same. On the road from Cobourg to the Rice Lake, and to open the road round the west side of Todd's hill, the sum of three hundred pounds; and that William Faulkner, Asa A. Burnham, Ebenezer Perry, George Ham, and Willis McKey's, be Commissioners for expending the same. On the road between the village of Keene and Charles Rubidge's, Esquire, in Otanabee, the sum of fifty pounds; and that Charles Rubidge, Peter McFarlane, and George Howson, be Com-

missioners for expending the same. On the road between the River Trent and Kellog's Tavern, in Brighton, the sum of seventy-five pounds; and that Sheldon Hawley, Samuel Cooley, and Matthias Young, be Commissioners for expending the same. On the boundary line between Cavan and Monaghan, and between Emily and Smith, commencing at the eleventh concession of Monaghan, the sum of one hundred and fifty pounds; and that Joseph Graham, Stafford F. Kirkpatrick, Richard Lillico, and Gustavus Dundas, be Commissioners for expending the same. On the road leading North from Campbell's Store, in Otanabee, towards Douro, the sum of seventy-five pounds; and that Archibald Sheerer, David Henderson, and Andrew Short, be Commissioners for expending the same. Upon the road lately established from Wallace's in Otanabee, the sum of forty pounds; and from Widow Fenton's corner, on the road turning west, to Wallace's, the sum of twenty pounds; and that William Stewart, James Matchell, and John Dawson, be Commissioners for expending the same. That out of the sum granted to the township of Percy, forty pounds shall be expended between Cumming's mills and the bridge over the Trent, between Percy and Asphodel, by the Township Commissioners. That out of the sum granted to the township of Haldimand, twenty-five pounds shall be expended on the hills on the road on the fourth concession, between lots twenty-six and thirty-four, by the Township Commissioners. That out of the sum granted to the township of Dummer, the sum of forty pounds shall be expended, from the town line where the Asphodel road intersects it on the main road leading north towards Hartwell's mills, by the Township Commissioners. That the sum of forty pounds be expended on the post road running west from the west line of Asphodel; and that Francis Connin, and Charles Rubidge, be Commissioners for expending the same.

IX. *And be it further enacted by the authority aforesaid,* That the sum of Five Thousand Six Hundred Pounds hereby granted to the Home District, be appropriated and expended as follows:—*In the first Riding of the County of York*—the sum of one thousand and twenty-five pounds, as follows: For improving the roads and bridges in the township of York, the sum of two hundred and seventy-five pounds; and that Jacob Snider, Conrod Graham, and William Donaldson, be Commissioners for expending the same. For improving the Roads and Bridges in the township of Etobicoke, the sum of two hundred and fifty pounds; and that Thomas Dawson, Friend Wilcox, and George Garbut, be Commissioners for expending the same. For improving the Roads and Bridges in the township of Vaughan, the sum of two hundred and fifty pounds; and that David Smellie, Donald Cameron, and David Jeffery, be Commissioners for expending the same. For improving the roads and bridges in the township of King, the sum

Distribution of money
in the Home District.

of two hundred and fifty pounds; and that Mark Learmont, John Lawson, and Thomas Cosford, be Commissioners for expending the same. *In the Second Riding in the County of York*, the sum of one thousand and twenty-five pounds, as follows: On the town line between Vaughan on one side, and the Gore of Toronto on the other, the sum of twenty-five pounds; and that James Hall and Thomas Bows, be Commissioners for expending the same. On the fourth line in Albion, the sum of sixty pounds; and that Love Newlove, Robert Loughhead, and Alexander Murray, be Commissioners for expending the same. On the seventh concession in Albion, the sum of sixty pounds; and that Jones Johnstone, Robert Johnstone, and James Robs, be Commissioners for expending the same. On the township line between Albion on the one side, and Chinguacousy and Caledon on the other, the sum of one hundred pounds; and that the Township Commissioners of these townships do expend the same. On the line between the Gore of Toronto on one side, and Chinguacousy and Toronto on the other, the sum of one hundred pounds, and that John Sanderson, Thomas B. Phillips, and Jonas Reed, be Commissioners for expending the same, with power to extend the improvement through in a direct line to Dundas Street. On the main road from Streetsville to Dundas Street, west of the River Credit, the sum of fifty pounds; and that James Patterson, Robert Young, and Charles Magrath, be Commissioners for expending the same. On Hurontario Street in Caledon, the sum of sixty pounds; and that the Township Commissioners, together with James Campbell, do expend the same. On Hurontario Street, in Chinguacousy, the sum of sixty pounds; and that Peter McCullum, John Scott, Esquire, and Martin Salisbury, be Commissioners for expending the same. On Hurontario Street, through the township of Toronto, the sum of one hundred pounds; and that Francis Logan, Abijah Lewis, and Joseph Gardner, be Commissioners for expending the same. On the cross road between lots number ten and eleven, in Toronto, west of Hurontario Street, to the line of Trafalgar, the sum of sixty pounds; and that James Cummins, Martin Switzer, and Finlay Cameron, be Commissioners for expending the same. On the road leading from Streetsville, east of the river Credit, to the mouth of the said river, on what is commonly called Street Road, the sum of fifty pounds; and that Timothy Street, Peter Wolf, and Moses Polley, be Commissioners for expending the same. On the line between the second and third concessions east of Hurontario Street, in the township of Toronto, the sum of twenty-five pounds; and that Samuel Price, junior, and John Hawkins, be Commissioners for expending the same. On the line leading from Moon's Tavern, in the old survey in the township of Toronto, to Dundas-street, the sum of thirty pounds; and that David Smith, William Taylor, and Abraham Marcle, be Commissioners for expending the same. On

the road leading from Dundas-street, through Henry Carpenter's land, to the middle road, the sum of twenty-five pounds; and that Henry Shook, and William Clarkson, be Commissioners for expending the same. On the leading road from Churchville to Dundas-street, past James Falkner's, the sum of sixty pounds; and that James Falkner, Richard Carter, and William Law, be Commissioners for expending the same. On the line between the fourth and fifth concession lines, west of Huron-street, from Streetsville to number fifteen in the township of Caledon, the sum of seventy-five pounds; and that George Cameron, John Claridge, and W. H. Patterson, be Commissioners for expending the same. On the township line between Toronto and Trafalgar, the sum of twenty-five pounds; and that Ransom Hammond, Orange Lawrence, and Malcolm McKinnon, be Commissioners for expending the same. To build a bridge across the Etobicoke Creek, on the road between the first and second concessions north of Dundas-street, the sum of seventy-five pounds; and that Aaron Silverthorn, and James Atkins, be Commissioners for expending the same. To build a bridge across the east branch of the Etobicoke, and cut down the hill on the line between lots number ten and eleven, the sum of twenty-five pounds; and that James Chambers, and Samuel Moor, be Commissioners for expending the same. To build a bridge across the west branch of the Humber, on the line between the north and south divisions of the Gore, the sum of twenty pounds; and that Robert Bowman, and Richard Cook, be Commissioners for expending the same. *In the third Riding of the County of York*, the sum of one thousand and twenty-five pounds, as follows:—In the township of Whitby, the sum of three hundred pounds. In the township of Pickering, the sum of two hundred and fifty pounds. In the township of Scarborough, the sum of two hundred and twenty-five pounds. In the township of Markham, the sum of two hundred and fifty pounds. In the township of Scarborough, on the road commonly called the Kennedy Road, between the Danforth road and the township of Markham, the sum of fifty pounds; and that Samuel Kennedy, John Johnson, and Andrew Patterson, be Commissioners for expending the same. On the township line between Scarborough and York, the sum of fifty pounds; and that James Warbrick, Henry Davenish, and William Fitzpatrick, be Commissioners for expending the same. The sum of one hundred and twenty-five pounds to be expended by the Township Commissioners, on such roads as are not specially provided for, and as they, in their judgment, see fit, in the said township. In the township of Pickering, between lots number eighteen and nineteen, through the second, third and fourth concessions, the sum of fifty pounds; and that Peter Matthews, George Harley, and Samuel Mayers, be Commissioners for expending the same. Between lots number two and three from the main road to the sixth concession, the

sum of thirty-five pounds; and that John Clarke, Levi MacKay, and Abraham Wurtz, be Commissioners for expending the same. To be expended by the Township Commissioners, the sum of one hundred and sixty-five pounds, on such roads as, in their judgment, may require it—not on the roads expressly provided for. In the township of Whitby, the sum of three hundred pounds; to be expended by the Township Commissioners, on such roads as they think need it. In the township of Markham, on the eighth concession, the sum of sixty pounds, on such parts as most need repair; and that Chauncey Crosby, and Peter Milne, junior, be Commissioners for expending the same. On the township line between Scarborough and Markham, from the sixth concession to the eastern side line of the said townships, the sum of seventy pounds; and that Thomas Smock, Peter Milne, junior, and John De Hart, be Commissioners for expending the same. On the allowance for road between lots number thirty and thirty-one, in the seventh concession of said township, the sum of twenty-five pounds; and that William Clarke, Christy Hoover, and Robert Armstrong, be Commissioners for expending the same.—On the bridge and road over the river Rouge, where it intersects the road between lots number five and six in the eighth concession of Markham, the sum of twenty-five pounds; and that Joseph Tomlinson, Ira White, and John Reesor, be Commissioners for expending the same. To be expended by the Township Commissioners for said township, the sum of seventy pounds, on such roads and bridges for which special appropriations have not been made, and where it is most needful.

In the Fourth Riding of the County of York—the sum of one thousand and twenty-five pounds, as follows:—In the township of Brock, the sum of one hundred and fifty pounds; and that James Reekie, Webster Stevens, and Henry Edwards, be Commissioners for expending the same. In the township of Reach, the sum of one hundred and fifty pounds; and that Abner Hurd, James Silver, Archilaus Dory, or Doxy, be Commissioners for expending the same. In the township of Georgina, the sum of one hundred and fifty pounds; and that Thomas Massington, John Comer, and Samuel Morton, be Commissioners for expending the same. On Union-street, in the township of Whitchurch, from lot number five to lot number eighteen, the sum of twenty-five pounds; and that Joshua Willson, Isaac Playtor, and Henry Wastz, be Commissioners for expending the same. On the line between the sixth and seventh concessions, in the township of Whitchurch, the sum of twenty-five pounds; and that Ludewick Wideman, John MacLein, and Daniel Hunter, be Commissioners for expending the same. In the township of Whitchurch, the sum of one hundred and fifty pounds; and that John Bogart, junior, Joshua Wickson, and James Pearson, be Commissioners for expending the same. In the township of East Gwillimbury, the sum of one hundred and

fifty pounds; and that John Fletcher, John H. Willson, and Samuel Hughs, be Commissioners for expending the same. In the township of North Gwillimbury, the sum of one hundred and twenty-five pounds; and that B. W. Smith, John Proser, and Justus Hatfield, be Commissioners for expending the same. In the township of Uxbridge, the sum of one hundred pounds; and that the Commissioners elected under the Township Officers Act for the said township, be, and they are hereby authorised to expend the same. *In the County of Simcoe*, the sum of fifteen hundred pounds, as follows, viz. :—In the township of West Gwillimbury, for roads, other than the one called the Penetanguishine road, the sum of fifty pounds, to be expended and divided under the direction of the Township Commissioners. In the township of Tecumseth, the sum of one hundred pounds; and that the Township Commissioners do expend the same. In the township of Mono, the sum of one hundred pounds; and that the Township Commissioners do expend the same.—In the township of Innisfil, the sum of fifty pounds; and that the Township Commissioners do expend the same. In the townships of Tyney and Tay, the sum of fifty pounds; to be laid out on the Penetanguishine road, between the town of Penetanguishine and the river Wye, and that the Township Commissioners do expend the same. In the township of Oro, the sum of seventy-five pounds; to be expended by the Township-Commissioners. In the township of Flos, the sum of twenty-five pounds; and that the Township Commissioners do expend the same. In the township of Vespra, the sum of fifty pounds; and that the Township Commissioners do expend the same. In the township of Medonte, the sum of fifty pounds; and that the Township Commissioners do expend the same. In the Township of Thorah, the sum of seventy-five pounds; and that the Township Commissioners do expend the same. In the township of Essa, the sum of fifty pounds; and that the Commissioners of the township do expend the same. From the village of the Narrows, on Lake Simcoe, to Coldwater, on the Coldwater road, the sum of one hundred pounds; and that Elmes Steel, Jacob Gill, John Carthew, John Drinkwater, junior, and Gerald Alley, be Commissioners for expending the same. In the township of Orillia, (north and south divisions) the sum of fifty pounds; and that the Township Commissioners do expend the same. To build a bridge over the Talbot River, in Mara, the sum of fifty pounds; and that Ezra Parker, J. French, and Michael McDonough, be Commissioners for expending the same. On the road commencing at Abraham Houston's, on lot number three in the first concession of Amaranth, then on the town line between Mono and Amaranth, and continuing on the line between Mulmer and Melancthon, passing Lewis Horning's, on to the township of Nottawasaga, to Israel Boardman's settlement, the sum of fifty pounds; and that Lewis Horning, Abraham

Houston, and Israel Boardman, be Commissioners for expending the same. On the town line between Amaranth and Garrafraxa, and Mono, the sum of twenty-five pounds; and that the Township Commissioners do expend the same. On the road between Essa and Tosorontio, the sum of twenty-five pounds; and that the Township Commissioners do expend the same, as prayed for by the petition of James Hood, and eleven others. On that part of the Penetanguishine road passing through West Gwillimbury, between Thorp's mill and the town line of Innisfil, the sum of fifty pounds; and that the Township Commissioners for West Gwillimbury do expend the same. From the town line of Innisfil and West Gwillimbury to Barrie, the sum of one hundred pounds; and that Lewis Algeo, Lewis J. Clement, and David Ross, be Commissioners for expending the same. On what is called the ridge road, from Barrie to the Narrows of Lake Simcoe, the sum of fifty pounds; and that Meyrick Lally, Gerald Alley, and Paul Darling, and Edward Riall, be Commissioners for expending the same. On the Penetanguishine road, from Barrie to the township line between Flos and Tiney, the sum of forty pounds; and that S. Sandford, Esquire, Miles Mairs, and Charles Kerridge, be Commissioners for expending the same. On the same road, from the township line of Flos to the river Wye, the sum of eighty-five pounds; and that William Simpson, Esquire, George Mitchell, Esquire, and Hugh Marlow, be Commissioners for expending the same. In the township of Adjala, the sum of one hundred pounds; and that the township Commissioners do expend the same. On the main road, from the town line of Georgina and Thorah, through Thorah to the bridge over the Talbot River in Mara, the sum of one hundred pounds; and that Kenneth Cameron, Esquire, Michael McDonough, and Artemas Thompson, be Commissioners for expending the same.

Distribution of money
in District of Gore.

X. *And be it further enacted by the authority aforesaid,* That the sum of Four Thousand Seven Hundred Pounds, granted to the District of Gore, be appropriated and expended as follows:—*In the County of Halton*—the sum of three thousand one hundred and sixty-nine pounds, as follows: On the road or town line between the Home and Gore Districts, the sum of fifty pounds; and that Samuel Marlat, Aaron Peeter, and James Stevens, be Commissioners to expend the same. On the road from Oakville to Dundas-street, and from thence through Trafalgar, Esquesing, Erin, and Garrafraxa, the sum of one hundred pounds; and that Charles Kennedy, Samuel Kennedy, Archibald Batterson, James Appleby, Peter Kenney, and W. J. Sumner, be Commissioners for expending the same. On the town line, between Esquesing and Erin, the sum of twenty pounds; and that Jacob Swackhammer, William Kenney, and Joseph Hilts, be Commissioners to expend the same. On the base line from Martin's mill,

east, to the road that leads through the seventh and eighth concessions of Esquesing, the sum of twenty pounds; and that George Brown, Esquire, William Forrest, and Jeremiah Reed, be Commissioners to expend the same. On the road from Lawrence Hagers, through Trafalgar, Esquesing, Erin and Garrafraxa, the sum of seventy-five pounds; and that Joseph Rose, Esquire, John McKee, Esquire, John Burns, Esquire, and Lawrence Hager, be Commissioners for expending the same. On the road between the second and third concessions of Esquesing, from the base line of Trafalgar to Garrafraxa, the sum of twenty-five pounds; and that Jacob Snider, Finley McNaughton, and Rufus Adams, be Commissioners to expend the same. On the road from Moses McCoy's, through Nelson, Nasagaweya, Eramosa, and a part of Garrafraxa, the sum of one hundred pounds; and that John McKarley, John Sherwood, and Moses McKay, be Commissioners for expending the same. On the road from John McCollum's to Gageville, the sum of twenty-five pounds; and that John McCollum, David Ghant, and James Gage, be Commissioners to expend the same. On the road from Moses McCoy's to the Lake, past T. Atkins', the sum of twenty-five pounds; and that Peter Fisher, Tho's. Atkinson, and Philo Bates, be Commissioners for expending the same. On the road between East and West Flamborough, the sum of ten pounds; and that James Lafferty, Joseph Hopkins, and John Cummins, be Commissioners to expend the same. On the road north of Watertown, through East Flamborough, the sum of twelve pounds; and that Ebenezer C. Griffin, Edward Evans, William Shearman, and Alexander Brown, be Commissioners to expend the same. On the road from St. Anne's to the Lake Shore, the sum of twenty-five pounds; and that John Triller, John Lucas, and Mahlon Palmer, be Commissioners to expend the same. On the road from Lawrence Hager's, on Dundas-street, to the mouth of the twelve mile creek, the sum of twenty-five pounds; and that Benjamin Smith, and Sylvester Davis, be Commissioners to expend the same. On the road from the late Ephraim Hopkins' Inn to the Lake Shore, the sum of twenty-five pounds; and that Peter Tolman, John Street, and Robert Smith, be Commissioners to expend the same. On the road leading from Durham's Inn in Trafalgar, to the Lake Shore, the sum of twenty-five pounds; and that John Keating, Charles Biggar, and George Chalmers, be Commissioners to expend the same. In the township of Esquesing, the sum of sixty-five pounds; and that Thomas Fyfe, William Stevens, James Hume, and Finlay McNaughton, and the Commissioners appointed at the Township Meeting, do expend the same. In the Township of Trafalgar, the sum of thirty pounds; and that Charles Biggar, John T. Howell, Peter Kenney, Esquire, and the township Commissioners do expend the same. In the township of Nelson, the sum

of sixty pounds; and that John McGregor, Francis Hamburgh, Walter O'Reilly, and the township Commissioners do expend the same. In the township of Nassagaweya, the sum of sixty pounds; and that John Sherwood, of Nassagaweya, Thomas Bell, and Donald Black, and the township Commissioners, do expend the same. On the road between the fourth and fifth concessions of Trafalgar, (new survey) the sum of fifty pounds; and that John Robinson, William Beatty, and Richard Biggar, be Commissioners to expend the same. On the road leading from the village of Norval to George Kennedy's mill, the sum of twenty-five pounds; and that George Goodwillie, John Freeman, and Moses Kennedy, be Commissioners to expend the same. On the road from Dundas-street, leading from the School-house west of the twelve mile creek, in Nelson, past Hixon's mill through the new survey, the sum of twenty pounds; and that Thomas Millar, Francis Hamburgh, and Levi Hixon, be Commissioners to expend the same. In the township of Garrafraxa, the sum of fifty pounds; and that Alexander Drysdale, Thomas Webster, and John McKee, be Commissioners to expend the same, upon such roads as in their opinion may most require it. In the township of East Flamborough, the sum of forty pounds; and that John Davis, John Cummins, and E. C. Griffin, be Commissioners to expend the same. In the township of East Flamborough, to build a bridge over Grindstone Creek, near Watertown, the sum of fifty pounds; and that David Culp, and Alexander Brown, be Commissioners to expend the same. To build a bridge over the twelve mile creek, and reduce the hill the old way, the sum of three hundred pounds; and that William Moor, Jacob Book, Mahlon Palmer, Walter O'Reilly, and Zebulon Andrews, be Commissioners to expend the same. On the lake road near Port Nelson, the sum of fifty pounds; and that Philo Bates, James P. Gage, and Peter Inglehart, be Commissioners to expend the same. On the road from John Cleaver's, north, the sum of twenty pounds; and that John Thompson, Jacob Van-Norman, and John McGregor, be Commissioners to expend the same.— On the road from the late John Taylor's, north of Dundas Street, the sum of twenty pounds; and that Phillip Snider, John McCollum, Jun'r., and J. Cumming, be Commissioners to expend the same. To improve the hill on the west side of the Sixteen Mile Creek, and to reimburse George Chalmers, for monies advanced by him to improve said hill, and building a bridge across said creek, on Dundas-street, the sum of fifty pounds; and that George Chalmers be the Commissioner to expend the same. To build a bridge, and to improve the road at the mouth of the twelve mile creek, on the lake road, the sum of fifty pounds; and that Sylvester Davis, James Billyea, and Charles Sovereign, be Commissioners to expend the same. On the road leading from Dundas-street to the lake road, between lots five and six in Trafalgar, the sum of twenty-two pounds; and that

George Chalmers to
be reimbursed.

Bernard Griggs, and Alexander Proudfoot, Esquire, be Commissioners to expend the same. On the road between the second and third concessions in the townships of Nelson and Trafalgar, from the west side of the sixteen mile creek to the side road between fifteen and sixteen in the said township of Nelson, the sum of thirty pounds; and that Hiram McCraney, Richard Bates, John Lucas, and James Sherbourne, be Commissioners for expending the same. On Dundas-street, in Nelson, to reduce the mountain near John McCollum's, the sum of twenty-five pounds; and that John Wetenhall, Esquire, George Will, and Philip Snider, be Commissioners to expend the same. On the road leading from Dundas-street north, between lots number five and six in the township of Trafalgar, the sum of twenty-five pounds; and that Doctor Adamson, Alexander Proudfoot, and William Tisdale, be Commissioners for expending the same.— On the laid out road leading from the west hill at the sixteen mile creek on Dundas-street, in Trafalgar, to the second concession south of said street, the sum of fifteen pounds; and that George Chalmers, Levi Smith, and William Boaman, be Commissioners for expending the same. On the road leading from the second concession, on the west hill of the sixteen mile creek in Trafalgar, until it intersects the side line between lots fifteen and sixteen, thence on said line between lots fifteen and sixteen to the lake road, the sum of twenty pounds; and that Merrick Thomas, David Labor, and Edward Anderson, be Commissioners for expending the same. On the Dundas-street, commonly called the Governor's Road, from the village of Dundas to the west line of the Indian Lands, the sum of one hundred and ten pounds: and that Grenville Curtis, Nathan Howell, David Shannon, William Hume, and Robert Hislap, be Commissioners to expend the same. On the road between lots six and seven, from the second concession of West Flamborough to Robert Patterson's, on the line of road to Guelph, thence through the corner of Beverly to the township of Puslinch, to the town of Guelph, the sum of one hundred and fifty pounds; and that James Morden, Robert Patterson, and John Poore, be Commissioners for expending the same. On the road through Guelph, on the line between Woolwich and Nichol, to the Falls of the Grand River, the sum of thirty-five pounds; and that William Hewit, John Poore, and William Reynolds, be Commissioners for expending the same.— On the road between the first and second concessions of the township of Beverley, on the line of road to the village of Paris, the sum of forty pounds; and that Adam Thompson, Bernard Marcle, and George Stanton, Esquire, be Commissioners for expending the same. On the road between the second and third concessions of the township of Beverly, to the village of St. George, in the township of Dumfries, the sum of sixty pounds; and that Robert Camp, Henry Moe, Thomas Lawrason, William Coleman, and George Stanton, Esq. be Commissioners to expend the same.

On the town line between Flambro' West and Flambro' East, from the old bridge on the line between the two townships, the sum of twenty-five pounds; and that James Lafferty, John Cummins and Solomon Washburne, be Commissioners to expend the same. On the allowance for road between the rear of Beverly and Puslinch Gore, from number one to number eleven, and the allowance for road between ten and eleven in said Gore of Puslinch, the sum of twenty-five pounds; and that Archibald McKellor, Hugh McCall, Neil McFaler, and Thos. Watson, be Commissioners to expend the same. On the road leading from Dundas-street to Guelph, on the fourth concession of Nassagaweya, between lots number ten and eleven, thence through said township to Puslinch, and thence between lots thirty-five and thirty-six of said township, to the Dundas road, in the aforesaid township of Puslinch, the sum of thirty-five pounds; and that the Commissioners for the township of Nassagaweya, and the Commissioners for the township of Puslinch, chosen at the town meeting, be appointed to expend the same. That there be expended on the different roads and bridges in the township of Flambro' West, not otherwise provided for by this Act, the sum of eighty pounds, to be applied by the Township Commissioners on all such roads within said township, as in their judgment will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Beverly, not otherwise provided for by this Act, the sum of eighty pounds; to be applied by the Township Commissioners on all such roads within the said township as in their judgment will best serve the interests of the inhabitants thereof; nineteen pounds of said sum to be expended to remunerate Richard Decker, for money expended in building a bridge over Big Creek, and for building railing to said bridge. That there be expended on the different roads and bridges in the township of Dumfries, not otherwise provided for by this Act, the sum of one hundred and fifty pounds; to be applied by the Township Commissioners, on all such roads within said township, as in their judgment will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Waterloo, not otherwise provided for by this Act, the sum of one hundred and twenty-five pounds; to be applied by the Township Commissioners, on all such roads within said township, as in their judgment will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the centre block, township of Wilmot, not otherwise provided for by this Act, the sum of seventy-five pounds; to be applied by the Township Commissioners on all such roads and bridges within said township, as in their judgment will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Woolwich, not otherwise provided for by this Act, the sum of one hundred pounds; to be expended

by David Littlejohn, William Scott, John Davidson, Daniel Nicklan, and the township Commissioners, on all such roads and bridges within the said township as, in their judgment, will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Nichol, not otherwise provided for by this Act, the sum of one hundred pounds; and that James Webster, Alexander Ferrier, and Alexander D. Fordyce, be Commissioners for expending the same, on all such roads and Bridges within the said township as, in their judgment, will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Guelph, not otherwise provided for by this Act, the sum of ninety pounds; to be applied by the Township Commissioners, on all such roads and bridges within the said township as, in their judgment, will best serve the interests of the inhabitants thereof. That there be expended on the different roads and bridges in the township of Puslinch, not otherwise provided for by this Act, the sum of seventy-five pounds; to be applied by the Township Commissioners, on all such roads and bridges within the said township as, in their judgment, will best serve the interest of the inhabitants thereof. That there be expended, for the purpose of erecting a bridge across what is commonly called Coxe's Creek, in the township of Woolwich, the sum of fifty pounds, and the further sum of ninety pounds on the road from said bridge to Fergus, in the township of Nichol; and that James Webster, Esq., William Raynalds, John Davidson, David Littlejohn, Andrew Geddes, David Gilkison, and Daniel Nicklan, be Commissioners for expending the same. That there be expended on the road from where the Waterloo road, leading through the township of Guelph, at the town line of Waterloo, on the allowance for road, or on such route as may be found most advantageous, until it intersects the road passing by the farm of the late John Snider, in said township of Waterloo, the sum of thirty-five pounds; and that William Scollick, Esq. William Ellis, Esq. and Henry Horner, be Commissioners for expending the same. In the township of Binbrook, the sum of two hundred pounds. Between blocks number three and four, to the south end of the fourth concession, forty pounds; and that Peter McKirley, David Snider, and John McCrimon, be Commissioners for expending the same. Between the fourth and fifth concessions, and to be laid out through the fifth, sixth and seventh lots, forty pounds; and that David Snider, and James Duff, be Commissioners for expending the same. On the road between the first and second block, to the fourth concession, forty pounds; and that John McMicking, and Henry Duff, be Commissioners for expending the same. From Tenyke's Saw-mill to the road leading to Smithville, ten pounds; and that Andrew Nevil, and John McMicking, be Commissioners for expending the same. From the north-west corner of lot number

two, block number four, in the first concession; to the north-west corner of James Glover's farm, the sum of fifty pounds; and that William Stewart, and James Glover, be Commissioners for expending the same. Between the first and second concessions, twenty pounds, and that Andrew Nevil, George Leith, and John McMicking, be Commissioner for expending the same. In the township of Saltfleet, the sum of two hundred and ninety-six pounds. On the road allowance between lots number two and three, from the fourth to the eighth concession, fifty pounds; and that John Willson, Esquire, James Jones, and Silas Smith, junior, be Commissioners for expending the same. Between Charles Carpenter's and John Biggar's, at the lake shore, and thence to the main road leading up the mountain, near Ebenezer Place's, and on the east side of John Lee's farm, to the southern boundary of the towaship, the sum of fifty pounds; and that Samuel Tapley, Charles Carpenter, and George Pettit, be Commissioners to expend the same. From Stoney Creek to the Lake Shore, on the main leading road, by the farm of Ephraim Hopkins, twenty-five pounds; and that Stephen Jones, and John Galbraith, senior, be Commissioners to expend the same. From Stoney Creek up the mountain to Mud Street, the sum of seventy-five pounds; and that Thomas Waddle, John Williamson, and John Galbraith, junior, be Commissioners for expending the same. To alter the road from Red Clay Hill around the south-west part of the Big Creek Hill, by the old saw-mill, twenty pounds; and that Phillip Jones, William Freeman, and Jonathan Davis, be Commissioners to expend the same: and on the main road up the hill, on the east side of Big Creek, fifteen pounds; the same Commissioners as the last. To build a bridge across the Big Creek, at William Lotteridge's place, the sum of twenty pounds; and that William Lotteridge and Peter Gage be Commissioners for expending the same. From the top of the mountain, near Mr. Secord's, to the lake shore, at Mr. Kent's place, the sum of twenty pounds; and that William Kent, John Secord, and Pitt Brown, be Commissioners to expend the same. Between lots numbers sixteen and seventeen, the sum of twenty-one pounds; and that James Cooper, Joseph Pettit, and Thomas Candon, be Commissioners to expend the same. In the township of Barton, the sum of two hundred and fifty pounds. On the line between Barton and Glandford, the sum of thirty pounds; to be laid out from lot number thirteen to lot number nine, and D. K. Servos, William Rolston, and Joseph Hannon, be Commissioners to expend the same:—also, between six and seven in the seventh and eighth concessions, the sum of twenty pounds; the same Commissioners as the last. On the side line between fourteen and fifteen, from the top of the mountain to Samuel Ryckman's, the sum of sixty pounds; and that Harmanus Smith, Jacob Neff, and Samuel Ryckman, be Commissioners to expend the same. From Robert Hamilton's place to the

top of the mountain, the sum of forty pounds; and that James Gage, senior, and Joseph Rolston, be Commissioners to expend the same. From the foot of the mountain to William Davis's place, on the side line leading by the farm of Andrew Flaugh, the sum of fifteen pounds, and that Andrew Flaugh, William Davis, and John Snider, be Commissioners to expend the same. On the beach road, by Mrs. William Depew's, at the Salt Works, the sum of fifteen pounds, to assist in building a bridge; and that Thomas Lotteridge, William Gage, and Charles Depew, be Commissioners to expend the same. And on the road west of the Hamilton road, on the mountain and roads leading up the same, the sum of seventy pounds; and that Jacob Rymal, Henry Beasley, William B. Van Every, and Philip Flaugh, be Commissioners to expend the same, in such places on the said road as they may think proper. In the township of Glandford, the sum of two hundred pounds; and that Thomas Choat, Esq. Joseph Harnon, David Kearns, junior, William Smith, Breathwait Lemon, James Bates, and Elisha Bingham, be Commissioners for expending the same, on the different roads in said township, as they may think best for the inhabitants therein. In the township of Ancaster, the sum of three hundred and fifty pounds; and that Thomas Hammill, Philip Rymal, William Binkley, Philip Spaun, George Myers, James Choat, John Aikman, Esq. Garret Howell, and John Wilkins, be Commissioners to distribute the same, as they may think best for the inhabitants of said township. In the Indian Reservation, the sum of one hundred and fifty pounds; one half to be expended on the east side of the Grand River, and the other half on the west side of said river; also, twenty-five pounds to indemnify Enos Bunnel, for moneys expended in erecting a bridge across Fairchild's Creek; and that Edward Vanderlip, Enos Bunnel, James Westbrook, William Nelles, John Vanorman, and Lamber Cowl, be Commissioners for expending the same. On the Governor's road, between the counties of said district, the sum of sixty pounds; and that Nathan Howell, Grenville Curtis, and Jonathan Bowman, be Commissioners for expending the same.

XI. *And be it further enacted by the authority aforesaid,* That the sum of Three Thousand Pounds, hereby granted to the District of Niagara, be appropriated and expended as follows:—*In the First Riding of the County of Lincoln,* the sum of seven hundred pounds, as follows:—In the township of Grimsby, the sum of one hundred and seventy-five pounds; and that John H. Kilborn, John Harris, Hiram Swayze, Daniel Palmer, George A. Ball, Abishai Morse, and Denis Woolverton, be Commissioners for expending the same. In the township of Clinton, the sum of one hundred and seventy-five pounds; and that John Tufford, Daniel Smith, Adam Simmerman, John M. Bestedo, Harmon Kilborn, William Wires and

Distribution of money
in District of Niagara.

Farmer Jacob Moyer, be Commissioners for expending the same. In the township of Gainsborough, the sum of one hundred and seventy-five pounds; and that Stephen Roy, — Moore, Leonard Aslip, William H. Eastman, Moses Gilmore, Frederick McPherson, and Thomas Hardy, be Commissioners for expending the same. In the township of Caistor, the sum of one hundred and seventy-five pounds; and that James Lymburner, John Lymburner, John Merritt, James Tisdale, Eli White, Thomas Stocking, and John Wrong, be Commissioners for expending the same. *In the Second Riding of the County of Lincoln*, the sum of four hundred pounds, to be appropriated and expended as follows:—In the township of Niagara, the sum of one hundred pounds; and that William Woodruff, William S. Servos, and Lewis Clement, be Commissioners for expending the same. On the Queenston hill, the sum of twenty pounds; and that Robert Grant, and Adam Brown, be Commissioners for expending the same. On the hill and flat at St. Catherines, from the Welland Canal office, on the new road, to the bridge across the canal, the sum of twenty pounds; and that Henry Mittleberger, Jacob Hainer, and John L. Burns, be Commissioners for expending the same. On the allowance for road between lots numbers sixteen and seventeen, in the township of Grantham, from John Clendinnan's farm to Jacob Hensler's, on the mountain, the sum of twenty-five pounds; and that Doctor Converse and Jacob Hensler, be Commissioners for expending the same. On the bridge across the ten mile creek, on the Queenston road, the sum of ten pounds; and that Jeremiah Denham and Seth Keith, be Commissioners for expending the same. On the swamp road, from stoney ridge to the township line, between Grantham and Niagara, the sum of twenty-two pounds ten shillings; and that George Havens and Joseph Vanderlip, be Commissioners for expending the same. On the flat and bridge, at the ten mile creek, on the lake road, the sum of ten pounds; and that Cornelius Read and Abraham Secord, be Commissioners for expending the same. From Thomas Kerr's, on the allowance for road between the ninth and tenth concessions of Grantham to the township line, between Niagara and Grantham, the sum of twelve pounds ten shillings; and that John Lampman and John Kerr, be Commissioners for expending the same. From Hainer's corner to Dickson's farm, on the mill road, the sum of fifteen pounds; and that H. Mittleberger and Jacob Hainer, be Commissioners for expending the same. On the main road, from John Honsinger's to the township of Clinton, the sum of thirty pounds; and that John Wismer, John M'Carty, and Daniel Bradt, be Commissioners for expending the same. From Port Dalhousie to the line between Louth and Clinton, on the lake road, the sum of twenty-five pounds; and that Nathan Pawling, James W. O. Clark and Isaac Wismer, senior, be Commissioners for expending the same. From the township line, near Adam Browne's to the line between Louth and Pelham,

the sum of twelve pounds ten shillings; and that Adam Browne and Jabez Johnstone, be Commissioners for expending the same. From Henry Disher's to the main road, passing Ball's mills, the sum of twelve pounds ten shillings; and that John Wismer, John Sammon, and Jacob High, be Commissioners for expending the same. From Abraham High's, until it intersects the road from Disher's to Ball's mills, the sum of twelve pounds ten shillings; and that George Henry, Philip Wills, and Jacob Snure, be Commissioners for expending the same. From Jacob Flanders, passing Gregory's and Foster's, to the lake, the sum of fifteen pounds; and that James McIntee, William Purdy, and Alvah Foster, be Commissioners for expending the same. From Frederick Augustus Schram's, passing John Gregory's, and crossing the main road at Johnson's, to the mountain, the sum of fifteen pounds; and that Frederick Augustus Schram, William Adams, and John Gregory, be Commissioners for expending the same. From the sixteen mile hill at William Purdy's, passing David to Burtch's, the main road, the sum of ten pounds; and that David Burtch and Isaac Doughty, be Commissioners for expending the same. From the road passing Gregory's, on the west side of James McIntee's farm, passing Daniel Beamer's, to the road passing Ebenezer Collver's, the sum of ten pounds; and that Daniel Beamer and Cornelius Ryckman, be Commissioners for expending the same. On the township line between Grantham and Thorold, from Beaverdam Creek, to Jacob J. Ball's farm, the sum of twelve pounds ten shillings; and that Richard Theal and Peter Davis, be Commissioners for expending the same. On the Hartsell hill, the sum of ten pounds; and that Lewis Traver and John Bessey, be Commissioners for expending the same. *In the Third Riding of the County of Lincoln*, the sum of four hundred pounds, as follows:—In the township of Pelham, the sum of one hundred and twenty-five pounds, to be expended by the Township Commissioners. In the township of Thorold, the sum of one hundred and twenty-five pounds, to be expended by the Township Commissioners. In the township of Stamford, the sum of one hundred and twenty-five pounds, to be expended by the Township Commissioners; and the remaining sum of twenty-five pounds, to be specially appropriated to aid in repairing the bridge over the river Chippewa, called John Misener's bridge; the Township Commissioners of Thorold to expend the same, provided a like sum be expended, of the public money from the Fourth Riding, on the said bridge. *In the Fourth Riding of the County of Lincoln*, the sum of seven hundred and fifty pounds, as follows:—In the township of Bertie, the sum of one hundred and twenty-five pounds; and that Richard Graham, Arthur Johnston, Edmond Riseleay, Esquire, and John Moore, be Commissioners for expending the same. In the township of Willoughby, the sum of

one hundred and twenty-five pounds ; and that Joseph Merriam, Adorem Dell, Joil Philips and Henry Miller, be Commissioners for expending the same. In the township of Humberstone, the sum of one hundred and twenty-five pounds ; and that Isaac H. Johnstone, Benjamin Cutler, John Macklem, and Abraham Schooley, be Commissioners for expending the same. In the township of Crowland, the sum of one hundred and twenty-five pounds ; and that Matthias Misner, Jacob Brookfield, Henry Seger, and William Current, be Commissioners for expending the same. On the roads in the township of Wainfleet, on the Chippewa, the sum of seventy-five pounds ; and that George Bradshaw and Stephen M. Farr, be Commissioners for expending the same. On the roads in the township of Wainfleet, on Lake Erie, the sum of seventy-five pounds ; and that David Morgan and Samuel Misner, be Commissioners for expending the same. And for the different bridges, the sum of one hundred pounds ; and that Crowell Wilson, Esquire, be Commissioner for expending the same. *In the County of Haldimand*, the sum of seven hundred and fifty pounds, as follows:—On the Dunnville road, from the Grand river to Black's mills, on the creek leading thereto, for the purpose of cutting a ditch or ditches to drain the said road, the work to be let out by public notice to the best bidder by the square yard, the sum of two hundred and fifty pounds ; and that Andrew Thompson, George William Black, and Benjamin Hoover, be Commissioners for expending the same. From Black's mills to the town line of Walpole, with power to extend it into Woodhouse, to open the road, if the Commissioners deem it advisable, the sum of one hundred pounds ; and that William Steel, Jacob Hoover, and David McFarland Field, be Commissioners for expending the same. From Sensebaugh's to Dunnville, the sum of fifty pounds ; and that J. Minor, Christian Sensebaugh and James Tisdale, be Commissioners for expending the same. From Canborough to Lymburner's mills, near Chippewa, on the road leading to the twenty mile creek, for the purpose of ditching and draining where necessary, the sum of twenty-five pounds ; and that James Lymburner and Benjamin Canby, be Commissioners for expending the same. From Farr's bridge to Cayuga, the sum of seventy-five pounds, for the purpose of building a bridge at Norton's, and for the general repairing of said road ; and that Robert Hay Bruce, John L. Lymburner, and John Norton, be Commissioners for expending the same. In the township of Moulton, the sum of fifty pounds ; twenty-five pounds of which to be expended on the road leading from the Canal, on the side of the ditch, to Furry Settlement, on the lake ; and that William Eyers, Lawrence Furry, and Henry Furry, be Commissioners for expending the same. On the road leading from Lawrence Furry's to the broad creek, on the concession, the sum of twenty-five pounds ; and that J. Nicely, Jacob Minor, and William Eyers, be Commissioners for expending the same. On the

township line, between Rainham and Walpole, the sum of twenty-five pounds; and that James Gilmore, John Attwood, and Jacob Dewolf, be Commissioners for expending the same. From Canboroug to Indiana, to assist in opening the road, the sum of twenty-five pounds; and that Samuel Birdsall, David Thompson, and Peter Swick, be Commissioners for expending the same. From James Stuart's, in Rainham, to the Canborough road, by Rockfort, the sum of twenty-five pounds; and that Peter Culver, John Crysler, and Abner Decow, be Commissioners for expending the same. In the townships of Dunn and Cayuga, not specified herein, the sum of fifty pounds; and that Andrew Thompson, A. S. St. John, and Robert William Cook, be Commissioners for expending the same. In the township of Rainham and Walpole, the sum of fifty pounds; and that Doniel Hoover, James S. Cooper, and J. Nicely, be Commissioners for expending the same.

XII. *And be it further enacted by the authority aforesaid,* That of the sum of Five Thousand Three Hundred Pounds, granted to the District of London, there shall be expended—*In the County of Middlesex,* the sum of Two Thousand Six Hundred and Fifty Pounds. *In the County of Oxford,* One Thousand Three Hundred and Ninety Pounds. *In the County of Norfolk,* One Thousand and Ten Pounds; and in the *County of Huron,* Two Hundred and Fifty Pounds, in manner following, that is to say :—*In the County of Middlesex,* On the roads and bridges in the township of London, the sum of two hundred and twenty pounds. In the gore of London, on the Governor's road, from the township of Nissouri to the town of London, the sum of sixty pounds. On the roads and bridges in the township of Southwold, the sum of two hundred pounds. On the roads and bridges in the township of Lobo, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Yarmouth, the sum of two hundred and twenty pounds. On the roads and bridges in the township of Carradoc, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Bayham, the sum of two hundred pounds. On the roads and bridges in the township of Ekfrid, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Malahide, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Mosa, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Delaware, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Aldborough, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Adelaide, the sum of one hundred and fifty pounds. On the roads and bridges in the township of Westminster, the sum of one hundred and seventy pounds. On the roads and bridges in the township of Dunwich,

Distribution of money
in District of London.
County of Middlesex.

Township Commissioners to expend money.

Blackfriars' Bridge, Township of London, Commissioners named.

County of Norfolk.

the sum of one hundred and sixty pounds. On the roads and bridges in the township of Dorchester, the sum of one hundred and sixty pounds; and that the Township Commissioners be authorised to expend the same in their respective townships, on such roads and bridges as they may deem expedient. To complete Blackfriar's bridge, in the township of London, the sum of sixty pounds; and that John Scatchard, Denis O'Brien, John Kent, and William Robertson, be Commissioners for expending the same. *In the County of Norfolk*, the sum of one thousand and ten pounds, in the following manner, that is to say:—On the front road in the township of Woodhouse, east of the river Lynn, the sum of fifteen pounds. On the road allowance along the front of the second concession of the township of Woodhouse, east of the river Lynn, the sum of forty pounds. On the allowance for road along the front of the third concession of the township of Woodhouse, east of the river Lynn, the sum of ten pounds. On the allowance for road along the front of the fourth concession of the township of Woodhouse, the sum of ten pounds. On the allowance for road between the townships of Woodhouse and Townsend, the sum of twenty-five pounds. On the road along the front of the first concession of the township of Charlotteville, the sum of ten pounds. On the allowance for road in front of the third concession of the township of Charlotteville, west of lot number eleven, the sum of twenty-five pounds. On the allowance for road in front of the fifth concession of Charlotteville, west of lot number thirteen, the sum of fifteen pounds. On the Bostwick road, at Big Creek, for reducing the hill and other purposes, the sum of ten pounds. On the allowance for road between lots number eighteen and nineteen, in the township of Charlotteville, north of the third concession, twenty pounds. On the front road in the township of Walsingham, the sum of twenty pounds. On the front of the first concession of the township of Walsingham, the sum of twelve pounds. On the allowance in front of the second concession of the township of Walsingham, the sum of twenty-five pounds. On the allowance for road in front of the fifth concession in the township of Walsingham, east of Big Creek, the sum of ten pounds:—also, in front of the fifth concession—otherwise in front of the sixth concession of the township of Walsingham, west of Big Creek, or as the Commissioners may think expedient, the sum of thirty pounds. On the Lake road, through the township of Houghton, the sum of one hundred pounds. On the road east of the King's highway, in the township of Townsend, on the first concession, from Walker McCools to Benjamin Heaverlin's, the sum of twenty pounds. On the same concession, in the township of Townsend, east of Benjamin Heaverlin's, the sum of ten pounds. On the third concession, west of the King's highway, in the township of Townsend, the sum of twenty pounds. On the third con-

cession in the township of Townsend, east of the Baptist Meeting-house, the sum of eighty pounds. On the allowance for road, south of the Baptist Meeting-house, in the township of Townsend, leading to Port Dover, the sum of one hundred pounds. On the town line between the township of Windham and the township of Townsend, from Peter Beaman's to the Round Plains, the sum of forty-five pounds. On the same road, south of the Round Plains, the sum of sixteen pounds. On the allowance for road, north of the Baptist Meeting-house, to John Heaverlin's in the township of Townsend, the sum of twenty pounds. On the allowance for road from Abraham Clawse's to Benjamin Hazelton's, in the township of Townsend, the sum of fifty pounds. On the allowance for road, east of Gad Baker's, to the town line in the township of Townsend, the sum of twenty pounds. On the allowance for road south of the ninth concession, from William McCool's to the town line west of the King's highway, in the township of Townsend, the sum of thirty-two pounds. On the road north of Oliver Edmond's, leading to Norwich, in the township of Windham, the sum of twenty pounds. On the allowance for road from John Robbin's to Frederick Sovereign's, in the township of Windham, the sum of fifty pounds. On the roads in the township of Middleton, as the Commissioners may think expedient, the sum of one hundred pounds. On the allowance for road in the township of Townsend, third concession, west of the King's highway, the sum of ten pounds. On the King's highway, from Walker McCool's to Arthur Murphy's, the sum of twenty pounds. On the allowance for road west of Philip Vastbinder's as the Commissioners may think expedient, the sum of ten pounds. On the fourth concession in the township of Townsend, east of the Boston road, from Abraham Nelle's to the Indian lands, the sum of ten pounds.

XIII. *And be it further enacted by the authority aforesaid,* That the Township Commissioners for the County of Norfolk, are hereby authorised to expend the forementioned sums in their respective townships, on the several roads as designated above. *For the County of Oxford,* the sum of One Thousand Three Hundred and Ninety Pounds, in manner following, that is to say:—For the township of Oxford, the sum of one hundred and seventy-three pounds. For the township of Nissouri, the sum of one hundred and seventy-three pounds. For the township of Zorra, the sum of one hundred and seventy-three pounds. For the township of Blenheim, the sum of two hundred pounds. For the township of Norwich, the sum of two hundred pounds. For the township of Burford, the sum of one hundred and seventy-three pounds. For the township of Oakland, the sum of eighty-six pounds. For the township of Blandford, the sum of sixty-six pounds. For the township of Dereham, the sum of one hundred and forty-six pounds; and that the Township Commissioners

Township Commissioners of County of Norfolk, to expend money.
County of Oxford.

Township Commissioners to expend money.

County of Huron.

To be expended by
Township Commis-
sioners when any
appointed;when none, by John
McDonald, Esquire.

for the County of Oxford be authorised to expend the same in their respective townships, on the roads and bridges. *In the County of Huron*, the sum of two hundred and fifty pounds, as follows:—In the township of Colborne, the sum of twelve pounds ten shillings—and in each of the townships of Hullett, McKillop, Logan, North and South Easthope, Downie, Fullarton, Hibbert, Ellice, Tucker Smith, Goderich, Stanley, Hay, McGillivray, Williams, Bosanquet, Biddulph, Blanchard, Usborne and Stephen, the like sum of twelve pounds ten shillings each, to be applied by the Township Commissioners, (where there are any) and where there are none appointed, by John McDonald, Esquire, Surveyor to the Canada Company.

Distribution of money
in Western District.

XIV. *And be it further enacted by the authority aforesaid*, That the sum of Four Thousand Pounds, granted to the Western District, be appropriated and expended as follows:—*In the County of Kent*, the sum of two thousand two hundred pounds, that is to say:—On the Egremont road, from Adelaide to where it intersects Lake Huron, the sum of one hundred and fifty pounds; and that Lieutenant Hyde, John Burwell, Rob't. Watson, and Henry Allison, be Commissioners to expend the same. On the road along the shore of Lake Huron, from the Egremont road to the river Aux Perches, the sum of fifty pounds; and that Captain R. Videlle, Lieutenant Hyde, and William Jones, Esquire, be Commissioners to expend the same. On the Indian Reserve, in Sarnia, to open a road along the River Saint Clair, the sum of fifty pounds; and that Captain Wright, and George Durand, Esquire, be Commissioners to expend the same. In the township of Moore, to be expended where most necessary, the sum of one hundred and fifty pounds. In the township of Sombra, the sum of one hundred and fifty pounds. In the township of Dawn, the sum of one hundred and twenty-five pounds. In the township of Dover, the sum of eighty-seven pounds. In the township of Tilbury West, the sum of eighty-seven pounds ten shillings. In the township of Tilbury East, the sum of one hundred pounds. In the township of Romney, the sum of eighty-five pounds. In the township of Harwich, the sum of one hundred pounds. In the township of Howard, the sum of one hundred and fifty pounds. In the township of Oxford, the sum of ninety pounds. In the township of Chatham, the sum of one hundred and fifty pounds. In the township of Zone, the sum of one hundred and fifty pounds. In the township of Raleigh, the sum of one hundred and twenty-five pounds; and that the Township Commissioners do expend the several sums allotted to their respective townships, on such roads and bridges, as in the judgment of the said Commissioners, or a majority of them, shall most require improvement. On the Moravian Reserve, north of the River Thames, on the main road now travelled, the sum of twenty pounds; and

that David Shearman, and Thomas Shaw, do expend the same. On the line between the townships of Raleigh and Harwich, the sum of one hundred pounds; and that Henry VanAllen, James Read, and William White be Commissioners to expend the same. On the line between the townships of Dover and Chatham, the sum of one hundred pounds; and that William Taylor, James Bogart, and Charles Bassett, be Commissioners to expend the same. On the line between the townships of Harwich and Howard, the sum of one hundred pounds; and that Christopher Arnold, William Coll, and Isaac Bell, Esq. be Commissioners to expend the same. On the line between the townships of Howard and Oxford, the sum of eighty pounds; and that David Gesner, John Wilson, and John Kitchen, Senior, be Commissioners to expend the same. *In the County of Essex*, the sum of eighteen hundred pounds, as follows:—In the township of Mersea, the sum of one hundred pounds. In the township of Gosfield, the sum of two hundred and fifty pounds, and that fifty pounds of the said sum be expended on the town line between Gosfield and Mersea, and another fifty pounds to be expended in opening and making a public road in front of the third concession, eastern division, of the said township, to lot number eight, across four lots. In the township of Colchester, the sum of two hundred and fifty pounds. In the township of Malden, the sum of three hundred pounds. In the Huron Tract, the sum of fifty pounds. In the township of Sandwich, the sum of five hundred pounds; and that John Alexander Wilkinson, Benjamin Lavallie, William Anderson, Chrysostom Pagot, and John B. Laughton, be Commissioners to expend the same. In the township of Maidstone, the sum of two hundred pounds; and in the township of Rochester, the sum of one hundred and fifty pounds; and that the township Commissioners for the aforesaid townships of Mersea, Gosfield, Colchester, Malden, the Huron Tract, Maidstone and Rochester, be the Commissioners for appropriating and expending the respective sums for each of the last mentioned townships.

XV. *And be it further enacted by the authority aforesaid*, That the monies hereby authorised to be expended upon the roads in the several Districts of this Province, shall be expended and applied on or before the fifteenth day of October next after the passing of this Act: *Provided always*, that nothing herein contained shall apply to the construction of bridges or causeways not required to be covered with earth, and shall be accounted for to His Excellency the Lieutenant Governor, on or before the first day of December next, by the several Commissioners appointed to lay out and expend the same.

Money to be expended by 15th October next, and be accounted for by 1st December next, by Commissioners;

XVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Treasurer of any District, after the expiration

Treasurers of District to demand money unaccounted for.

In default of payment,
how recovered.

Money recovered to
be applied to improve-
ment of roads in the
several Districts.

£75 granted, to be
expended between the
Ridge Road and
Little Lake, in Town-
ship of Harwick,
received by former
Commissioners, to be
paid over to Commis-
sioners, appointed
under this Act.

of the present year, to demand and receive of and from any Commissioner or Commissioners to be appointed as aforesaid, any sum or sums of money remaining unaccounted for, and in default of payment, to levy the same by warrant of distress against the goods and chattels of such Commissioner or Commissioners, which warrant may be obtained from any Justice of the Peace within the District where such Commissioner resides: *Provided always, nevertheless*, that the money so received or levied from such Commissioner or Commissioners, shall go into the funds of the District, and be applicable solely to the improvement of the roads and bridges within such District, under the directions of the Magistrates in General Quarter Sessions assembled.

XVII. *And whereas*, by an Act passed in the fourth year of His Majesty's reign, entitled, "An Act granting to His Majesty a sum of money for the improvement of roads and bridges in the several Districts of this Province," the sum of seventy-five pounds is appropriated to be expended and applied on that part of the communication road which is situated between the ridge road and the little lake, in the township of Harwick, in the Western District; and it was enacted, that Duncan McGregor, James W. Little, and Robert Wood, should be Commissioners for expending the same: *And whereas*, the said Commissioners have drawn the said sum so appropriated, from the Treasurer of the said Western District, but have not expended and applied the same, as by the said Act was required; and the time for making the application thereof by the said Commissioners has expired: *Be it therefore enacted by the authority aforesaid*, That the said Duncan McGregor, James W. Little, and Robert Wood, shall, and they are hereby required, to pay over the said sum of seventy-five pounds, to any Commissioner or Commissioners, who may be appointed for expending and applying the same, under the authority of this Act, and who are hereby required to expend and apply the same, on that part of the said communication road which is situated between the ridge road and the little lake, in the said township of Harwick.

CHAP. CVIII.

AN ACT to make good certain monies advanced in compliance with the Address of the House of Assembly, during the present Session, for the Contingent Expenses of the last Session of the Legislature of this Province.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

WHEREAS in pursuance of an Address of Your Commons House of Assembly, during the present Session of the Provincial Legislature, to His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Your Majesty's Province of Upper Canada, the sum of Eight Thousand, Four Hundred and Ninety-six Pounds, One Shilling and Seven Pence Half-penny, has been issued and advanced by Your Majesty, through your said Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent Expenses of the last Session of the Provincial Legislature: May it therefore please Your Majesty, that it may be enacted, *And be it enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, and unappropriated, there shall be issued and applied, the sum of Eight Thousand, Four Hundred and Ninety-six Pounds, One Shilling and Seven Pence Half-penny, to make good the said sum so issued and advanced as aforesaid.

Preamble

£8,496 ls. 7½d.
granted.

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

Accounting clause.

CHAP. CIX.

AN ACT to provide a Salary for a Judge in Equity.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it is necessary to provide a Salary for a Judge in Equity, so soon as such Judge shall be appointed in this Province; We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, therefore humbly 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 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, His Heirs and Successors, the sum of One Thousand Two Hundred and Fifty Pounds, annually, to provide for the payment of the Salary of a Judge in Equity in this Province, so soon as His Majesty, His Heirs or Successors, shall be authorised by law to appoint such Judge.

£1,250 granted annually.

To be paid by Warrant on Receiver General;

And accounted for.

II. *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, from time to time, to issue his Warrant or Warrants to the Receiver General of this Province, for the said Salary half yearly; and the said Receiver General shall account to His Majesty, His Heirs and Successor, for the same, 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.

CHAP. CX.

AN ACT granting a Salary to the Clerk of the Crown in Chancery, and for other purposes therein mentioned.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is expedient to provide for the payment of a Salary to the Clerk of the Crown in Chancery, and to remunerate him for past services ; 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 Québec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same; That from and out of the rates and duties raised, levied and collected, or hereafter to be raised levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to His Majesty, His Heirs and Successors, for the last year, the sum of Fifty-two Pounds, Five Shillings and One Penny ; and annually in each and every year, the sum of Seventy-five Pounds ; which said sum of Fifty-two Pounds, Five Shillings and One Penny, and Seventy-five Pounds, shall be appropriated, applied and disposed of as follows, that is to say :—to pay Samuel Peters Jarvis, Esquire, as Clerk of the Crown in Chancery, for past services, the sum of Fifty-two Pounds, Five Shillings and One Penny, and to the Clerk of the Crown in Chancery for the time being, annually, in each and every year, the sum of Seventy-five Pounds, to commence and be made payable from the first day of January, one thousand eight hundred and thirty-seven.

Preamble.

£52 5s. 1d. granted for past services, and salary of £75.

II. *And be it further enacted by the authority aforesaid,* That the said sums of Fifty-two Pounds, Five Shillings and One Penny, and Seventy-five Pounds, respectively, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose, from time to time, 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,

To be paid by Receiver General;

And accounted for.

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

Limited to 4 years duration.

III. *And be it further enacted by the authority aforesaid, That this Act shall be and continue in force for and during the term of four years.*

CHAP. CXI.

AN ACT granting to His Majesty a certain sum of money to defray the expenses of the Civil Government for the year One Thousand Eight Hundred and Thirty-six, and for other purposes therein mentioned.

[Passed 9th December, 1836.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it is expedient to provide for defraying the charges for the several Services hereinafter mentioned; We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, 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 Duties raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Nine Thousand, Four Hundred and Seventy-two Pounds, Eight Shillings and Eleven Pence, which said sum shall be applied in the payment of the following charges:—

£9,472 8s. 11d. granted, in payment of Officers and charges mentioned.

Government Office.—Private Secretary of His Excellency the Lieutenant Governor, Two Hundred and Eight Pounds.

Four Clerks, Eight Hundred and Forty Pounds.

Contingencies, Seven Hundred Pounds.

Executive Council Office.—Two Clerks, Five Hundred Pounds.

Contingencies, One Hundred and Twenty-five Pounds.

Receiver General's Office.—Three Clerks, Six Hundred and Seventy-five Pounds.

Contingencies, Two Hundred Pounds.

Inspector General's Office.—Two Clerks, Five Hundred Pounds.

Contingencies, One Hundred Pounds.

Surveyor General's Office.—Six Clerks, One Thousand Two Hundred and Ninety Pounds.

Printing the Statutes.—One Thousand Pounds.

Repairs of the Government House.—Two Hundred Pounds.

Contingencies of the Public Offices.—Six Hundred and Fifty Pounds.

Casual and Extraordinary Expenses.—Six Hundred Pounds.

Usher and Keeper of the Court of King's Bench.—Forty Pounds.

Deputy Secretary and Registrar.—Six Hundred Pounds, for the years One Thousand Eight Hundred and Thirty-five; and One Thousand Eight Hundred and Thirty-six.

II. *And be it further enacted by the authority aforesaid,* That there be granted to His Majesty, from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, to enable His Majesty to pay to His Majesty's Attorney General of this Province, for the year One Thousand Eight Hundred and Thirty-six, in lieu of all fees, travelling expenses, contingencies, or other charges for public service, and for his allowance in lieu of fees as an Officer of the Land Granting Department, and for such other sum or sums as he may receive on Fiats or other Instruments, the sum of Eight Hundred and Sixty-six Pounds, Thirteen Shillings and Four Pence, Currency, additional Salary; and also to His Majesty's Solicitor General, in lieu of all fees, travelling expenses, contingencies, or other charges for public services, the sum of Three Hundred and Seventy-seven Pounds, Fifteen Shillings and Seven Pence, Currency, for the year One Thousand Eight Hundred and Thirty-six, additional Salary.

Provision for salary of Attorney and Solicitor General.

III. *And be it further enacted by the authority aforesaid,* That the several sums of money hereby granted, 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, for the time being; and shall be accounted for to His Majesty, through the Lords Commis-

Money to be paid by Receiver General;

And be accounted for.

sioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

CHAP. CXII.

AN ACT granting a sum of Money to His Majesty, to support the Administration of the Civil Government of the Province, for the current year.

[Passed 4th March, 1837.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient to provide for defraying the charges of the several services hereinafter mentioned: We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, 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 Duties raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Ten Thousand, Four Hundred and Ninety-two Pounds, and Nine Shillings, which sum shall be applied in the payment of the following charges, viz:—

Government Office.—Private Secretary of His Excellency the Lieutenant Governor, the sum of Two Hundred and Eight Pounds.
Four Clerks, Eight Hundred and Fifty Pounds.
Contingencies, One Thousand, One Hundred and Ten Pounds.

Executive Council Office.—Two Clerks, Five Hundred Pounds.
Contingencies, One Hundred and Twenty-five Pounds.

Receiver General's Office.—Three Clerks, Six Hundred and Twenty-five Pounds.
Contingencies, Two Hundred Pounds.

Preamble.

£10,492 9s. to defray certain salaries and charges.

Secretary and Registrar's Office.—Deputy Secretary, Three Hundred Pounds.

One Clerk, Two Hundred Pounds.

Inspector General's Office.—Two Clerks, Five Hundred Pounds.

Contingencies, One Hundred Pounds.

Surveyor General's Office.—Six Clerk's, One Thousand, Three Hundred and Ten Pounds.

Contingencies, One Hundred Pounds.

Printing the Statutes.—Seven Hundred and Ten Pounds.

Government Printer.—Five Hundred and Twenty Pounds.

Repairs of the Government House.—One Hundred Pounds.

Towards defraying the expenses heretofore incurred in the Repairs of the Government House.—Five Hundred Pounds.

Contingencies of the Public Offices.—Six Hundred and Fifty Pounds.

Usher and Keeper of the Court of King's Bench.—Forty Pounds.

Casual and Extraordinary Expenses.—Six Hundred Pounds.

II. *And be it further enacted by the authority aforesaid,* That there be granted to His Majesty, from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, to enable His Majesty to pay to His Majesty's Attorney General of this Province, for the year of our Lord one thousand eight hundred and thirty-seven, in lieu of all Fees, Travelling Expenses, or Contingencies, and for his allowance in lieu of Fees as an Officer of the Land Granting Department, and for such other sum or sums as he may receive on Fiats or other Instruments, the sum of Eight Hundred and Sixty-six Pounds, Thirteen Shillings and Four Pence, Currency, additional salary; and also to His Majesty's Solicitor General, in lieu of all Fees, Travelling Expenses or Contingencies, the sum of Three Hundred and Twenty-seven Pounds, Fifteen Shillings and Eight Pence, Currency, for the same year, additional Salary.

Salaries of Attorney
and Solicitor General.

III. *And be it further enacted by the authority aforesaid,* That the several sums of money hereby granted, 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 for the time being; and shall be accounted for to His Majesty through the Lords

To be paid by
Receiver General;

And be accounted for.

Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

A detailed statement of expenditure to be submitted to Legislature.

IV. *And be it further enacted by the authority aforesaid,* That accounts in detail, of the expenditure of the sums hereinbefore granted, and of every part thereof, shall be laid before both branches of the Legislature, at their next ensuing Session.

CHAP. CXIII.

AN ACT to amend an Act passed in the fifty-fifth year of the reign of His late Majesty George the Third, entitled, "An Act to Incorporate the Midland District School Society."

[Passed 4th March, 1837.]

Preamble.

WHEREAS several Shareholders in the Midland District School Society, as well as other persons interested in the prosperity of that Institution, have petitioned that amendments should be made in the Act of this Province, incorporating the said Society: *And whereas,* it is expedient to comply with the prayer of the said Petition: *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 each and every Share subscribed for and held in the said Midland District School Society, shall be, and the same are hereby declared to be personal property, and as such shall descend and be subject to devise, or may be transferred and assigned; *Provided always,* that such transfer or assignment, shall be by an instrument in writing, executed by the party transferring the same, and entered into a book to be kept by the said Society for that purpose.

Shares declared personal property, and as such transferable.

Provision made for filling vacancies among Trustees.

II. *And be it further enacted by the authority aforesaid,* That whenever it shall happen, that any vacancy shall occur by death or resignation of any Trustee or other Officer of the said Society, between the time of the election or appointment of such Trustee or other Officer, and the period ap-

pointed for the general election of such Trustees and Officers, it shall and may be lawful for the remaining Trustees, by public notice to be given in one or more of the newspapers published in the Midland District, to call a General Meeting of the Shareholders in the said Society, for the purpose of electing a fit and proper person or persons, to supply such vacancy or vacancies, as aforesaid: *Provided always*, that not less than twenty-one days notice of such Meeting shall, at all times, be given.

III. *And be it further enacted by the authority aforesaid*, That the Treasurer for the time being of the said Society, shall, whenever required so to do by the Trustees of the said Society, or a majority of them, make out and deliver to them, a true and faithful account of the monies which may have come into his hands as such Treasurer, as also of the expenditure of the same, or any part thereof, as well as of all such other matters and things as may have been intrusted to him in his said Office; and that a full and particular account of the monies so received, as aforesaid, and the expenditure thereof, shall be submitted to the Stockholders of the said Society annually, at the general election of Trustees and Officers of the Institution.

Treasurer of Society to render account. &c.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Trustees of the said Society, from time to time, to make and ordain By-Laws and Rules for the management of the affairs of the said Society; such By-Laws and Rules not being in contravention of, or inconsistent with the Act incorporating the said Society.

Trustees authorised to make By-laws and Rules, &c.

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