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STATUTES,

OF HIS MAJESTY'S PROVINCE

OF

UPPER CANADA,

PASSED IN

THE SECOND SESSION OF THE TENTH PROVINCIAL PARLIAMENT.

OF UPPER CANADA.

By Authority,

SIR JOHN COLBORNE, K.C.B.

LIEUTENANT GOVERNOR.

YORK, U. C.

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

AN ACT,

PASSED IN THE FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT.

ANNO DOMINI 1839:

SIR GEORGE ARTHUR, K. C. H. LIEUTENANT GOVERNOR:

THE ROYAL ASSENT TO WHICH WAS SUBSEQUENTLY PROMULGATED.

CHAP. LXXII.

AN ACT to afford further facilities to negotiate Debentures for the completion of certain Works.

[Royal Assent promulgated by Proclamation, 30th January, 1840.]

WHEREAS it is expedient to finish certain of the Public Works now Preamble. in progress in this Province: *Be it therefore enacted* by the Queen'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 Her Majesty's Receiver General, by and with the consent of the Lieutenant Governor of this Province, in Council, to sell and dispose of the Public Debentures of this Province, now authorised by law to be issued, to the best advantage, in order to realize the several sums hereby appropriated during the present year, viz.: for finishing the Saint Lawrence Canal, the sum of Fifty Thousand Pounds; for building a Ship Lock at Dunnville, and providing materials for the Welland Canal, the sum of Fifteen Thousand Pounds; for the Grand River Navigation, the sum of Twelve Thousand Five Hundred Pounds; for the Johnstown District Roads, the sum of Five Hundred Pounds; for the Queenston and

The sale of certain public Debentures authorised on the best terms, to realize money for particular works:

Grimsby Road, the sum of Ten Thousand Five Hundred and Fifty-five Pounds; for the Road North of the City of Toronto, the sum of Nine Thousand Pounds; for the Road West of the City of Toronto, the sum of Seven Thousand Pounds; for the Road East of the City of Toronto, the sum of Four Thousand Pounds; for the continuation of the improvement of the River Trent, the sum of Twelve Thousand Pounds; for the Credit Harbour, the sum of Seven Hundred and Fifty Pounds.

Such Debentures to be made payable in England.

II. *And be it further enacted by the authority aforesaid,* That the amount of Debentures required by this Act, now authorised to be issued for the construction of the foregoing Works, payable in this Province, shall be made payable in England, any thing in any Act to the contrary in any wise notwithstanding.

STATUTES

OF

Upper Canada,

PASSED IN THE FIFTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT :
MET AT TORONTO ON THE THIRD DAY OF DECEMBER, 1839, AND PROROGUED ON THE
TENTH DAY OF FEBRUARY, 1840, IN THE THIRD YEAR OF THE
REIGN OF VICTORIA.

THE RIGHT HONOURABLE C. POULETT THOMSON,
GOVERNOR-GENERAL.

ANNO DOMINI 1840.

CHAP. I.

*AN ACT to authorise the appointment of Commissioners to regulate the
Practice of the Court of Chancery.*

[Passed 10th February, 1840]

WHEREAS it is necessary to make further provision for the regula-^{Preamble.}
tion of the Practice of the Court of Chancery : *Be it therefore enacted*
by the Queen's most Excellent Majesty, by and with the advice and con-
sent 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 Ma-
jesty'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

Governor may issue
Commissions:

With power to alter and
establish the Practice
and Costs of Chancery.

by the authority of the same, That it shall and may be lawful for the Governor of this Province, from time to time, and as often as occasion shall require, to issue a Commission or Commissions under the Great Seal of the Province, directed to the Vice-Chancellor and any two or more Judges of the Court of Queen's Bench, (of whom the Chief Justice may be one) authorising them from time to time to make such Rules, Regulations and Orders, for altering or establishing the Practice of the Court of Chancery, and the Costs of its proceedings, as to them or a majority of them may seem fit, and calculated to promote the ends of Justice.

CHAP. II.

AN ACT for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province.

[Passed 10th February, 1840.]

Preamble.

WHEREAS it is expedient to repeal an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act providing for the publication of Reports of the decisions of His Majesty's Court of King's Bench in this Province," and to substitute other provisions in lieu thereof: *Be it therefore enacted* by the Queen'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 be and the same is hereby repealed.

4th Geo. 4th, ch. 3, repealed.

Law Society may appoint
reporter, who shall be an-
swerable to them for the
discharge of his duty, and
subject to rules made by
them, with the approba-
tion of the Judges.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Law Society of the Province of Upper Canada in Convocation, by an Instrument under the Seal of the Society, to appoint to the Office of Reporter of Her Majesty's Court of Queen's Bench in this Province; and that from and after the passing of this Act the Reporter shall be answerable to the said Society in Convocation for the correct and faithful discharge of his duty, and shall be subject to such

Rules and Regulations for the discharge of the duties of his Office, and the publication of the Reports, as shall or may be made for that purpose by the said Society in Convocation, with the approbation of the Judges of the Province, as Visitors of the said Society, and passed and adopted according to the course as practised in respect of other general Rules of the said Society according to law; and it shall be in the power of the said Law Society in Convocation, such Reporter to remove and another to appoint in his place from time to time: *Provided always* that no person shall be eligible to the Office of Reporter except Members of the said Society of the Degree of Barrister at Law, and that no appointment to or removal from the said Office, shall take place without the confirmation of the Judges of the Province as aforesaid, as Visitors of the said Society.

Law Society may remove reporter.

Reporter to be a Barrister.

Appointment or removal subject to the approval of the Judges.

III. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Reporter, to Report as well the substance of such of the verbal decisions of the Court as shall be of general importance, as to Report also such decisions as may be delivered in writing; and it shall further be his duty, without any unnecessary delay, to cause such Report to be fairly entered in a Book, and to submit the same for the inspection of the Judges of the said Court, which Report, after due examination and correction by the Judges aforesaid, shall be signed by them or such of them as shall not be prevented by absence or sickness from so doing.

Duty of the Reporter;

To enter report in a book;

Reports to be signed by the Judges.

IV. *And be it further enacted by the authority aforesaid*, That the said Reporter shall be at liberty to print and publish such Report, or a digest thereof, and it shall be his duty so to do whenever thereto required by the said Law Society in Convocation, and in such manner and mode as the said Law Society shall direct, the profits arising from such publication of Report to belong to the Reporter.

Reporter to print and publish;

When required by the Law Society.

V. *And be it further enacted by the authority aforesaid*, That the salary of the Reporter shall not exceed the sum of One Hundred and Fifty Pounds per annum, and shall and may be fixed at or varied within the said amount, as the said Law Society in Convocation, and the Judges of the Province as Visitors, shall think just and proper.

Salary of reporter not to exceed £150 per annum.

VI. *And be it further enacted by the authority aforesaid*, That every Attorney of the said Court shall annually, before or during Michaelmas Term, take out a Certificate from the Clerk of the Crown and Pleas in this Province, of his having been admitted to practice as an Attorney in the said Court; which Certificate the said Clerk is hereby required to give upon production of a receipt from the Treasurer of the Law Society,

Every attorney to take out a certificate in Mich. Term;

Clerk of the Crown to give the same on production of a receipt from Treasurer of the Law Society.

for such sum as the said Benchers in Convocation shall by Rule passed and ordered as aforesaid, from time to time determine upon, and upon payment to the said Clerk of the sum of One Shilling.

Fee.

Attorney neglecting to take out certificate in proper time, to pay £4 therefor :

Attorney practising without certificate, to forfeit £10 ;

How recovered ;

Provisu.

VII. *And be it further enacted by the authority aforesaid*, That if any Attorney shall neglect to take out such Certificate within the time aforesaid, he shall not be entitled thereto until he shall have produced a Receipt from the Treasurer of the Law Society for the sum of Four Pounds; and if any Attorney shall practice in any of Her Majesty's Courts in this Province without a Certificate, he shall forfeit the sum of Ten Pounds, to be recovered by information in Her Majesty's Court of Queen's Bench, and to be paid into the hands of the Treasurer of the Law Society: *Provided always* that nothing herein-contained shall extend to require any person admitted during and after Michaelmas Term in any year, to take out any Certificate as aforesaid until the Michaelmas Term following.

Application of penalty.

VIII. *And be it further enacted by the authority aforesaid*, That in case any penalties shall be hereafter recovered for practising as an Attorney before the passing of this Act, without a Certificate, such penalties shall be paid into the hands of the Treasurer of the Law Society.

Disposition of unappropriated balance of reporter's salary fund;

Receiver General to pay same to Treasurer of Law Society;

Provisu.

IX. *And whereas* there is reason to believe that the monies paid into the hands of the Receiver-General of this Province, under the provisions of the said Act hereby repealed, have exceeded the monies paid by the said Receiver-General by way of Salary to Reporters, and it is just and reasonable that such surplus should be refunded to the Treasurer of the Law Society: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver-General of this Province, and he is hereby required to pay to the Treasurer of the Law Society for the time being, any surplus that may appear to have come to his hands under the provisions of the said Act, over and above the monies by him paid by way of Salary to Reporters of the said Court: *Provided* that in such case the Salary of the Reporter for the current half year shall be paid by the said Law Society.

CHAP. III.

AN ACT to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, "An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to Desert His Majesty's Service, or who shall harbor, conceal, receive or assist any Deserter from such Service," and to make further provision for the punishment of such offenders.

[Passed 10th February, 1840]

WHEREAS the laws now in force in this Province for the punishment of persons concerned in enticing Soldiers to Desert Her Majesty's Service, or who may harbor Deserters from Her said Majesty's Service, are found insufficient to prevent or restrain such unlawful and pernicious practices: Preamble. *And whereas* it is necessary to extend punishment to such persons as shall persuade, or attempt to persuade Sailors engaged in the Naval Service of Her Majesty to Desert, or who shall harbor Deserters from the said Naval Service: *Be it therefore enacted* by the Queen'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 passed in the forty-fourth year of the reign of His late most Gracious Majesty George the Third, entitled, "An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to Desert His Majesty's Service, or who shall harbor, conceal, receive or assist any Deserter from such Service," be and the same is hereby repealed. 44th Geo. 3d, ch. 2. repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, if any person other than enlisted Soldiers in Her Majesty's Service, or Sailors engaged in the Naval Service of Her Majesty, shall by words or with money, or by any ways, methods or means Any person procuring soldiers or sailors to desert, to be liable to imprisonment in the common gaol or penitentiary, and to a fine, in the discretion of the Court.

whatsoever, directly or indirectly, prevail upon, procure, persuade or encourage any such Soldier or Sailor to Desert or leave Her Majesty's Naval or Military Service as aforesaid, and shall be thereof lawfully convicted before any Court of Oyer and Terminer and General Gaol Delivery in this Province, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to be punished by imprisonment in the Common Gaol of the District in which such conviction shall happen, or by imprisonment in the Provincial Penitentiary in this Province, for such period as the Court before which such trial shall take place shall in their discretion adjudge, and shall be further liable to the payment of such Fine as the said Court shall impose upon and require to be paid by such offender.

Any person harboring a deserter liable to the same penalties.

III. *And be it further enacted by the authority aforesaid,* That if any person other than an enlisted Soldier, or Sailor engaged in the Naval Service of Her said Majesty, shall, after the passing of this Act harbor, conceal, receive or assist any Deserter from Her Majesty's Naval or Military Service, knowing him to be a Deserter, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to the same penalties and punishments as are mentioned and set forth in the preceding clause of this Act.

CHAP. IV.

AN ACT to prevent the circulation of Printed Promissory Notes, under the value of Five Shillings.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the issue of small Promissory Notes, in form of Bank Notes, and intended for general circulation, has been found productive of much evil and inconvenience: *Be it therefore enacted* by the Queen'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 after

the passing of this Act, it shall not be lawful for any person, or Body Corporate, to make or issue any Note or undertaking for the payment of money for an amount less than Five Shillings of lawful money of Upper Canada, in the whole or in part printed, stamped or impressed from a Plate or Engraving; and that any person who shall make or issue any such Note or undertaking for the payment of money, shall be liable to pay to the holder thereof treble the amount of the Note or undertaking so issued, to be recovered by action in any Court of Requests in this Province.

No note wholly or in part printed, &c., for less than five shillings, to be issued by any person;

Forfeiture of treble the amount of such note.

II. *And be it further enacted by the authority aforesaid,* That in case any such Note or undertaking now made, or issued before the passing of this Act, shall be presented for payment to the maker or makers thereof, and in case default shall be made in the payment of the same in the current Coin, or in the current Bank Notes of this Province, whether such Note or undertaking shall purport to be payable in Money or in Bank Notes or otherwise, the person making such default shall be liable to pay to the holder of such Note or undertaking treble the amount for which the same is made, to be recovered by action in any Court of Requests in this Province.

If default made in payment of any such note heretofore issued on demand;

Treble the sum may be recovered from the defaulter.

III. *Provided always, and be it further enacted by the authority aforesaid,* That nothing contained in this Act shall be construed to give authority to any person or persons, or Body Corporate, to issue any Note or undertaking for the payment of Money, who are now by law prohibited from issuing the same.

This Act not to authorize issue of any notes by persons now by law prohibited from such issue.

CHAP. V.

AN ACT to provide for the continuation of Suits and Process, in cases of Formation of New Districts.

[Passed 10th February, 1840.]

WHEREAS in cases where New Districts have been erected by Acts of the Provincial Parliament, much inconvenience has been found to arise from the want of legal authority in the respective Sheriffs of the Districts, of which the New Districts formed a part, to continue to execute Legal Process already issued; and to execute Process in Suits already commenced: *Be it therefore enacted* by the Queen'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

Recital of inconvenience to suits from the formation of new Districts;

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 Suits commenced in any of the District Courts of this Province, and all Suits commenced in Her Majesty's Court of Queen's Bench at the time of the division of any District of this Province, shall continue to final Judgment and Execution as if no such division had taken place; and all Process, whether Mesne or final, directed to the Sheriff of the District in which the Suit shall have been commenced, shall be considered legal and regular, notwithstanding the erection of any New District; and the Sheriffs of the Districts to which such Process shall have been or shall be addressed, shall have the execution of such Process, and the custody of all Persons and Property taken or seized under the same, and shall be subject to the same liabilities respecting the same as if no such New District had been erected, any thing in the several Acts for the erection of New Districts to the contrary thereof in any wise notwithstanding.

All suits commenced at the time of dividing any District to be carried on as if no such division had taken place;

Sheriffs to execute process, &c. as if such new District had not been formed.

Not to prevent trials being ordered to take place in the new District;

This Act to extend to Districts to be hereafter formed.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this or any other Act contained, shall extend or be construed to extend, to prevent the Court of Queen's Bench or a Judge thereof, from ordering the Trial of any cause pending as aforesaid to be had in such New District: *Provided* also that the provisions of this Act shall extend to any case arising from any division of Districts which may hereafter take place.

CHAP VI.

AN ACT to continue and make perpetual an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to mitigate the Law in respect to Imprisonment for Debt."

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to mitigate the Law in respect to Imprisonment for Debt," is about to expire, and it is expedient to continue the said Act, and to make it permanent: *Be it therefore*

enacted by the Queen'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 and made perpetual.

5th William 4th, ch. 3,
made perpetual.

CHAP. VII.

AN ACT to revive, continue and make perpetual a certain Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to continue and amend the Law for attaching the Property of Absconding Debtors, and for other purposes therein-mentioned."

[Passed 10th February, 1840.]

WHEREAS it is doubtful whether an Act passed in the second year of the reign of His late Majesty King William the Fourth, entitled, "An Act to afford means for attaching the Property of absconding Debtors" is still in force: *And whereas* it is expedient that the same should be revived, continued and made perpetual, and that any proceedings that may have been had or taken under any of its provisions since the same ceased to be in force, should be declared as valid and effectual for all intent and purposes whatever as if the same had not expired: *Be it therefore enacted* by the Queen'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 revived, continued and made perpetual, and that all proceedings whatsoever that may have been had or taken on or under the

2d Will. 4th, ch. 5,
revived and made
perpetual.

And all proceedings under it declared as valid as if it had not expired.

said recited Act, or any of the provisions thereof, shall be as valid and effectual to all intents and purposes whatsoever as if the same had not expired.

CHAP. VIII.

AN ACT to make perpetual certain parts of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of Costs in Actions on Notes, Bonds, Bills of Exchange and other Instruments," and for other purposes therein-mentioned.

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of Costs in Actions on Notes, Bonds, Bills of Exchange and other Instruments," is about to expire, and it is expedient to continue the said Act and make it permanent: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the fourth, sixth, seventh, tenth and fourteenth clauses of the said Act be and the same are hereby repealed.

4th, 6th, 7th, 10th, and 14th sections 5 Will. 4th, ch. 1, repealed.

Plaintiffs in actions against several parties to a bill or note, may declare in a given form.

II. *And be it further enacted by the authority aforesaid,* That the Plaintiff in any joint Action against the Drawers, Makers, Endorsers and Acceptors, or any of them, of any Bill of Exchange or Promissory Note, may declare in the form contained in the Schedule hereto annexed upon such Bill or Note, varying the same according to the circumstances of the case.

Defendants may set off several demands, when of a particular description;

III. *And be it further enacted by the authority aforesaid,* That in any such Action the person sued shall be entitled to set off against the said Plaintiff any payment, claim or demand, whether joint or several, which

in its nature and circumstances arises out of or is connected with the Bill or Promissory Note, which is the subject of such joint Action, or the consideration thereof, in the same manner and to the same extent as though such Defendant had been sued in the form heretofore used; and if the Jury shall allow any demand as a set off, and still find a balance in favour of the Plaintiff, they shall state in the verdict the amount which they allow to each Defendant as a set off against the Plaintiff's demand.

IV. *And be it further enacted by the authority aforesaid*, That any proceedings now pending under the said recited Act, shall be conducted to a final end, in the same manner as if this Act had not been passed.

Proceedings already instituted to be continued as before.

SCHEDULES.

1.—*On a Promissory Note.*

For that whereas the said ———, (the maker of the Note,) on the ——— day of ———, at ———, made his Promissory Note in writing, and thereby promised ———, (setting forth the Note in the usual manner,) and the said, ———, (the first, second or other Endorsers,) afterwards duly endorsed the same, and the said ———, (the last Endorser) delivered the said Note so endorsed to the said Plaintiff. (aver presentment, notice, &c. where by law necessary in the particular case.) By reason whereof the said ——— (all the Defendants) became jointly and severally liable to pay to the said Plaintiff the said sum of Money in the said Note specified, and being so liable, afterwards jointly and severally promised the said Plaintiff to pay him the same. (Add the usual breach.)

2. *On a Bill of Exchange.*

For that whereas the said ——— (the drawer,) on the ——— day of ———, at ———, drew his certain Bill of Exchange, directed to ———, (setting forth the Bill according to its tenor and effect,) and the said ———, (the drawee) afterwards duly accepted the same, and the said ———, (the first and other endorsers) afterwards duly endorsed the said Bill of Exchange, and the said ———, (the last endorser) delivered the said Bill so endorsed to the said Plaintiff, (averment, presentment, protest, notice, &c., where by law necessary in the particular case.) By reason whereof the said ——— (all the Defendants) became jointly and severally liable to pay to the said Plaintiff the said sum of Money in the said Bill specified, and being so liable, afterwards jointly and severally promised the said Plaintiff to pay him the same. (Add the usual breach.)

CHAP. IX.

AN ACT to regulate the time for making Returns and Payments by Collectors, and other persons receiving the Public Revenues of this Province, and for other purposes therein-mentioned.

[Passed 10th February, 1840.]

Preamble.

WHEREAS it is expedient to make certain alterations in the present system of making Returns to the Inspector-General of Public Accounts, and also in the issuing of certain Licenses: *Be it therefore enacted* by the Queen'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 a certain Act passed in the fourth Session of the eighth Provincial Parliament, in the fourth year of the reign of His late Majesty King George the Fourth, as prescribes the time of making Returns to the Inspector-General of this Province, and of paying over moneys to the Receiver-General of the same, be and the same is hereby repealed.

Part of 4th Geo. 4, ch. 11,
sec. 6, repealed.

Collectors of Customs to
make quarterly returns to
Inspector General;

Periods;

First and last days
inclusive;

Seizures to be reported;

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all Collectors of Customs in this Province shall make a Report to the Inspector-General of this Province, four times in every year, of all Entries made at their Port or Ports of Entry, which Reports shall also severally comprise a faithful statement of all Duties paid or secured, and the proceeds of all seizures and penalties received, or which shall have accrued within the periods following, that is to say: between the sixth day of January and the fifth day of April; the sixth day of April and the fifth day of July; the sixth day of July and the fifth day of October; and the sixth day of October and the fifth day of January; and that the first and last days of such periods shall be inclusive; and that the said Returns shall be transmitted to the Office of Inspector-General within twenty days next after the expiration of every Quarter as aforesaid; and shall also Report to the Inspector-General all seizures, by the said Collectors, or any of their Deputies, made within twenty days

after making the same; and the full amount of the Duties, and proceeds of all seizures, as shall in such Returns be stated to have come into the hands of such Collector or Collectors, shall within the said term of twenty days be paid by him or them into the hands of Her Majesty's Receiver-General for this Province.

Duties, &c. to be paid within twenty days after each quarterly period to Receiver General.

III. *And be it further enacted by the authority aforesaid,* That the Accounts and Returns for the current Quarter, shall be made up and closed to the fifth day of April now next ensuing, and transmitted, and the moneys therein stated to have been received, paid over within the twenty days directed in the preceding clause of this Act.

Current returns to be made up to the 5th April next.

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful for each and every District Inspector of this Province, and each and every of them is hereby required to transmit quarterly to the Inspector-General of this Province, a just, true and faithful Account, to be verified on oath, of all moneys which he or they shall receive under and by virtue of this or any other Act of Parliament of this Province, within the periods following, that is to say: between the sixth day of January and the fifth day of April; the sixth day of April and the fifth day of July; the sixth day of July and the fifth day of October; and the sixth day of October and the fifth day of January, in each and every year, and that the first and last days of such periods shall be inclusive; and that the said Returns shall be transmitted to the Office of the Inspector-General within twenty days next after the expiration of each quarterly period as aforesaid, and shall also pay or cause to be paid into the hands of Her Majesty's Receiver-General for this Province, within the said period of twenty days from the expiration of each of said periods, all moneys in such Account mentioned to have been received as aforesaid, any thing contained in any Act of Parliament of this Province in any wise to the contrary notwithstanding; and further, that the Accounts for the current Quarter shall be made up to the fifth day of April next, and the moneys therein-mentioned be paid over in the said period of twenty days therefrom.

District Inspectors to make quarterly returns to Inspector General;

Periods;

First and last days inclusive;

Returns to be transmitted within twenty days;

And payment to be made to Receiver-General within twenty days after each Quarterly period.

Current returns to be made up to the 5th April next.

V. *And be it further enacted by the authority aforesaid,* That so much of a certain Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, entitled, "An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein-mentioned," and also so much of a certain other Act passed in the fifty-eighth year of His said late Majesty

Part of 56 Geo. 3, ch. 34;

And of 56 Geo. 3, ch. 5; Repealed.

King George the Third, entitled, “An Act to continue, repeal part of and amend an Act passed in the fifty-sixth year of His Majesty’s reign, entitled, ‘An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlers and Petty Chapmen, and other trading persons therein-mentioned, and to extend the provisions of the same,” as devolve the duty of issuing Licenses to the persons therein-named as the Collectors, be and the same are hereby repealed.

After 5th April next,
Licenses to Pedlers, &c.
to be issued by District
Inspectors.

VI. *And be it further enacted by the authority aforesaid,* That from and after the expiration of the current Quarter, ending on the fifth day of April next, the said Licenses directed by the said two last-recited Acts shall, and the same are hereby directed and required to be issued to the persons in the said Acts named and described by the District Inspectors in this Province, and the Duties and Fees on said Licenses to be received by the said Inspectors, according to the provisions of the said last-mentioned Acts, any thing to the contrary notwithstanding.

District Inspectors to be
allowed costs when they
fail in prosecuting;

If Justices certify
probable cause.

VII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful for the District Inspectors, out of the moneys by them collected, to retain the amount of costs by them respectively disbursed, in cases where a conviction may not be obtained: *Provided* the Justice or Justices, or a majority of them, before whom the matter may be heard, shall certify that there was probable and reasonable cause for instituting such prosecution; and the several Inspectors are hereby required to insert the particulars of such claim for costs disbursed in their Quarterly Returns, to be verified on oath as soon as by law directed.

All Licenses for keeping
Billiard Tables to be
dated on the 6th of
January.

Return to be made and
moneys to be paid over to
Receiver General, as in
cases already provided
for.

VIII. *And be it further enacted by the authority aforesaid,* That all Licenses to the Keepers or Proprietors of Billiard Tables to be granted after the passing of this Act, shall be dated on the sixth day of January in the year in which they may respectively be issued, and shall continue in force until the fifth day of January following; and that all moneys received by the Inspector for or on account of such Licenses, shall be returned in the Quarterly Accounts directed by this Act, and be paid over with the moneys received for other Licenses to the Receiver-General, within the twenty days after the expiration of each period as directed by this Act, any thing in any Act of this Province contained to the contrary in any wise notwithstanding.

Every Keeper of an Inn,
&c. Keeping a Billiard
Table;

IX. *And whereas* it is necessary to afford greater facilities for the conviction and punishment of persons having or keeping a Billiard Table,

without having taken out a License for that purpose: *Be it therefore further enacted by the authority aforesaid*, That every keeper of an Inn, Ale House, Ordinary or Recess, and all and every other person or persons who shall keep a House of Entertainment, Resort or Boarding, who shall have or keep a Billiard Table in such house, out-house or room, or building connected with or attached thereto, and for the keeping or having of which Billiard Table a License shall not have been obtained according to the provisions of an Act passed in the reign of His Majesty King George the Third, entitled, "An Act for granting to His Majesty a Duty upon Billiard Tables," it shall and may be lawful for the Inspector of the District in which such Billiard Table may be had or kept, or any other person to give information of the same before any Justice of the Peace; and it shall and may be lawful for any two or more Justices of the Peace of such District to hear and determine the same, and to award execution thereon according to the provisions of the before-recited Act, any law, usage or custom to the contrary notwithstanding.

Not having taken out a License.

May be prosecuted by the District Inspector, or any other person.

X. *And be it further enacted by the authority aforesaid*, That in any case when after conviction, the penalty cannot be recovered, in consequence of the party convicted not having sufficient property to make the amount required, it shall and may be lawful for either of the Justices before whom the information and complaint shall have been made, to issue his Warrant for the apprehension and committal to the Common Gaol of the District of such delinquent, for a period not to exceed one month, unless the Fine and Costs shall be sooner paid.

If penalty cannot be levied:

Offender may be imprisoned one month.

CHAP. X.

AN ACT to compel certain persons not Assessed, to perform Statute Labour.

[Passed 10th February, 1840.]

WHEREAS doubts have arisen in the minds of the Justices of the Peace, in the several Districts of this Province, with regard to the power invested in them to compel persons not assessed, who are over the age of twenty-one years, to perform Statute Labour, whereby several Townships have for the last two years lost the benefit thereof: *And whereas* it is necessary to remove all such doubts: *Be it therefore enacted* by the Queen'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

Preamble.

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 throughout this Province, to order the Path-Masters of their several Divisions, to demand from every male inhabitant, within the limits of his Division, of the age of twenty-one years and upwards, not assessed, the performance of two days Statute Labour, or commute for the same at the rate per day allowed by the Statutes of the Province.

Every male inhabitant 21 years of age, liable to two days statute labour, though not assessed.

Such persons refusing to be dealt with as persons assessed:

If fine not paid, offender may be imprisoned.

II. *And be it further enacted by the authority aforesaid,* That such persons refusing so to do, after being notified as required by law, shall be dealt with in the same manner as those who are assessed and are liable to perform Statute Labour; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for the Justices before whom complaint shall be made, to commit the offender to the Common Gaol of the District wherein the offence was committed, for any time not exceeding six days, unless the fine and costs shall be sooner paid.

Statute labour heretofore done by such persons, to be deemed in accordance with law.

III. *And be it further enacted by the authority aforesaid,* That in all cases where Statute Labour has been performed up to this period, by persons of the age of twenty-one years and upwards, and whose names do not appear on the Assessment Rolls, such Labour shall be deemed and taken to have been regularly performed as in accordance with law and usage.

CHAP. XI.

AN ACT to alter and amend an Act passed during the third Session of the present Parliament, entitled, "An Act to authorise the Establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province."

[Passed 10th February, 1840.]

Preamble.

WHEREAS it is found expedient and necessary to repeal part of and amend an Act passed during the third Session of the present Parliament, entitled, "An Act to authorise the Establishment of Boards of Boundary

Line Commissioners, within the several Districts of this Province": *Be it therefore enacted* by the Queen'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 seventeenth clause of the said Act be and the same is hereby repealed.

17th sec. 1st Vic. ch. 19, repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, every Judgment and final decision of the said Commissioners, in case there shall be no appeal against the same, shall be filed with the Registrar of the County where such Boundary shall be situate, or of which it shall be a Boundary Line, together with the plan of the Boundaries herein-before directed, to be made within one calendar month from the expiration of the time of appealing against the same; and in case there shall be an appeal from the Judgment of the said Commissioners as aforesaid, the Judgment and decree, and all orders of the Courts of Queen's Bench and of Chancery, establishing any Line or Lines of Boundary upon any such appeal, shall also, together with said plan, be filed with the Registrar of the County where such Boundary shall be situate, or of which it shall be a Boundary Line, within six months after the determination and pronouncing of the same; and the said Registrar shall be entitled to a Fee of One Shilling and Three Pence, and no more, for entering the same of record.

Judgment of Commissioners (if no appeal) to be filed with County Registrar;

Within one month after the time for appealing expires;

If an appeal, the final decision;

To be filed with Registrar within six months after the determination;

Registrar's fee.

III. *And be it further enacted by the authority aforesaid*, That whenever the Commissioners appointed under and by virtue of the said recited Act, shall be called upon to settle and determine any disputed Boundary in any Township within this Province, it shall be the duty of the said Commissioners, and they are hereby required, in the first place to ascertain and determine the true course of a straight line between the front and rear angles of the Concession in which such disputed Boundary is situate, on the Boundary of the Township from which the Lots are numbered, according to the original survey of the same, and to cause sufficient stone monuments to be placed to mark such angles so ascertained and determined, unless stone monuments have been previously erected in such Townships in conformity with an Act of the Provincial Parliament, passed in the thirty-eighth year of the reign of His late Majesty King George

Duty of Commissioners on settling a disputed Boundary in any Township;

Placing stone monuments;

How surveys to be made;

Costs of such Monuments to be defrayed by the District :

Deputy Surveyor, who is a Commissioner, not to be employed in certain cases.

If owner of land absent from the Province, service may be made on his known Agent.

Provisions of 2d sec. 50 Geo. 3, ch. 14, declared binding on Commissioners.

the Third, entitled, "An Act to ascertain and establish on a permanent footing, the Boundary Lines of the different Townships of this Province," and the surveys to be made in ascertaining the said Lines, shall be made in the same manner, and subject to the same provisions as the surveys directed to be made in the said recited Act, so far as the same may not have been varied by the first Act herein-mentioned, or by the provisions in this Act contained: *Provided always* that the costs, charges and expenses of erecting such stone monuments as aforesaid, shall be borne and paid out of the funds of the District wherein the same shall be situated.

IV. *And be it further enacted by the authority aforesaid,* That no Deputy Surveyor, being a Boundary Commissioner, shall be employed to make any survey under the authority of the Board of which he is a member.

V. *And be it further enacted by the authority aforesaid,* That when the owner of any lot or lots in Fee, or for any less Estate of Freehold, from whom redress may be sought, shall be absent from the Province, the Warrant or precept authorised to be issued by the fourth Section of the Act herein first mentioned, shall and may be issued and delivered to the known Agent of such owner as aforesaid, and shall have as full force and effect as if the same had been issued to the said owner in person.

VI. *And whereas* doubts have arisen how far the provisions of an Act passed in the fifty-ninth year of the reign of King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands, and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province,' and further to regulate the manner in which Lands are hereafter to be surveyed," are binding upon Boundary Commissioners: *Be it therefore further enacted by the authority aforesaid,* That all the provisions contained in the second Section of the said Act relating to Boundaries, are hereby declared to be and remain in full force and virtue, in all cases in which the said Commissioners may be called on to hear and determine matters in dispute, touching any Line or Boundary of any Lot, Township or Concession.

CHAP. XII.

AN ACT to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to protect the Inhabitants of this Province, against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty."

[Passed 10th February, 1840.]

WHEREAS it is found necessary to amend the provisions of an Act passed in the first year of Her Majesty's reign, entitled, "An Act to protect the Inhabitants of this Province against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty": *Be it therefore enacted* by the Queen'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 be and the same is hereby repealed.

Preamble.

1st Victoria chap. 3, repealed.

II. *And be it further enacted by the authority aforesaid*, That if any person, being a Citizen or Subject of any Foreign State or Country, at peace with the United Kingdom of Great Britain and Ireland, shall, after the passing of this Act, be or continue in arms against Her Majesty, Her Heirs or Successors, within this Province, or shall commit any act of hostility therein, or shall enter this Province with design or intent to levy War against Her said Majesty, Her Heirs or Successors, or to commit any Felony within the same, for which any person convicted of such Felony would by the Laws of this Province be liable to suffer death, then it shall and may be lawful for the Governor of this Province to order the assembling of a Militia General Court Martial for the Trial of such person, agreeably to the Militia Laws of this Province; and upon being found guilty by such Court Martial of offending against this Act, such person shall be sentenced by such Court Martial to suffer death; or such other punishment as shall be awarded by the Court.

Citizens or subjects of a foreign power taken in arms in this Province;

Or coming therein with intent to levy war or;

To commit certain felonies;

May be tried by a Militia General Court Martial;

And, if convicted, to be sentenced to death.

Any subject levying war
in this Province
with foreigners;

Or entering the Province
with foreigners with
intent to levy war;

Or commit such felony as
aforesaid;

Or joining persons who
have entered the Province
with intent to levy war;

Or to commit such felony;
With intent to aid such
persons;

May be tried and
punished in like manner.

III. *And be it further enacted by the authority aforesaid,* That if any Subject of Her Majesty, Her Heirs or Successors, shall within this Province levy War against Her Majesty, Her Heirs or Successors, in company with any of the Subjects or Citizens of any Foreign State or Country then at peace with the United Kingdom of Great Britain and Ireland, or shall enter this Province in company with any such Subjects or Citizens of a Foreign State or Country at peace with the said United Kingdom, with intent to levy War on Her Majesty, or to commit any such act of Felony as aforesaid within this Province, or shall join himself to any person or persons whatsoever, whether Subjects or Aliens, who may have entered this Province with design or intent to levy War on Her Majesty, Her Heirs or Successors, or to commit any such Felony as aforesaid within the same, with the design or intent to aid and assist such last-mentioned person or persons to levy War, or to commit any such Act of Felony as aforesaid, then such Subject of Her Majesty, Her Heirs or Successors, shall be liable to be tried and punished by a Militia Court Martial, in like manner as any Citizen or Subject of a Foreign State or Country at peace with Her Majesty, Her Heirs or Successors, is liable under this Act to be tried and punished.

Any such foreigners may
be tried before a Court of
Oyer and Terminer.

IV. *And be it further enacted by the authority aforesaid,* That the Citizen or Subject of any Foreign State or Country offending against the provisions of this Act, shall be deemed guilty of Felony, and may, notwithstanding the provisions herein-before contained, be prosecuted and tried before any Court of Oyer and Terminer and General Gaol Delivery in and for any District of this Province, in the same manner as if the offence had been committed in such District, and upon conviction shall suffer death as in cases of Felony.

CHAP. XIII.

AN ACT to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, "An Act to prevent the Sale of Spirituous Liquors to Indians."

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the Sale of Spirituous Liquors to Indians," will shortly expire, and it is expedient

to continue and amend the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person to sell, barter, exchange or give to any Indian man, woman or child within this Province, any kind of Spirituous Liquors in any manner or way, or to cause or procure the same to be done for any purpose whatever, under the pains and penalties to be inflicted by the authority of this Act.

No kind of spirituous liquors to be sold, bartered, exchanged or given to any Indian.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Justice of the Peace of any District wherein any offence against the provisions of this Act shall have been committed, upon the testimony of one or more credible Witness or Witnesses, to Fine the offender for each and every offence so complained of, in a sum not exceeding Twenty Pounds, a moiety whereof shall be paid to the Informer, and the other moiety shall be collected and applied in the same manner as Fines and Penalties are now collected and applied under the Act for the summary punishment of Petty Trespasses, to be applied for the improvement of the Roads through the Section of the Country where the offence was committed: *Provided always* that the penalty in this Act mentioned shall not be incurred by the furnishing to any Indian any Spirituous Liquor by a Medical man, in case of sickness, or under the direction of any Medical man.

Justice of Peace to fine offender not exceeding £20 for every offence;

How fines to be collected :

Penalty not incurred by furnishing spirits by medical direction.

CHAP. XIV.

AN ACT to prevent the Introduction of Spirituous Liquors into the Common Gaols of this Province.

[Passed 10th February, 1840.]

WHEREAS it is necessary to prevent the practice of secretly introducing Spirituous Liquors into the Common Gaols of this Province: *Be*

Preamble.

D

it therefore enacted by the Queen'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 any person or persons shall, after the passing of this Act, give, convey, or supply to any Prisoner confined in any Common Gaol or House of Correction in any District in this Province, any Rum, Brandy, Whiskey, or other Spirituous Liquors, contrary to such Rules and Regulations as have been or shall be hereafter from time to time established by law, every such offender being duly convicted thereof before two Justices of the Peace, shall be liable to pay a Fine not exceeding Five Pounds.

If any person shall supply spirits to a prisoner in gaol;

And be convicted before two Justices, he may be fined £5.

Any one Justice may summon the party accused;

And in default of appearance;

Two Justices may hear and determine the case ex-parte;

Or issue a warrant to apprehend the accused;

One Justice may issue such warrant without any summons.

II. *And be it further enacted by the authority aforesaid*, That when any person shall be charged on the oath of one or more credible Witness or Witnesses, before any one Justice of the Peace, with any offence against this Act, such Justice may Summon the person charged to appear at a time and place to be named in such Summons; and if he shall not appear accordingly, then (upon proof of the due service of the Summons upon such person, by delivering the same to him personally) any two Justices of the Peace for the District where the offence is alleged to have been committed, may either proceed to hear and determine the case ex-parte, or issue their Warrant for apprehending such person, or any one of the said Justices may, if he shall so think fit, without any previous Summons, issue such Warrant.

No conviction or committal to be quashed for want of form.

III. *And be it further enacted by the authority aforesaid*, That no conviction under this Act shall be quashed for want of form, and no Warrant of committal shall be held void by reason of any defect therein: *Provided* it be alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

Power to summon witnesses;

Fine for non-attendance.

IV. *And be it further enacted by the authority aforesaid*, That such Justices shall have full power and authority to Summon Witnesses, either in support of the prosecution or for the Defendant; and if any person having been personally Summoned to attend as a Witness, shall neglect or refuse to attend, or shall fail to show some reasonable excuse for his non-attendance, he may be Fined for such non-attendance by the Justices assembled to try the offence, in any sum not exceeding Five Pounds.

V. *And be it further enacted by the authority aforesaid, That in default of payment of any Fine imposed under the authority of this Act, together with the Costs attending the same, within the period specified for the payment thereof, at the time of the conviction by the Justices before whom such conviction shall have taken place, it shall and may be lawful for such Justices to issue their Warrant, directed to any Constable, to levy the amount of such Fine and Costs within a certain time, to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for them to commit the offender to the Common Gaol or House of Correction of the District wherein the offence was committed, for any time not exceeding one calendar month, unless the Fine and Costs be sooner paid.*

In default of payment of fines and costs;

Warrant may issue to levy same;

And if no distress; Offender may be committed;

Not longer than one month.

CHAP. XV.

AN ACT to continue an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province."

[Passed 10th February, 1840.]

WHEREAS it is expedient to continue the Law now in force for the regulation of certain Coins current in this Province: *Be it therefore enacted* by the Queen'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 passed in the sixth year of the reign of His late Majesty William the Fourth, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province," be and the same is hereby continued for two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Preamble.

6 William 4, chap. 27, continued.

CHAP. XVI.

AN ACT to authorise Her Majesty to take Possession of Lands for the erection of Fortifications in this Province, under certain restrictions.

[Passed 10th February, 1840.]

Preamble

WHEREAS it is desirable that Her Majesty should have authority to procure ground which may be wanting for erecting Forts and Batteries, and preserving the necessary approaches thereto free from obstruction, as far as may from time to time become necessary for the public service and the defence of this Province: *Be it therefore enacted* by the Queen'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 of this Province to authorise any General Officer or Officers, or other person or persons duly authorised by the Commander-in-Chief, for the time being, of Her Majesty's Forces in this Province, to Survey and mark out any piece of ground which may be required for the erection of any Fort, Barrack, Battery or other Military Work, and for preserving such Work free from obstruction; and to treat and agree with the owner or owners thereof, or any person or persons having any interest therein, for the purchase, possession or use thereof, either in fee or for such time as the exigency of the service shall require; and in case the owner or owners of such ground, or any person or persons having an interest therein, shall refuse or decline to sell or enter into such contract touching the same; as shall be satisfactory to such Officer or Officers, or other person or persons commissioned as aforesaid, or shall be unable to do so by reason of infancy, coverture or other disability, it shall be lawful for the Governor to require two or more Justices of the Peace, for the District, City, Town or place, where such piece of ground shall be, to put Her Majesty's Military Officers into immediate possession of such piece of ground, which such Justices shall accordingly do, and shall for that purpose issue their Warrant, under their hands and seals, directed to the Sheriff of the District within which such land is; and

Governor may authorise Survey of land for erection of Military Works;

And to agree with owners, &c.

For purchase or possession thereof,

If owner refuse or be under disability;

Governor may require two Justices;

To issue their warrant to the Sheriff to put Military Officer into possession;

shall also issue their Warrant to such Sheriff, commanding him to summon a Jury to appear and be on a day and at a place in such Warrant to be mentioned, (the most convenient that may be) to inquire of and ascertain the compensation which ought to be made for the purchase, possession or use, of such piece of ground, accordingly as the same may be required for the public service, in fee or for a limited period, to the several persons interested therein, and to whom the same ought to be paid; and the Sheriff shall have power to administer an oath to the Jury, to render a true verdict on the question submitted to them according to the evidence; and also to administer an oath to all Witnesses produced before such Jury; and the verdict of such Jury shall be certified by such Sheriff to the Governor of this Province, in order that proper compensation and the reasonable expenses of such Sheriff in summoning the Jury, and also of their attendance, may be paid to the persons severally entitled thereto, out of any funds at the disposal of Her Majesty, granted and made applicable to such purpose by the Imperial Parliament of the United Kingdom of Great Britain and Ireland: *Provided always* that no such piece of ground shall be so taken for the public service without the consent of the owner or owners thereof, unless the necessity for the same shall be first certified by the Commander of Her Majesty's Forces in this Province, or unless the enemy shall have actually invaded this Province, when such piece of ground shall be taken.

One to summon a Jury;

To ascertain proper compensation to the owner;

Sheriff may administer oaths;

Verdict to be certified to Governor;

Expenses, how paid;

No ground to be taken without consent of owner, unless the necessity for same be first certified by Commander of Forces, or in case of invasion.

CHAP. XVII.

AN ACT to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, "An Act to establish the Winchester Measure throughout this Province."

[Passed 10th February, 1840.]

WHEREAS by the seventh clause of an Act passed in the fourth year of the reign of His late Gracious Majesty George the Fourth, entitled, "An Act to repeal an Act passed in the thirty-second year of His Majesty's reign, entitled, 'An Act to establish the Winchester Measure, and a standard for other Weights and Measures throughout this Province, and to appropriate a sum of money for the purpose of obtaining a standard for Weights and Measures for this Province,'" it is enacted that one half of the said penalty so forfeited as aforesaid; shall be paid to the Informer or Informers, and the other half to His Majesty's Receiver-General, to be applied and appropriated towards the Civil Government of this Province, and to be accounted for to His Majesty through the Lords Commissioners

Preamble.

of His Treasury: *And whereas* for carrying into effect the intentions of the said Act, it is necessary that the Inspector of Weights and Measures for each of the Districts of the Province should attend certain public places in each of the several Districts of the said Province, with the Stamps and copies of the standard Weights and Measures in his custody, by which Weights and Measures used in buying and selling may be examined, compared and stamped: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Inspectors of Weights and Measures in the several Districts in this Province, and they are hereby required so to do, to publish in one or more newspapers of the District in which they are acting, from time to time, the different places and times in their Districts where and when they shall attend with the Stamps and copies of the Standard Weights and Measures in their custody, to examine, compare, and Stamp if found correct, all Weights and Measures made use of in buying or selling.

Inspectors of Weights and Measures to give public notice;

Of the place and time where they will attend with the standards.

Part of the 7th section 4 Geo. 4, chap. 16, repealed.

II. *And be it further enacted by the authority aforesaid*, That so much of the seventh Section of the said Act as enacts that the one half of the penalty so forfeited shall be paid to the Informer or Informers, be and the same is hereby repealed.

Inspector's information on oath to be prima facie evidence sufficient for a conviction.

III. *And be it further enacted by the authority aforesaid*, That the information of the Inspector upon oath, shall in future be considered *prima facie* sufficient evidence for a conviction, in not complying with the other requisitions and provisions of the said Act.

CHAP. XVIII.

AN ACT to regulate the Weight of Salt.

[Passed 10th February, 1840.]

Preamble.

WHEREAS by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act further to regu-

late by Law the Commercial intercourse of the Province of Upper Canada with the United States of America," a duty of six-pence per Bushel was imposed on Salt imported from the said United States, which duty has been continued in force by subsequent enactments: *And whereas* difficulties are frequently experienced at the several Ports of Entry in ascertaining and determining the exact quantities of Salt on which the said Duty should be paid: *And whereas* it is important to the just protection of the Revenue that an uniformity of practice upon this point should be established throughout the Province: *Be it therefore enacted* by the Queen'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 said Duty of Six pence per Bushel shall be paid, levied and collected, upon every Bushel of fifty-six pounds weight of Salt imported at any Port of Entry in this Province from the United States of America.

The duty of six-pence per bushel on Salt declared to be payable on every 56 lbs. weight.

CHAP XIX.

AN ACT to authorise certain Duties to be imposed and collected on Wooden Stills within this Province, and for other Purposes therein mentioned.

[Passed 10th February, 1840.]

WHEREAS the law authorising the levying a Duty upon Wooden Stills has expired, and it is expedient that a Duty should be continued on the same, and to provide for the more effectual collection thereof; and also for the sufficient remuneration of the Inspectors of Districts: *Be it therefore enacted* by the Queen'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,

Preamble.

Section 6, 43d Geo. 3,
chap. 9;

Section 10, 5th Geo. 3,
chap. 1;

Section 5, 59th Geo. 3,
chap. 6;

Repealed, so far as
relates to per centage of
Inspectors of Districts.

After 1st March, 1840,
a duty of 1s. 6d. per
gallon imposed on stills
used for distilling
spirituous liquors.

Licenses to be applied
for to the District
Inspector;

At what time:

Persons not having taken
a license during the
current year, required to
do so.

and to make further provision for the Government of the said Province," and by the authority of the same, That the sixth clause of an Act passed in the forty-third year of the reign of King George the Third, Chapter Nine, entitled, "An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain Duties therein mentioned": also the tenth clause of an Act passed in the fifty-eighth year of the reign of His said Majesty King George the Third, Chapter First, entitled, "An Act to impose a Duty upon persons selling Wine, Brandy, and other Spirituous Liquors, by Wholesale": and also the fifth clause of an Act passed in the fifty-ninth year of His late Majesty King George the Third, entitled, "An Act granting to His Majesty an additional Duty on Stills used for the distillation of Spirituous Liquors for sale, and for ascertaining the manner in which certain Wooden Stills shall be gauged in this Province," so far as the above recited Acts relate to any per centage that the Inspectors of Districts are authorised to retain for their own use, or to any limitation thereof, be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the first day of March next, there shall be raised, levied, collected and paid, yearly, and every year, unto Her Majesty, Her Heirs and Successors, to and for the use of this Province, and towards the support of the Civil Government thereof, of and from all persons having and using a Still, or Stills, or hereafter to have and use a Still or Stills, for the purpose of distilling Spirituous Liquors for sale, a sum not exceeding One Shilling and Six Pence, of lawful money of this Province, for every Gallon which such Still, or Stills, or other vessels more particularly described in a subsequent clause of this Act, shall or may be capable of containing.

III. *And be it further enacted by the authority aforesaid,* That every person or persons desirous of obtaining a License under this, or any former Act now in force, for keeping a Still or Stills, shall and is, and are hereby directed and required to apply for the same, in manner hereinafter prescribed, to the District Inspector within the period of one month from the first day of March in the present year, and the sixth day of January, in each and every succeeding year; and further, that all persons not having taken out License for the now current year, before the passing of this Act, shall be required to take out the same, according to the provisions and regulations contained in this Act; or in default thereof shall be proceeded against as directed by this or any former Acts on this subject, not heretofore or hereby repealed.

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every person requiring a License to work or use a Still or Stills, shall furnish a requisition according to the following form to the District Inspector, containing the entire capacity of the said Still or Stills, and the exact location of the same.

Requisition to be furnished by persons wanting a license;

“I, A. B. do hereby require a License for a Distillery, situate on Lot No. — in the — Concession (or as the case may be) of the Township of —, in the — District; and I hereby declare that the entire capacity of every Beer Still, Faint Still, Double or other Vessel containing or intended to contain the Beer or Wash for running the low wines, or in any way acting as a Still in the said Distillery, without any deduction on account of allowance for steam, or any other cause whatever is — Gallons; and that no other vessel than is mentioned in this requisition is used, or intended to be used as a Still, or in any way to answer the purpose of a Still in the said Distillery. As witness my hand this — day of —, one thousand eight hundred and —. Signed, A. B. owner and proprietor of the said Distillery. To C. D. Inspector of the — District.

Form thereof.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the District Inspector, and any person or persons acting under him or by his directions, shall and may at any time between sunrise and sunset enter into any Distillery, Still House or other place where a Still is kept, or supposed to be kept, whether the same be Licensed or Unlicensed, and to make all and every necessary search or searches therein or in any part thereof, and to admeasure or gauge such Still or Stills, and to make all and every necessary inquiry and examination upon or about any such premises, either for the purpose of ascertaining the correctness of the requisition sent in to the District Inspector, or of ascertaining whether any Still or Stills might or might not be in operation in or upon such premises without having the required License.

District Inspector may enter any Distillery to search and examine between sunrise and sunset;

For the purpose of ascertaining the correctness of the requisition;

Or whether stills are used without license.

VI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, any person or persons refusing to permit the District Inspector, or those acting under him, from entering into any Distillery, Still House or other place containing a Still or Stills between sunrise and sunset as aforesaid, or of obstructing, preventing or hindering the said District Inspector, or any of those acting under him in his or their lawful search or entry as aforesaid, shall forfeit and pay not exceeding the sum of Ten Pounds, to be recovered in a summary manner before

Penalty for refusing or hindering entry and search by District Inspector;

How recovered

Imprisonment.

one or more Justice or Justices of the Peace, or to be imprisoned in default of payment for a period not exceeding the space of three months, as is more particularly set forth and directed by the fourth Section of an Act passed in the forty-fourth year of the reign of King George the Third, entitled, "An Act to explain and amend an Act passed in the forty-third year of His Majesty's reign, entitled, 'An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain duties therein-mentioned,'" which said Act is and remains in full force and virtue, save and except where its provisions are altered or repealed by this Act.

So much of 2d section 4th William 4, chap. 4, as prevents any part of the penalty being paid to the Informer, repealed.

VII. *And be it further enacted by the authority aforesaid,* That so much of the second Section of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without License, and for other purposes therein-mentioned,'" as provides that no part of the Fines levied under the authority of this or any former Act shall be paid to any Informer, any provision in any former Statute of this Province to the contrary notwithstanding, be and the same is hereby repealed.

How the duty of 1s. 6d. per gallon on woollen Stills is to be calculated.

VIII. *And be it further enacted by the authority aforesaid,* That the Duty of One Shilling and Sixpence per Gallon shall be calculated on the entire capacity of every Beer Still, Faint Still, Double or other Vessel of any kind or description whatever, in which the Beer or Wash is heated or prepared, or which may in any wise act or be used as attached to or connected with by Pipes, or otherwise assistant or auxiliary to the Vessel ordinarily denominated the Beer Still, and every Vessel of any kind or description whatever or known by any name whatever into which the Beer or Wash is put, or into which steam is put or forced, or any Vessel by the use of which the process of Distillation is carried on with greater facility or productiveness than would be effected by the use of one Beer Still only; and further that no allowance be made in calculating the said Duty for the practice or working of the steam, or for any other cause or reason whatever; and that every Tub or other Vessel placed on the top or in any way attached to any Still or Vessel containing Beer or Wash, serving for the purpose of a cap or receiver of steam, shall be liable according to its capacity to the payment of the Duty above-mentioned.

IX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the District Inspector, and those acting under him, shall and may measure and gauge any Still or Stills in his jurisdiction, as he or they may deem most convenient or advisable, for the purpose of testing the accuracy of the requisition furnished by the owner thereof, whether the same be specified to have been measured or gauged or not, any thing herein, or in any other Act or Acts, contained to the contrary notwithstanding.

District Inspectors may measure or gauge Stills to ascertain correctness of investigation.

X. *And be it further enacted by the authority aforesaid,* That for the better enabling the Inspector of the District to ascertain the number of Distilleries in his District, there be put, placed, assessed, imposed, levied and collected, in each and every Distillery in this Province, the yearly tax or rate of Five Shillings, to be levied and accounted for in like manner as the taxes now levied and imposed on ratable property in each District; and that each Assessor do and is hereby required and empowered to return in his Assessment Roll or List in a separate column or division, the number of Distilleries or Stills, with the name of the owner or owners thereof within his Township, District or Division; and that the Clerk of the Peace in each District shall, and he is hereby required and empowered to make an Annual Abstract from the Assessment Rolls or Lists, of the number of such Distilleries or Stills, which said Abstract or a copy thereof he is hereby directed to deliver, when thereto required, to the District Inspector.

Every Distillery to be subject to an annual District rate or assessment of 5s :

Assessor to include every Distillery in his roll, with the name of the owner, &c. :

Clerk of the Peace to make an annual abstract of the number of Distilleries, and to furnish same to District Inspector.

XI. *And be it further enacted by the authority aforesaid,* That any person or persons who shall use or work a Wooden Still or Stills without having first obtained a License for the same, or who shall use any other or larger Wooden Still or Stills than may be specified in his, her or their requisition, or who shall have or use any Tub or Vessel as a Cap, or otherwise attached to any such Wooden Still or Stills for the purpose of receiving the steam, or who shall have or use any Wooden Still or Stills on which there shall be any false head or heads by which such Still may be separated into different divisions, or who shall use any Beer Still, Faint Still, Double, or other Vessel in which the Beer or Wash may be heated or prepared, in which the low Wines are run, and who shall not state and specify the same in his, her or their requisition at the time of applying for and taking out such License as aforesaid, and shall be convicted thereof before any two or more of Her Majesty's Justices of the Peace in and for the District in which the offence may be committed, shall forfeit and pay a Fine or Penalty not exceeding Ten Pounds, to be levied by distress and sale of the Goods and Chattels of the offender, and be incapacitated

Penalty for distilling without a proper license:

How to be recovered.

from receiving a License to work any Still or Stills for the space of two years next following such conviction.

Power of District Inspector in gauging or measuring Stills.

XII. *And be it further enacted by the authority aforesaid,* That when and so often as the District Inspector, or those under him, may be desirous of gauging or measuring any Wooden Still or Vessel on which duty is chargeable, he or they may bore one or more holes in the same not exceeding two inches in diameter for the said purpose.

Penalty for neglecting to appear or refusing to give evidence on complaint made by District Inspector;

XIII. *And be it further enacted by the authority aforesaid,* That any person or persons neglecting or refusing to appear before any Justice or Justices to give evidence, when summoned in any complaint made by the District Inspector, or those acting under him, for any breach or evasion of the Laws relating to the granting of Licenses, shall for every such offence (upon proof of the service of a Summons to appear, and on the absence of reasonable excuse being offered for such non-attendance) forfeit and pay a sum not exceeding Twenty Pounds, to be recovered by distress and sale of the Goods and Chattels of the party offending, and to be paid into the hands of the Local Officers now entitled to receive the Fines and Penalties imposed by the Laws for the punishment of Petty Trespasses, and in default of such distress, to be committed to the Common Gaol of the District for a period not exceeding six months.

How to be recovered;

Imprisonment in default of distress.

One moiety of penalties to the Receiver General for public uses.

XIV. *And be it further enacted by the authority aforesaid,* That all moneys collected, and the moiety of all penalties imposed by virtue of this or any other Act of this Province on the same subject, shall be paid into the hands of Her Majesty's Receiver-General for the general uses of this Province.

Inspector's per centage regulated.

XV. *And be it further enacted by the authority aforesaid,* That every Inspector 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.

Limitation of per centage to £300 per annum.

XVI. *And be it further enacted by the authority aforesaid,* That no Inspector shall be authorised to retain a sum exceeding Three Hundred Pounds, either as per centage or otherwise, on the amount of Duties by him collected in each year, any thing in this or any other Act of this Province contained to the contrary notwithstanding.

XVII. *And be it further enacted by the authority aforesaid, That in respect of such Inspectors 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.*

As to per centage, this Act to take effect from 1st January, 1840.

CHAP. XX.

AN ACT for further regulating the manner of granting Licenses to Inn-keepers, and to the Keepers of Ale and Beer Houses, within this Province.

[Passed 10th February, 1840.]

WHEREAS the several Acts now in force in this Province for granting Licenses to Inn-keepers, and also providing for Licensing Houses for the Sale of Beer, Ale and Cider, and other Liquors not Spirituous, require amendments: *Be it therefore enacted* by the Queen'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 first clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act to repeal part of, continue and amend, the Laws now in force imposing a Duty on Licenses to Inn-keepers within this Province," so far as relates to the adjournment of the General Quarter Sessions to the last Monday in December, be and the same is hereby repealed.

Preamble.

1st section 4th Geo. 4, chap. 18, partially repealed.

II. *And be it further enacted by the authority aforesaid, That the fifth clause of an Act passed in the thirty-fourth year of the reign of King George the Third, entitled, "An Act for regulating the manner of Licensing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without License," and the first, second, third and eighth clauses of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act to restrain the selling*

5th section 34 Geo. 3, chap. 12, and;

1st, 2d, 3d, and 8th sections 4th Geo. 4th, chap. 15, repealed.

of Beer, Ale, Cider, and other Liquors not Spirituous, in certain Towns and Villages in this Province, and to regulate the manner of Licencing Ale Houses within the same," be and the same is hereby repealed.

When applications from Innkeepers to be received by Justices.

III. *And be it further enacted by the authority aforesaid,* That the Magistrates in General Quarter Sessions assembled, in each and every District of this Province, at their Meeting next preceding the twentieth of December, shall have power and authority to adjourn the General Sessions to the twentieth day of December in each and every year, or if the same shall be on a Sunday, then to the Monday following, for the purposes of receiving applications and granting Certificates to Innkeepers, and for other purposes relating thereto, and they shall have power to adjourn the Court from day to day, until such applications shall have been gone through with.

Restrictions on reconsidering applications which have been refused.

IV. *And be it further enacted by the authority aforesaid,* That whenever any application for a License shall have been taken up at such Session, and the Justices or the majority then present, shall refuse to grant a Certificate, it shall not be lawful at any subsequent Session in that year to re-consider such application, unless a greater number of Justices shall be present than were on the Bench when the same was refused.

Persons obtaining their certificate must take out their license before 5th January;

Penalty on neglect

V. *And be it further enacted by the authority aforesaid,* That whenever any person applying for a License to keep an Inn, shall have obtained a Certificate according to the provisions of this Act, it shall be obligatory upon such person, and he or she is hereby required to take out such License on or before the fifth day of January in each and every year; and in case such person shall neglect to take out such License on or before that day, then the said Certificate shall be null and void, and it shall not be lawful for the Inspector to issue a License upon such Certificate.

If person licensed die or remove;

Quarter Sessions may allow transfer of license;

Transferee to produce certificate;

And enter into recognizance;

VI. *And be it further enacted by the authority aforesaid,* That in case any Licensed person shall die before the expiration of his License, or if he or she shall remove from such Licensed House, it shall and may be lawful for the Justices in General Quarter Sessions, to allow such person or his or her Executors, Administrators or Assigns, to transfer such License to any other person to continue open such House, under and by virtue of such License until the expiration thereof: *Provided* such person shall produce a Certificate, signed in the manner herein-before mentioned, and shall enter personally into such Recognizance, with such Sureties as is directed by the before-recited Act of thirty-fourth George the Third;

and if such transfer and Recognizance be not executed as aforesaid, ^{Within 30 days.} within thirty days after the death or removal of such person, then in such case immediately from and after the expiration thereof such License shall be null and void; and in order to give due opportunity for such applications to transfer Licenses, it shall not be lawful for the Justices to adjourn the Quarter Sessions for a longer period than thirty days at any one time.

VII. *And be it further enacted by the authority aforesaid,* That every owner or person in charge of any Steam-boat or Vessel in this Province, who shall sell or vend, or allow to be sold and vended Wine, Brandy or other Spirituous Liquors on board of such Steam-boat or Vessel, shall be entitled to receive from the Inspector of the District in which such Steam-boat or Vessel shall be laid up during the Winter Season, a License for that purpose, without entering into Bonds or Recognizances to keep an Inn according to the Laws of this Province, upon payment of Seven ^{From what Inspector:} Pounds Ten Shillings currency: *Provided always* that no owner or person in charge of any Steam-boat or Vessel, shall allow any Wine, Brandy or other Spirituous Liquors, to be sold on board such Vessel during the time the same shall be laid up during the Winter, under the same penalty as is now imposed for selling Spirituous Liquors without License. ^{License to be granted for selling Wine or Liquors on board of Steam-boats;} ^{On payment of £7 10s.} ^{Penalty on selling while Steamboat laid up for the winter.}

VIII. *And be it further enacted by the authority aforesaid,* That every owner or person in charge of a Steam-boat or Vessel, who shall after the passing of this Act vend or sell, or allow to be sold or vended any Wines or Spirituous Liquors, on board of any Steam-boat or Vessel, without having previously obtained such License from the Inspector of the District within which such Steam-boat or Vessel shall be laid up during the Winter Season, or from the Inspector of the District in which the Port or Steam-boat Landing next adjacent to the Wintering-place of such Steam-boat or Vessel shall happen to be situated, such owner or person in charge shall be subject to all the penalties now imposed by the Laws of this Province upon persons selling Spirituous Liquors without License; which penalties shall be recovered before any two or more Justices of the Peace, and be levied by distress and sale of the Tackling or Furniture of such Steam-boat or Vessel on board of which such Liquors shall have been sold or vended, by Warrant under the hands and seals of the Justices before whom the offender or offenders shall have been convicted. ^{Penalty for selling Wines or Liquors on board a Steamboat without a license;} ^{How recovered.}

IX. *And whereas* by an Act passed in the third year of the reign of His late Majesty King William the Fourth, entitled, "An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish ^{3rd William 4th, chap. 17th recited, and;}

a Police and Public Market therein," it is among other things enacted, that the Corporation in the said Town shall have power to License Victualling Houses and Ordinaries where Fruit, Victuals, and Liquors not distilled shall be sold: *And whereas* the said clause has been so construed as to allow the sale of Wine in said Town, (being a liquor not distilled,) under a License for the sale of Ale, Beer, Cider and other Liquors not Spirituous: *Be it therefore further enacted by the authority aforesaid,* That so much of the eighteenth clause of the above-recited Act as relates to Liquors not distilled, be and the same is hereby repealed; and that from and after the passing of this Act, the said Corporation shall have power to grant Certificates to the Keepers of Victualling Houses and Ordinaries, where Fruits, Victuals, and Liquors not Spirituous shall be sold, to enable such person to apply for and obtain a License from the Inspector of the District.

Part of the 13th clause repealed;

Police of Hamilton to grant certificates for certain purposes.

26th Geo. 3, chap. 6, recited;

X. *And whereas* by an Act passed in the fiftieth year of the reign of His Majesty King George the Third, entitled, "An Act for granting to His Majesty a Duty upon Billiard Tables," it is enacted that it shall not be lawful for any person or persons to have in his, her or their possession, custody or power, any Billiard Table set up for hire or gain, directly or indirectly, unless a License shall have been obtained for such Billiard Table: *And whereas* the payment of the Duty under said Act is evaded: *Be it therefore further enacted by the authority aforesaid,* That from and after the passing of this Act, every Keeper of an Inn, Ale House, Ordinary or Recess, and all and every other person or persons who shall keep a House of Entertainment, Resort or Boarding, who shall have and keep a Billiard Table in such House, Out-house or Room, or Building connected with or attached thereto, shall be subject as by the said recited Act is directed.

Every Innkeeper, &c., having a Billiard Table, subjected to the provisions of that Act.

Part of 2d section 6th William 4th, chap. 4, repealed;

XI. *And be it further enacted by the authority aforesaid,* That so much of the second clause of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without License, and for other purposes therein-mentioned,'" as directs that no part of the Fines levied under that Act shall be paid to any Informer, but that the same should be expended upon the Highways, shall be and the same is hereby repealed; and that from and after the passing of this Act, one moiety of said Fines shall be paid to the Informer, and the remainder only expended in the

One half of the fine to Informer, and residue to improvement of highways.

improvement of the Highways in the manner in the said recited Act directed.

XII. *And be it further enacted by the authority aforesaid,* That whenever any prosecution shall be instituted by any Inspector in this Province, against any person for the sale of Spirituous Liquors without a License, in case such prosecution shall fail for want of evidence, then it shall and may be lawful for such Inspector to require the Justices before whom the party or parties have been tried, to tax the necessary costs of such prosecution, and the said Inspector shall pay the same out of any moneys in his hands arising from the Duties imposed upon the sale of Spirituous Liquors, and charge the same in his Accounts: *Provided* the Justices, or a majority of them, shall certify that it did appear to them that there was sufficient cause for commencing such prosecution.

If prosecution by Inspector fail for want of evidence;

Justices may tax costs, and Inspector may charge them in his accounts;

If Justices certify.

XIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be the duty of each and every Inspector in this Province, and he is hereby required in his own person, or by his deputy duly appointed, to visit every part of the District for which he shall act, at least twice in each and every year, to inspect all Licensed Houses, Distilleries, and Shops where Spirituous Liquors are sold, and to ascertain, by every means in his power, whether the payment of the Duties by law imposed upon the Sale and Distillation of Spirituous Liquors are evaded, and whether the Licensed Inns have the necessary accommodation for travellers required by law, and to make a report of the state of the different Inns and Ale Houses in his District, to the Justices of the Peace, previous to the general Licensing day; and that for the performance of such duty, and defraying the expenses attending the same, such Inspector shall be entitled to the sum of Fifteen Shillings per day, during the period he is actually engaged therein, and is hereby authorised to deduct the amount of the same from any moneys coming into his hands as Inspector: *Provided always* that previous to his making such deduction his account be audited by the Court of General Quarter Sessions.

Inspector required to visit every part of the District twice a year;

For what purposes;

Allowance for expenses;

Account to be audited by Quarter Sessions.

XIV. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, all and every person or persons who shall open a House of Public Entertainment, or a House for the sale of Ale, Beer, Cider, or other Liquors not Spirituous, within this Province, by retail, he, she or they, are hereby required to take out a License for so doing; which License shall be applied for and granted in the same manner, and subject to the same regulations and restrictions, as Licenses are now granted to Inn-keepers.

License to be taken out for selling Beer, Ale, &c.

Fees to Inspectors on
licenses to sell Beer, &c.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Inspectors in each and every District to demand and receive from the persons applying for a License for vending Beer, Cider, or other Liquors not Spirituous, the like Fees for issuing the same as are now by law authorised to be received for Licenses issued to Inn-keepers.

Amount payable on
license to sell Beer, &c.

XVI. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Justices, or the Police Magistrates of any Incorporated Town, or the majority of them, to order or direct the Inspector of the District to receive, or the keeper of such Ale House or House of Public Entertainment, to pay for any such License as aforesaid a greater sum than Five Pounds, nor a smaller sum than One Pound.

Duties on licenses to sell
Beer, &c., appropriated
to public uses.

XVII. *And be it further enacted by the authority aforesaid,* That the Revenue arising, or which may be received from the duty imposed upon Ale and Beer Houses and other Houses of Public Entertainment under this Act, shall be paid over by the Inspectors of Licenses to Her Majesty's Receiver-General, to and for the use of Her Majesty, Her Heirs and Successors, for the public uses of this Province.

No Justice concerned in
any way as a Distiller,
&c. to act in granting
certificates for licenses;

XVIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no Justice of the Peace, who shall be a common Brewer, Distiller or Retailer of any Spirituous Liquors, who shall be concerned in Partnership with any common Brewer, Distiller or Retailer of Spirituous Liquors, shall act or be present at any General Annual Licensing Meeting, or at an Adjournment thereof, or at any Sessions for transferring Licenses under this Act, or shall take part in the discussion or adjudication of the Justices upon any application for a License, or upon any appeal therefrom; and no Justice shall act upon any of the aforesaid occasions, in the case of any house Licensed or about to be Licensed under this Act, of which such Justice shall be the owner.

Or for licensing a house
whereof Justice is the
owner:

CERTIFICATE, No. 1.

We do hereby certify that A. B. C. has conducted the house for which he obtained a License last year, to the satisfaction of the Public, and that he has maintained his good character for loyalty and sobriety, and we recommend that his License should be renewed for the coming year.

Forms.

A. B. C., J.P.

D. E. F., J.P.

G. H.

No. 2.

We do hereby certify that A. B. is a person of sober habits, good fame and conversation, and also a good and loyal subject of Her Majesty, and that he is a proper person to be entrusted with a License to keep an Inn, which we further certify is much required in the neighbourhood of the house for which he desires to obtain a License; and we also declare that, to our knowledge, he has the accommodation for travellers required by law. We, therefore, recommend him to the Justices as a proper person to keep an Inn.

CHAP. XXI.

AN ACT to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to alter the Laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for the respective Districts, authority to regulate the Duties hereafter to be paid on such Licenses," and for other purposes therein-mentioned.

[Passed 10th February, 1840.]

WHEREAS it is necessary to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, Preamble. entitled, "An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of the reign of His Majesty King George the Third, entitled, 'An Act to alter the Laws now in force for granting Licenses to Innkeepers, and to give to Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licenses,'" and also to make perpetual certain parts of an Act passed in the fifty-ninth year of the reign of His Majesty King George the Third, entitled, "An Act to alter the Law now in force for granting Licenses to Innkeepers, and to give to Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licenses: *Be it therefore enacted* by the Queen'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 third and fifth clauses of the said recited Act, passed in the eleventh year of the reign of His late Majesty King George the Fourth, be and the same are hereby repealed.

3rd and 5th sections
11th Geo. IV. chap. 10,
repealed.

II. *And be it further enacted by the authority aforesaid,* That in granting the Certificate required by law, it shall and may be lawful for the Justices to direct the Inspectors of the several Districts to receive from the person taking out any License for keeping a Public House or Inn, such sum as they or the majority of them assembled, as by law provided, shall adjudge just and proper, according to the situation of such Inn: *Provided always* that no greater or less sum shall be imposed or required than is authorised by the fourth Section of the said recited Act, passed in the eleventh year of the reign of His said Majesty King George the Fourth.

Amount of duties on
Licenses to keep Inns :

Sum to be regulated by
4th section 11th Geo. IV.
chap. 9.

III. *And be it further enacted by the authority aforesaid,* That the first, fifth, sixth and seventh clauses of the said above-recited Act, passed in the fifty-ninth year of the reign of His Majesty King George the Third, be and the same are hereby continued and made perpetual.

1st, 5th, 6th and 7th
sections 59th Geo. III.
chap. 2, made perpetual.

IV. *And be it further enacted by the authority aforesaid,* That all moneys arising from the granting of Licenses to Innkeepers, and all Fines and Penalties levied and collected upon and from persons keeping a House or place of Public Entertainment for retailing Wine, Brandy, Rum, or any other Spirituous Liquors without a License, shall be appropriated and applied to the general uses of this Province, and the support of the Civil Government thereof.

Moneys accruing from
Inn-keepers' Licences,
and fines for not taking
the same, appropriated to
public uses.

V. *And whereas* it is expedient to amend and make permanent, with the exception of so much of the same as provided that no part of any penalty shall be given to any Informer, an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without a License, and for other purposes therein-mentioned': *Be it therefore further enacted by the authority aforesaid,* That the said Act passed in the sixth year of His late Majesty's

6th Wm. IV. chap. 4,
made perpetual, with one
exception as to informers.

reign, shall be and the same is hereby continued and made perpetual, with the exception of so much of the same as provides that no part of any penalty shall be given to any Informer.

CHAP. XXII.

AN ACT to make perpetual an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without License," and also for regulating the Duty to be levied upon Licenses to Shopkeepers.

[Passed 10th February, 1840.]

WHEREAS the Duty imposed by the fifth Section of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without License, and for other purposes therein-mentioned,'" ought to be made perpetual: *Be it therefore enacted* by the Queen'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 passed in the sixth year of the reign of His late Majesty, be and the same is hereby made perpetual.

Preamble.

6th Wm IV. chap. 4, made perpetual.

II. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing in the said recited Act contained, the Duty of Seven Pounds Ten Shillings shall be levied and required upon all Licenses to

£7 10s. duty imposed on Licenses to sell Liquors by retail, in Shops.

vend Wine, Brandy, and Spirituous Liquors by retail, granted or issued to Shopkeepers in this Province.

CHAP. XXIII.

AN ACT to revive and make perpetual an Act granting to Her Majesty a Duty on Licenses to Auctioneers, and on Goods, Wares and Merchandize, sold by Auction.

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act passed in the fifty-eighth year of the reign of His late Majesty King George the Third, entitled, "An Act granting to His Majesty a Duty on Licenses to Auctioneers, and on Goods, Wares and Merchandize, sold by Auction," has expired: *And whereas* it is necessary to revive and continue the same: *Be it therefore enacted* by the Queen'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, and every clause thereof, except the first clause, be and the same is hereby declared to be re-enacted, revived, and made perpetual.

53th Geo. III. chap. 6,
made perpetual, excepting
section 1.

When Auctioneers'
Licenses to be taken out;

How long to continue in
force.

II. *And be it further enacted by the authority aforesaid*, That the License by the said Act required to be taken out by any person exercising the calling or occupation of an Auctioneer, shall be taken out by such person on or before the first day of April in the present year, by such persons as shall then be exercising the said calling or occupation, and thenceforward at such time as the same may be applied for and required; and that all and every License shall continue in force until the sixth day of January, next ensuing the date thereof.

CHAP. XXIV.

AN ACT to regulate the Inspection of Fish, and to prevent Non-residents in this Province from Fishing within the Waters of the same.

[Passed 10th February, 1840.]

WHEREAS it is expedient that Inspectors of Fish should be appointed in this Province, and that the packing, salting, and Inspection of Fish should be regulated by Law, and that Non-residents should not be permitted to interfere in our Trade in the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor or Lieutenant Governor of this Province to appoint in each and every District of this Province, when the same may be required, one or more Inspectors of Fish.

Preamble.

Inspectors of Fish may be appointed.

II. *And be it further enacted by the authority aforesaid,* That such Inspector or Inspectors shall, before entering upon the Duties of his or their Office, take the following oath or affirmation:—"I do solemnly swear, or affirm (as the case may be,) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the duty and Office of an Inspector of Fish, according to the true intent and meaning of the Act, entitled, "An Act to regulate the Inspection of Fish, and to prevent Non-residents in this Province from fishing within the Waters of the same;" (which oath any Justice of the Peace in the District in which he or they shall be appointed to act may administer;) and shall enter into Bonds with Her Majesty, with two sufficient Sureties, in the penal sum of One Hundred Pounds, which Bond shall be approved of by the Clerk of the Peace for such District, and deposited with the Treasurer.

Inspectors to take this Oath;

Justice may administer same;

Inspector to give security, to be approved by Clerk of the Peace.

III. *And be it further enacted by the authority aforesaid,* That each Inspector of Fish shall annually, in the month of January, make a return.

Inspector to make return to Clerk of the Peace.

to the Clerk of the Peace in the District in which he resides, of the quantity of Fish inspected by him during the year preceding the first day of January, and in such return he shall specify the quantity of each quality so inspected.

Duty of Inspector of Fish;

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Inspector or Inspectors so to be appointed, on application being made to any one of them for that purpose, to proceed to inspect all Fish by opening one of the heads of each Barrel or half Barrel, and if the same is found to contain sound and Merchantable Fish, with a sufficient quantity of Salt to preserve the same, he shall then brand the same, as hereinafter provided, on the head of such Barrel or half Barrel; and if the Fish are found unsound or not Merchantable, the same shall be destroyed by the Inspector; and if the Barrel or half Barrel is not full, or not salted with a sufficient quantity of Salt, that in that case the said Inspector shall fill the same with sound or Merchantable Fish, or add such quantity of Salt as he may deem requisite, as the case may be.—Each Barrel shall contain Two Hundred Pounds, and each half Barrel One Hundred Pounds.

Contents of barrels and half-barrels.

How barrels to be filled and branded.

V. *And be it further enacted by the authority aforesaid,* That each Barrel or half Barrel shall be filled with Fish of one and the same kind, and the Inspectors shall brand, in plain legible letters, on the head of each Barrel or half Barrel of Fish inspected by them respectively, No. 1, or No. 2, representing the quality of the Fish packed or repacked, and they shall also brand on the head of each Barrel or half Barrel the species of the Fish, the initials of the Christian name, and the whole of the Surname of the Inspector, the name of the District in which such Fish was inspected, and the words "Upper Canada."

Penalty on mixing, &c. Fish branded or inspected, or changing the brand;

VI. *And be it further enacted by the authority aforesaid,* That if any person shall intermix, take out, or shift any Fish of any Barrel or half Barrel inspected and branded as by this Act required, or put into any Barrel or half Barrel inspected and branded any other Fish for sale or exportation, or alter the face of, or change the brand or mark of any Inspector, contrary to the true intent and meaning of this Act, the person or persons so offending shall, for every such offence, forfeit and pay the sum of Five Pounds, on conviction before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible Witness or Witnesses; such Fine or Penalty, if not paid in three days after conviction, may be made and levied of the Goods and Chattels of the person or persons so convicted in manner aforesaid, as hereinafter provided.

How recovered, and levied.

VII. *And be it further enacted by the authority aforesaid,* That all Pickled Fish which shall have been duly inspected, in any District in this Province, shall not be subject to re-inspection in any other District, and may be shipped and exported to any Foreign Port.

Fish inspected in one District, not liable to inspection in another.

VIII. *And be it further enacted by the authority aforesaid,* That all Barrels or half Barrels used for packing and repacking Pickled Fish, shall be manufactured in this Province, and shall be made of sound well-seasoned white, red or black oak, white ash, or white pine timber; the Barrels and half Barrels shall be well hooped with at least ten good hoops each, and shall be made in a workmanlike manner; the Fees for inspecting and branding shall be for each Barrel Six-pence currency, and for each half Barrel Four-pence currency; and for overhauling, repacking, inspecting, and branding for each Barrel One Shilling, and for each half Barrel Seven-pence Half-penny, exclusive of cooperage; and for every Bushel of Salt or part thereof so consumed as aforesaid, the value of such Salt according to the Market price thereof, at the time and place of such Inspection, the said Fees and Charges shall be paid by the person employing the Inspector.

Materials of barrels for packing fish, prescribed;

Hoops;

Fee for inspecting.

for re-packing, &c.;

Salt.

IX. *And be it further enacted by the authority aforesaid,* That if any or either of the Inspectors so to be appointed under the authority of this Act, shall be guilty of any fraud or neglect in inspecting any Fish, or of offering any fee or reward to owners of Fish, or their Agents, or to any other person, in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any Barrel or half Barrel containing Fish contrary to the true intent and meaning of this Act, or which has not been actually inspected agreeably to the provisions of this Act, or shall permit any other person to use his brand, in violation or evasion of the provisions of this Act, he shall, on conviction thereof before any two of Her Majesty's Justices of the Peace residing within the District where the offence is committed, upon the oath of one or more credible Witness or Witnesses, forfeit and pay the sum of Ten Pounds, and in default of such payment within six days after conviction, the said Justices of the Peace, or any one of them, shall and may issue an execution against such Inspector's Goods and Chattels so convicted, as by any law of this Province is authorised in Judgments awarded in the Court of Requests.

If Inspectors guilty of fraud, &c. in office.

and convicted before two Justices,

he shall forfeit £10;

Execution may issue to levy same.

X. *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 person not residing in this Province to Fish within the Waters of Upper Canada, or

Non-residents not allowed to fish in waters of this Province;

be directly or indirectly engaged in the same, either as owner or part owner of a Seine, or as a Partner, or to haul any Seine, Net, or Line upon any part of the Beach of the Waters of this Province; and every person found so offending against the provisions of this Act, shall be liable to be imprisoned for a period not less than thirty days, nor exceeding ninety days, upon conviction before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible Witness or Witnesses.

Penalty on offending.

Inspector's duty when part of the Fish in a barrel is unsound.

XI. *And be it further enacted by the authority aforesaid,* That if it shall appear to the Inspector that a part of the Fish in any Barrel or half Barrel inspected by him is sound and part unsound, then it shall and may be lawful for the said Inspector to separate the sound from the-unsound, and repack the sound Fish, and add such Salt or Pickle as he may judge necessary, and brand the same as aforesaid, and such Fish as the Inspector shall judge not capable of preservation, he shall condemn as bad.

Act not to apply to Fish packed out of the Province.

XII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be taken or deemed to apply to any Fish put up and packed out of the Province, and imported into the same.

CHAP. XXV.

AN ACT to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, "An Act to regulate the Packing, Curing, and Inspection of Beef and Pork."

[Passed 10th February, 1840.]

Preamble

WHEREAS it hath been found expedient to repeal part of and to amend an Act passed in the forty-fifth year of the reign of King George the Third, entitled, "An Act to regulate the Curing, Packing, and Inspection of Beef and Pork," and to extend the provisions of the same: *Be it therefore enacted* by the Queen'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 eleventh and thirteenth clauses of the aforesaid Act be and the same are hereby repealed.

11th and 13th sections
45th Geo. III. chap. 8,
repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, if any person shall wilfully alter, erase, obliterate, or otherwise deface any of the brand marks mentioned in the aforesaid and present Acts, or counterfeit or impress or brand the same on any Casks of Beef or Pork, he, she or they shall be deemed guilty of a Misdemeanor, and being thereof lawfully convicted, shall forfeit the sum of Twenty Pounds, of current money of this Province, recoverable and to be disposed of in the manner provided by the sixteenth clause of the aforesaid Act.

Penalty on altering, &c.
brand on barrels of Beef
or Pork;

How recoverable.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, there shall be four qualities of Pork, known and distinguished by the names of Mess, Prime Mess, Prime and Cargo. Mess Pork shall consist of the rib pieces of good fat Hogs only, not weighing less than Two Hundred Pounds each. Barrels containing such Pork shall be branded on one of the heads with the words "Mess Pork." Prime Mess Pork shall consist of pieces of good fat Hogs, not weighing less than One Hundred and Ninety Pounds, the Barrel to contain coarse pieces of one Hog only, that is to say: two half heads, not to exceed together sixteen pounds in weight, with two shoulders and two hams, and the remaining pieces of a Hog, and Barrels containing such Pork shall be branded on one of the heads with the words "Prime Mess Pork."—Prime Pork shall consist of the pieces of good fat Hogs of not less than One Hundred and Fifty Pounds weight, to contain the coarse pieces of one Hog and a half only, that is to say: one and a half heads not exceeding together twenty-four pounds in weight, three hams, three shoulders, and the remaining pieces of a Hog and a half Hog; and Barrels containing such Pork shall be branded on one of the heads with the words "Prime Pork." Cargo shall consist of the pieces of good fat Hogs of not less than One Hundred Pounds weight, to contain the coarse pieces of two Hogs only, that is to say: two heads not exceeding together thirty pounds in weight, four shoulders, four hams, and the remaining pieces of two Hogs, and shall be otherwise Merchantable Pork; and Barrels containing such Pork shall be branded on one of the heads with the words "Cargo Pork"; and the Pork so to be packed shall be cut in pieces as nearly square as may be, and not exceeding six or less than four pounds in weight, but in all cases the following parts shall be cut off and not packed, namely: the ears close to the head, the snout above the tusks, the legs

Quality of Pork to be
packed, and manner of
sorting it;

Mess Pork;

Prime Mess Pork;

Prime Pork;

Cargo Pork;

Contents of barrels and half-barrels ;

Quantity of Salt ;

Salt-petre ;

Branding.

above the knee joint; the tail shall be cut off, and the tongue and bloody grizzle taken out; and each Barrel in which Pork of any of the foregoing descriptions may be packed or repacked, shall contain Two Hundred Pounds, and each half Barrel shall contain one half that quantity of the several kinds and qualities above-mentioned; and that each Barrel shall be salted with not less than fifty pounds of the same quality of Salt and the same kind of Pickle, and to each Barrel of Pork shall be added not less than two ounces of Salt Petre, as in the aforesaid Act is provided for packing and inspecting of Beef; and that each Barrel or half Barrel of Pork, when so inspected and packed, shall be branded in the same manner as in the aforesaid Act is provided for the branding of Beef, designating the different qualities or denominations herein described.

This Act not to vary 45 Geo. III. chap. 8, except as is directly expressed.

IV. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to repeal or vary any of the provisions of the said recited Act, excepting so far as the same is expressly repealed in this Act, and that the said Act, and every clause, matter and thing therein contained, except the said eleventh and thirteenth clauses, shall be and the same is hereby declared to be in full force and effect.

CHAP. XXVI.

AN ACT to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the Law now in force for that purpose.

[Passed 10th February, 1840.]

Preamble.

WHEREAS it is expedient to alter the times of holding the Quarter Sessions in the Home District: *Be it therefore enacted* by the Queen'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 seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to appoint the

Quarter Sessions of the Home District when to be holden.

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," as relates to the time of holding the General Quarter Sessions of the Peace in the Home District, be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the Court of General Quarter Sessions of the Peace for the Home District, from and after the passing of this Act, shall be holden at the times following, that is to say: on the first Tuesday in the months of January, April, July and October, respectively in each and every year.

CHAP. XXVII.

AN ACT authorising the payment of Pensions to Militia-men, and Widows of deceased Militia-men, under certain restrictions, and for other purposes therein-mentioned.

[Passed 10th February, 1840.]

WHEREAS it is expedient to provide for the payment of Pensions to persons who may have been disabled while in actual service, during the late War with the United States; and also from advanced age and impoverished circumstances, are unable to maintain themselves by labour: *And whereas* it is necessary to guard against Frauds, which may be attempted to be practised by persons claiming Pensions for wounds received while in actual service as Militia-men, or as the Widows of deceased Militia-men: *Be it therefore enacted* by the Queen'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 of this Province, from time to time, to appoint a Board, consisting of three or more persons, to be assembled in the City of Toronto, whose duty it shall be to examine such persons as shall be required by the Governor to appear before them for that purpose, claiming Pensions for wounds received during the late War with the United States, and to enquire into the nature of such

Preamble.

Governor may appoint a Board, to examine persons claiming pensions for wounds received in the late war with the United States;

If Board declare party disabled by wounds, he may receive a pension.

wounds, and the circumstances under which they were received; and if such wounds shall be found and declared by such Board to have disabled the person applying for a Pension to maintain himself by labour, it shall and may be lawful for the Governor of this Province to direct the name of such person to be placed on the Pension List; and such person shall thenceforth receive from the Public Revenues of the Province a Pension of Twenty Pounds annually, in the same manner as Pensions are now paid to disabled Militia-men.

Persons now on the Pension List, may be required to present themselves before said Board;

If Board report person recovered, his pension shall cease.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor of the Province, in his discretion, to require persons who now are or who may hereafter be placed on the Pension List of this Province as disabled Militia-men, to present themselves once in each year before the Board herein-before authorised to be appointed, for examination; and if such Board shall Report that such person has recovered from his disability to earn his livelihood by labour, and is then able to maintain himself by labour, it shall and may be lawful for the Governor to direct that the name of such person shall be erased from the Pension List, and such person shall thenceforth cease to receive any Pension for or on account of any wound by him received when in actual service as a Militia-man.

Widows receiving pensions, may be required to produce proof to said Board of their right;

If proof unsatisfactory, pension to cease.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor of this Province to require any person receiving a Pension, as the Widow of a deceased Militia-man, to adduce proof to the satisfaction of the Board herein-before mentioned, that she is the Widow of such deceased Militia-man, which proof shall not be limited to the oath of such Pensioner; and if the said Board shall be of opinion that such person is not the Widow of such deceased Militia-man, then her name shall be erased from the Pension List, and she shall thenceforth cease to receive any Pension as the Widow of a deceased Militia-man.

Evidence beyond the oath of the widow, may be required.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor of this Province to require from any person hereafter claiming a Pension as the Widow of a deceased Militia-man, to give such evidence of her being such Widow as he shall from time to time require, besides the oath of such applicant for a Pension.

If pension granted to widow or children of Militia-man, who died after his discharge,

V. *And be it further enacted by the authority aforesaid,* That in all cases where a Pension has been heretofore granted, or shall hereafter be applied for or be granted to any Widow or Children of a deceased

Militia-man, such Militia-man having died after his discharge from actual service, it shall and may be lawful for the Board herein-before mentioned to inquire into and investigate the circumstances under which such Militia-man died, and whether his death was caused by disease contracted or wounds received while in actual service; and if such Board shall Report to the Governor of this Province that such Militia-man did not die from disease contracted or wounds received while in actual service, then the names of such Widow or Children shall be erased from the Pension List, and she or they shall no longer receive a Pension from the Public Revenues of this Province as the Widow or Children of such deceased Militia-man.

Board may investigate, and report, on the cause of such death, and names of widow and children may, in certain cases, be erased from Pension List.

CHAP. XXVIII.

AN ACT to make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions."

[Passed 10th February, 1840.]

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions," is about to expire, and it is expedient to continue the said Act and to make it permanent: *Be it therefore enacted* by the Queen'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 and made permanent.

Preamble.

5th Wm. IV. chap. 36, made perpetual.

CHAP. XXIX.

AN ACT to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court.

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act was 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-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 of this Province, unless upon an actual service under Articles for five years with some practising Attorney in this Province: *And whereas* it appears by the Petition of John Ford Maddock, a native of England, now resident in this Province, and by Certificates and Documents produced in support thereof, that he is a duly admitted Attorney of Her Majesty's Court of Queen's Bench and Common Pleas in England, and also a Solicitor in the High Court of Chancery in England and in the Island of Jamaica, and in this Province: *And whereas* it also appears that the said John Ford Maddock came into this Province in the hope of being allowed to practise his Profession as an Attorney at Law: *And whereas* the said John Ford Maddock is desirous of practising in the Courts of Law in this Province, and it is expedient to relieve him from the disability imposed by the said Act: *Be it therefore enacted* by the Queen'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 any thing in the said recited Act to the contrary thereof in any wise notwithstanding, the Court of Queen's Bench may, at its discretion, admit the said John Ford Maddock to practise as an Attorney in this Province.

Court of Queen's Bench
may admit John Ford
Maddock an Attorney.

CHAP. XXX.

AN ACT to provide for the Management of the Estate of William Handley, Esquire.

[Passed 10th February, 1840.]

WHEREAS it appears by the Petition of Helen Handley, wife of William Handley, of the Township of Hamilton, in the District of Newcastle, Esquire, and by the testimony of a respectable Medical Gentleman, who has attended the said William Handley for some months past, that the said William Handley is a Lunatic: *And whereas* the said Helen Handley is desirous to use every means to restore, if possible, her husband's health, and for that purpose considers it necessary to remove him to some Institution for the management of Insane persons: *And whereas* no such Institution is established in this Province, in consequence whereof it is necessary he should be taken out of the same: *And whereas* the said William Handley is possessed of considerable real and personal Estate in this Province, part of which it may be requisite to dispose of to provide for his removal and maintenance: *And whereas* no power exists in this Province to authorise the removal of a Lunatic out of its limits, and the disposal of his Estate: *And whereas* it seems desirable to make provision in this respect: *Be it therefore enacted* by the Queen'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 Court of Chancery in this Province, to issue a Commission of Lunacy, directed to such persons as the Vice Chancellor shall appoint, to inquire whether the said William Handley is a Lunatic; and if upon such inquiry he shall be found to be a Lunatic, it shall and may be lawful for the Trustees herein-after named, to take possession of all the Estate, real and personal, of the said William Handley, and to manage the same.

Preamble.

Vice Chancellor may issue a Commission of Lunacy, to inquire if William Handley is a Lunatic;

If so found, Trustees may take possession of his estate.

Trustees appointed to
manage the estate;

Estate not to be sold
without sanction of Vice
Chancellor;

Trustees to account.

II. *And be it further enacted by the authority aforesaid,* That Thomas Edward Tildesly, Robert Henry, and George Strange Boulton, shall be Trustees of the Estate of the said William Handley; and they or any two of them shall have full power and authority to manage, lease, sell or dispose of any part of such real Estate, and to receive and collect moneys due to the said William Handley, and to give receipts or other acquittances for the same: *Provided always nevertheless* that no part of the real Estate shall be sold unless the said Trustees shall by Petition to the Vice Chancellor obtain the sanction of the Court of Chancery in this Province to do so: *Provided also* that the said Trustees shall from time to time, whenever required to do so by the Vice Chancellor, render an Account into the Court of Chancery of this Province of all moneys received as well as of those expended.

Trustees to invest
proceeds, and not to
expend more than annual
income.

III. *And be it further enacted by the authority aforesaid,* That the said Trustees shall be required to invest the money to arise from the sale of any part of the said Estate, and not to expend any greater sum in the maintenance and support of the said William Handley and his family, and the necessary expenses attending the same than the annual income of such Estate.

Trustees may suffer
William Handley to be
removed out of the
Province;

If he recover, Vice
Chancellor may order
authority of Trustees to
cease.

IV. *And be it further enacted by the authority aforesaid,* That the said Trustees may permit and suffer the said William Handley to be taken out of this Province, and to place him in any Institution for the reception of Lunatics, as they may deem necessary: *Provided always* that should the said William Handley recover his health, and become capable of again managing his own affairs, it shall and may be lawful for the Vice Chancellor to make an order that the power and authority of the said Trustees shall cease, and upon such order being served on the said Trustees, or any two of them, they shall cease to act as such Trustees until otherwise ordered by the Vice Chancellor.

In case of vacancy, Vice
Chancellor may appoint
other Trustees.

V. *And be it further enacted by the authority aforesaid,* That in case any of the said Trustees shall die or refuse to act, it shall and may be lawful for the Vice Chancellor to appoint another in his or her stead, who shall possess the like power and authority of any former Trustee so dying or refusing to act.

CHAP. XXXI.

AN ACT to define the Limits of the Town of London, in the District of London, and to establish a Board of Police therein.

[Passed 10th February, 1840.]

WHEREAS from the great increase of the population of the Town of London, in the District of London, it is necessary to make further provision than by law exists for the internal regulation thereof: *Be it therefore enacted* by the Queen'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 the said Town of London a Board of Police, to be composed and constituted in 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 London; and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading 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 receiving Titles by Gift, and of purchasing, holding, and conveying any Estate, real or personal, for the uses of the said Town.

Preamble.

Board of Police for the Town of London, a Body Corporate;

Name;

Corporate powers.

II. *And be it further enacted by the authority aforesaid,* That the said Town of London shall be comprised within the following limits or boundaries, that is to say: all the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing the Northern Boundary Line of the said new survey until it intersects the North Branch of the said River.

Limits of the Town of London.

III. *And be it further enacted by the authority aforesaid,* That the said Town shall be divided into four Wards, by the names of Saint George's

Four Wards created;

Limits thereof.

Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, as follows, that is to say: all that part of the Town that lies North of Dundas Street shall compose Saint George's Ward; that part of the Town lying between Dundas and King Street shall compose Saint Patrick's Ward; that part of the Town lying between King Street and Bathurst Street shall compose Saint Andrew's Ward; and that part of the Town lying South of Bathurst Street shall compose Saint David's Ward.

Each Ward to elect one Member:

Qualification of Members.

IV. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall elect annually one person to be a Member of the said Corporation from among the Inhabitant Householders of the said Town, who being Subjects of Her Majesty shall be Freeholders therein to the assessed value of Forty Pounds for the previous year, and that no person shall be capable of holding the Office of Member of the said Corporation who shall not be a resident within the said Town for the time being.

Qualification of voters.

V. *And be it further enacted by the authority aforesaid,* That the persons entitled to vote at either of the Wards for the Election of such Members, shall be the Male Inhabitant Householders of the said Town, resident within their respective Wards, being Subjects of Her Majesty, possessed of Freehold Estate in the said Wards of the assessed value of Twenty Pounds; or Tenants, like Subjects of Her Majesty, being rated upon the Assessment Roll of the said Town, and who shall have paid within one year next before the Election one year's rent for their Dwelling House within the said Ward, at the rate of not less than Ten Pounds per annum.

The four Members to elect a fifth;

President.

VI. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so elected shall choose another of the like qualifications as themselves, and that the last chosen Member, together with those elected, shall proceed to elect one of their number to be President.

First Election;

Subsequent Elections.

VII. *And be it further enacted by the authority aforesaid,* That the first Election shall take place on the first Monday in March next, and shall be held by the Sheriff of the District of London, in Saint George's Ward, and by persons appointed by him under his hand and Seal, in Saint Patrick's, Saint Andrew's, and Saint David's Wards; and that all subsequent Elections of Members shall be held by the Officers to be appointed by the said Board of Police, on the first Monday in February in each year.

VIII. *And be it further enacted by the authority aforesaid,* That any controverted Elections, either as to the qualification of the Members or of that of the Voters, or on any other grounds whatsoever, shall be determined by the Members whose Election shall not be disputed; that the scrutiny shall take place within six days of the Election; and in case of the Election being declared void, that a new Election shall take place within eight days thereafter; such Election to be held by the proper Officer, after having given eight days' notice thereof by advertisement in the public Newspapers of the Town, or by affixing two or more notices thereof in some public place in each Ward.

Contested Elections—how to be tried;

If Election declared void, new one to be held;

Eight days' notice.

IX. *And be it further enacted by the authority aforesaid,* That the said Board, as soon as they shall have chosen a President, shall have the power of enacting such Laws and Regulations for the internal government of the said Town as to them shall seem meet; and shall have the power of appointing all such Officers as shall be required for the due execution of the Laws to be by them enacted, and requiring such security to be given by any of the said Officers as to the said Board may seem meet, and of removing the said Officers at pleasure.

Power of the Board;

Enacting Laws;

Appointing Officers.

X. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to authorise the said Board of Police to make any Laws, Rules or Regulations, which may in any manner relate to or interfere with the Military Reservation made by Her Majesty's Government within Saint George's Ward, in the said Town of London, for a Garrison and Barracks, and the accommodation of Her Majesty's Troops.

Laws so made not to affect the Military Reservation.

XI. *And be it further enacted by the authority aforesaid,* That for the purpose of raising Funds to provide for the purchase of any real Estate for the use of the said Town; to procure Fire Engines; for building a Market House; for lighting and repairing the Streets, and for all other purposes deemed expedient and necessary by the said Board for the welfare and improvement of the said Town, it shall and may be lawful for the said Board to levy an Assessment annually upon the persons rated, or liable to be rated upon any Assessment for property in said Town, any sum not exceeding Four-pence in the Pound; and it shall be the duty of the Officer to be appointed by the said Board, to make out an Assessment List for the said Town, and lay the same before the said Board annually upon its organization after any general Election.

In order to raise funds for certain purposes, Board may levy an assessment annually.

Rates to be paid into the Treasury of the Corporation.

XII. *And be it further enacted by the authority aforesaid,* That such rates as shall be so imposed, shall be collected by the Officer to be appointed by such Board, according to such laws as shall be enacted for that purpose by the said Board, and be paid into the Treasury of the said Corporation.

Every Town Lot to be rated at £5;

What to be deemed a Town Lot.

XIII. *And be it further enacted by the authority aforesaid,* That every Town Lot in London shall be rated at the sum of Five Pounds; and that every portion of a Lot on which a Dwelling has been erected shall be deemed a Lot; and that all Lots located by the Crown, and for which the Titles may not have been completed, be liable to be assessed.

Oath to be taken by person holding an Election.

XIV. *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 London shall have the authority to administer, that is to say:—"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, in the Town of London: So help me God."

Officer presiding at an Election may examine, on oath, every candidate or voter.

XV. *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 allowed 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 as aforesaid, to examine on 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 form following:—"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 the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

False swearing to such oath declared to be perjury.

XVI. *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.

XVII. *And be it further enacted by the authority aforesaid,* That before the Sheriff, 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 London, 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 trying contested Election.

XVIII. *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 on conviction before any one of Her Majesty's Justices of the Peace for the District of London, 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; and if any Witness shall upon any Trial or Scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Penalty on Witnesses duly summoned who neglect to attend.

XIX. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any one 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 by 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 during his absence from the said Town, or who at the time of the Election, shall openly give notice to the Officer presiding that he will not accept the Office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Penalty on Member elected not taking the oath of office;

Exception in certain cases.

XX. *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 Corporation shall issue a precept to the Bailiff of the Ward for which the Member whose Office shall have become vacant was chosen, to hold an Election for the said Ward, 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

In case of vacancy in the Corporation of an elected Member;

Precept to issue;

To hold a new Election;

Vacancy in the Member elected by the other four; Election, and until another is chosen in his place, and that if the vacancy shall occur in the Office of the Member appointed by the four Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation, or a majority of them, and in case they cannot agree, then in the same manner as provided for the Election of the fifth Member by the

How filled: Electors of the Town generally; and in case any such vacancy shall happen among 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 in case it shall happen that the Member appointed by the Members elected respectively after the first Election, or the Members elected by the Town generally after the first Election, shall neglect or refuse to take the oath of Office as aforesaid, then the Precept shall issue to the Sheriff of the District as is hereinbefore provided.

In other cases.

Powers of the Corporation; XXI. *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 and License Victualling Houses and Ordinaries, where Fruit, Victuals, and Liquors not distilled shall be sold, to be eaten or drunk in such Houses or Groceries; to regulate Wharves and Quays; to regulate the Weighing of Hay and Measuring of Wood; to regulate Carts and Cartmen; 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 said Town; to prevent the pulling down or defacing of 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, Warehouses, 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, or to inflict Fines for any such offence; to regulate the Assize of Bread; to prevent and abate and

To make By-laws;

To regulate Victualling Houses;

Wharves and Quays;

Hay and Wood;

Carts—Slaughter Houses;

Firing Guns;

Generally to preserve good order;

Fire Companies;

Immoderate driving;

Assize of Bread;

remove any Nuisance; 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 of 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-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.

Cattle;

Penalties how limited.

XXII. *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 of London; and that in like manner shall be published in each and every year before the Annual Election, an Account of all moneys received and in the Treasury, and the amount expended, and for what purpose.

Rules to be published before taking effect;

Account of Receipts and Expenditures to be published.

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 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 have been 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 London: *Provided always* that the information and complaint for a breach of any Orders or Regulations of the said Corporation must be made within fifteen days of the time of the offence committed.

Penalty on infraction of rules;

How recoverable :

Imprisonment :

Competency of residents as Witnesses ;

Limitation of time in instituting prosecutions.

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

Penalties appropriated.

as other moneys coming into the said Treasury may be applied for the public uses of the said Town.

Corporation to exercise
functions of Justices of
the Peace.

XXV. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may in the said Town of London, perform all the functions, and exercise the authority now by Law given to Justices of the Peace acting within their divisions, with respect to making or amending any Street or Highway or Road within the said Town.

FORM OF OATH.

I, A. B., do swear that I will faithfully discharge the duties of a Member of the "Board of Police of the Town of London," to the best of my skill and knowledge: So help me God.

CHAP. XXXII.

AN ACT to Incorporate certain persons under the style and title of the Oakville Hydraulic Company.

[Passed 10th February, 1840.]

Preamble

WHEREAS William Chisholm, Edward B. Palmer, James Hopkirk, W. J. Sumner, James Reid, Andrew Wilson, Junior, John L. Diamond, Merrick Thomas, James Arnott and J. S. Bigger, of the Gore District, have by their Petition represented that the advantages to Trade, Commerce, and Private Enterprize in that section of the Province, would be greatly enhanced by the erection of a Dam across the Creek forming the Harbour at the Village of Oakville, in the Township of Trafalgar, in the District of Gore aforesaid, and that the said Dam can be constructed within the bounds of the said Village of Oakville, producing Water Power sufficient to propel all description of Machinery, and to which the Vessels entering the Harbour may ascend with safety: *And whereas* the said Petitioners have prayed that they, together with such others as shall become Stockholders in the said Company, may be Incorporated into a Company, for the purpose of constructing a Dam, and erecting Mills and other Machinery upon a suitable site upon the Sixteen Mile Creek, at or near the said Village of Oakville: *And whereas* it is expedient that the prosecution of the said Works should be encouraged, and the Prayer of the Petitioners granted: *Be it therefore enacted* by the Queen'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 Chisholm, Edward B. Palmer, James Hopkirk, W. J. Sumner, James Reid, Andrew Wilson, Junior, John L. Diamond, Merrick Thomas, James Arnott, and J. S. Bigger, and all such 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 Oakville Hydraulic 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 Oakville Hydraulic Company," shall be in Law capable of purchasing, having and holding to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Certain persons incorporated, under the name of,

The Oakville Hydraulic Company;

Corporate powers;

Common Seal.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, at their own costs and charges, to construct a Dam across and erect Mills and other Machinery upon the Sixteen Mile Creek aforesaid, at Oakville; and also to erect and build all such necessary and needful Moles, Piers, Wharves, Breakwaters, or other erections or constructions whatsoever as shall be useful and proper for the purposes aforesaid, and the protection of the said Dam, Mills and other Machinery, and for the convenience and accommodation of Vessels loading and unloading at the said Mills, and to alter, amend, repair and enlarge the same, as may from time to time be found necessary and expedient.

Company may erect a Dam, Mills, &c. on the Sixteen Mile Creek, at Oakville;

Build Moles, Piers, &c.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract for, compound, compromise and agree with the owners or occupiers of any lands

Directors may contract with owners of land or private easements,

either for purchase or
for damages sustained :

in case of disagreement
reference to arbitration :

Award to be final ;

Eight days' notice of
meeting of Arbitrators ;

Arbitrators to be sworn ;

Award may be set aside
by Queen's Bench.

or private easements, rights or privileges, upon which they may determine to construct and erect the said Dam, Mills and other Machinery, with the necessary Moles, Piers, Wharves, Breakwaters or other erections, and with all necessary and convenient Roads, Streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements and privileges 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 receive of the said Company, in consequence of the said intended Dam, Mills, Machinery, Moles, Piers, Wharves, Breakwaters and other Erections, 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 or private privileges 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 the 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 Works 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 Her 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 Queen'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 herein before provided.

Capital Stock £20,000,

Each share £25;

IV. *And be it further enacted by the authority aforesaid*, That the capital stock of the said Company shall not exceed twenty thousand pounds, and that a share in the stock of the said Company shall be twenty-five pounds,

and the number of shares shall not exceed eight hundred: *Provided always*, that nothing herein-contained shall authorise the said Company to carry on the business of Banking.

Eight hundred shares;
Company not to Bank.

V. *And be it further enacted by the authority aforesaid*, That Books of Subscription shall be open within two months after the passing of this Act, when, where and by such person or persons, and under such regulations as the majority of the said Petitioners shall direct and appoint.

Books of subscription to
be opened.

VI. *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 herein-after mentioned, that is to say: ten per cent on each share so subscribed shall be payable to the said Company immediately after the Shareholders shall have elected the number of Directors herein-after 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 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 Gore.

Any number of shares
may be subscribed;

How shares payable;

Forty days notice of
calling in instalments.

VII. *And be it further enacted by the authority aforesaid*, That if any Shareholder or Shareholders 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 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.

If Stockholders refuse to
pay instalments shares
to be forfeited, and sold;

Proceeds to belong to
the Company;

Purchasers to pay the
instalments due and the
purchase money.

VIII. *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.

Shares transferable after
payment of the first
instalment.

As soon as £20,000
subscribed,

Meeting to be held to
elect Directors ;

First Directors ;

Continuance in Office ;

When to commence
business ;

No meeting without
thirty days notice.

IX. *And be it further enacted by the authority aforesaid,* That so soon as Twenty Thousand Pounds shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named in the Village of Oakville, for the purpose of proceeding to the election of the number of Directors herein-after mentioned; and such election shall then and there be made by a majority of shares voted for in manner herein-after prescribed, in respect of the Annual Elections of Directors; and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in August succeeding their election; and the Directors so chosen shall, so soon as a deposite amounting to One Thousand Pounds upon the shares subscribed as aforesaid shall be paid to the said Directors, commence the business and operation 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 printed in the District of Gore, at the distance of not less than thirty days previous to such meeting.

Five Directors ;

President ;

Qualification of
Directors ;

To hold office for a year ;

Election when and
where ;

Public notice ;

How long ;

Who may vote at elec-
tions ;

Proviso in case of equal
number of votes ;

Directors to choose
President ;

X. *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, one of whom shall be chosen President by the Directors, which said Directors shall be Stockholders holding at least five shares each in the stock of the said Company, and shall hold their offices for one year, and be elected on the first Monday in August in each and every year, at such place in the said Gore District as the majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in the Upper Canada Gazette, and in some two of the Newspapers printed in the said Gore District, 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 elections shall be made by ballot, and the five persons having the greatest majority 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 as 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 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 said 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.

Proviso in case of vacancy.

XI. *And be it further enacted by the authority aforesaid,* That in case it shall happen at any time or times 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 laws and ordinances of the Corporation.

Company not to be dissolved for want of an election on the regular day.

XII. *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, 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 officers, clerks, and servants employed by the said Company, and all such other 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 the 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.

Powers of the Dirct to make rules touc.. the property of the Company, the duty of Officers, and other matters;

Power of appointing Officers;

Rules not to be repugnant to the laws of the Province.

XIII. *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 may seem advisable; and that once in every three years, or oftener if thereto 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 and 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.

Half yearly dividends to be made;

Once in three years, if required, statement of debts and credits to be made, as well as of affairs of the Company.

XIV. *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 votes to which Stockholders entitled according to their shares.

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 election,) 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.

This Act not to affect the rights of the Crown, or others, except as is expressly provided.

XV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever the right of Her Majesty, Her Heirs and Successors, or of any person or persons, Bodies Politic or Corporate, except as is herein expressly provided.

To be deemed a public Act.

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

Not to interfere with private vested rights.

XVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall interfere with or in any manner affect the private vested right of any person or persons whatsoever.

Legislature may alter this Act.

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 the provisions of this Act, or addition thereto, which may seem to them expedient.

CHAP. XXXIII.

AN ACT to Incorporate certain persons under the name and style of the President, Directors, and Company of the Bronté Harbour.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the construction of a safe and commodious Harbour, at the mouth of the Twelve Mile Creek, in the Gore District, would manifestly tend to the advantage of that part of this Province: *And whereas* J. B. Harrison, Ashman Pettit, Elijah Williams, James Belyea, Phellog Sovereign, John Bray, Joseph Triller, Joseph Hixson, John Riggs, Edward B. Palmer, and Joseph Simons, 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 Queen'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 J. B. Harrison, Ashman Pettit, Elijah Williams, James Belyea, Phellop Sovereign, John Bray, Joseph Triller, Joseph Hixson, John Riggs, Edward B. Palmer, and Joseph Simons, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is herein-after mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of the "President, Directors, and Company of the Bronté Harbour," and that by this name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and 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 Bronté Harbour," shall be in law capable of purchasing, having and holding to them and their successors any Estate, real, personal and mixed, to and for the use of the said Company, and of letting, conveying 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.

A Corporation erected, under the name of "the President, Directors and Company, of the Bronté Harbour";

Corporate powers:

Common Seal:

Not to carry on Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charges, to construct a Harbour at the mouth of the Twelve Mile Creek aforesaid, which shall be accessible to and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Ontario; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be safe and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading

Company authorised to erect a Harbour at the mouth of the twelve mile Creek.

within the same; and to alter and amend, repair, and enlarge the same, as may be found expedient and necessary.

III. *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 Five Thousand Pounds, to be held in four hundred shares of twelve pounds ten 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 for that purpose by the said Company: *Provided always* that one hundred of such shares shall for thirty days after the opening of the books for subscription, be left open for subscription in the name or on the behalf of the Mississagua Indians living on the reserve at or near the mouth of the said Twelve Mile Creek.

IV. *And be it further enacted by the authority aforesaid,* That William J. Kerr, John L. Biggar and William Chisholm, shall be and they are hereby appointed Commissioners to ascertain, determine, and point out what portion or portions of land it shall and may be necessary for the said Company to take possession of and occupy, in order to construct the said Harbour with all necessary and convenient roads, streets and approaches thereto, (which portion or portions of land so ascertained and pointed out, the said Company are hereby authorised to enter into and upon, and to take possession of and to hold and enjoy the same for the purposes aforesaid); and also to award, adjudge, order and determine the respective sum or sums of money which the said Company shall pay to the person or persons respectively entitled to receive the same, for or on account of any lands so to be taken as aforesaid, which award shall be final; and the said Commissioners shall and they are hereby required to attend, from time to time, at some convenient place in the vicinity of the said intended Harbour, to be appointed by the Directors of the said Company for the time being, after eight days notice given them for that purpose by the said Directors, then and there to do and perform all things necessary to be by them done under and by virtue of this Act: *Provided always* that any award or awards made under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again had to the Commissioners herein-before named: *Provided always* that the Commissioners aforesaid shall not be authorised to select, nor the said Company to take possession

Capital Stock not to exceed £5000.

Number of Shares:

Shares transferable:

One hundred Shares to be left for 30 days open for subscription on behalf of the Mississagua Indians.

Commissioners appointed to ascertain what lands are necessary for Company:

Which lands Company may enter upon:

Award of sums to be paid by Company on account of land:

Commissioners to attend after notice from Directors:

Awards may be set aside by Queen's Bench:

Not more than one acre, with a front of 100 feet on the water, to be taken for erecting wharves.

of a greater portion of land than one acre, with a front of not more than one hundred feet on the water, for the purpose of the erection of wharves and storehouses.

V. *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, benefit and behoof, on all goods, wares and merchandize shipped or landed in or out of any vessel or boat from or upon any part of the Lake shore lying in front of the Indian Reserve of lands to the Eastward and Westward of the said Twelve Mile Creek, or from or upon the Banks of the said River, within the distance of one quarter of a mile on each side from the mouth thereof, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say: Tolls and rates authorized.

Pot and Pearl Ash, per barrel, four-pence; Pork, Whiskey, Salt Beef and Lard, per barrel, three-pence; Flour per barrel, two-pence; Merchandize per barrel bulk, nine-pence; Butter and Lard, per keg, one penny half-penny; Merchandize per hundred weight, three-pence; West India Staves, per thousand, two shillings and six-pence; Pipe Staves, per thousand, twelve shillings and six-pence; Wheat and other grain, per sixty pounds, one-penny; Lumber per thousand feet, board measure, one shilling and three-pence; Pine Timber, per thousand feet running measure, one shilling and three-pence; Oak Timber, per thousand feet running measure, two shillings and six-pence; Boats and Vessels above five and under twelve tons, one shilling and three-pence; Boats and Vessels above twelve tons and not over fifty, two shillings and six-pence; Vessels over fifty tons, five shillings; Boats and Vessels under five tons, free; on every cord of Fire-wood, three-pence. Within certain limits.

Schedule of tolls.

VI. *And be it further enacted by the authority aforesaid,* That the said harbour, moles, piers, wharves, buildings, erections, and all materials which shall from time to time be got or provided for constructing, building, maintaining or repairing the same, and the lands so to be occupied as herein-before is provided, together with the said tolls on goods, wares or merchandize, as herein-before mentioned, shall be and the same are hereby vested in the said Company and their successors for ever. Harbour, &c. vested in the Company.

VII. *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 Payment of tolls, how compelled.

goods, vessels or boats on which the same were due and payable, until such tolls are paid ; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company or their Officer, Clerk or Servant as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

Affairs to be managed
by seven Directors ;

President ;

Qualification of
Directors ;

How and when elected ;

By whom election to be
made :

Election of President.

VIII. *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 May in each and every year, at such place in the Township of Trafalgar, and at such time of the day as a majority of the Directors for the time being shall direct and 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 Gore 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 herein-before 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 happen, by a person or persons to be named by a majority of Directors.

Regulation of the right
of Voters.

IX. *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.

X. *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 at 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, and in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Provision if default of making election on the day appointed.

XI. *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 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 make rules;

Appoint Officers, salaries, &c.

XII. *And be it further enacted by the authority aforesaid,* That on the first Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at the mouth of the Twelve Mile Creek, in the Township of Trafalgar, 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 May 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.

First Directors when to be chosen.

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 Upper Canada 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

As soon as Directors appointed, instalments may be called in;

Not to exceed ten per cent ;

Public notice :

Harbour not to be commenced before first instalment paid.

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 or Newspapers as aforesaid : *Provided always* that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Shares forfeited if instalments not paid ;

Forfeited shares to be sold :

Purchasers to pay up instalments as well as purchase money ;

Notice of sale

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 moneys of the said Company : *Provided always* that the purchaser or purchasers shall pay the said Company the amount of the Instalment required over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid : *Provided always nevertheless,* that thirty days' notice of the sale of such forfeited shares shall be given in the Upper Canada Gazette, or in any Newspaper or Newspapers published in the said District, 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.

Dividends of profits ;

Annual statement to be rendered ;

To be open to Stockholders.

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

Period for commencing and completing the Harbour.

XVI. *And be it further enacted by the authority aforesaid,* That the said Company shall forfeit and lose all benefit of this Charter, and the privileges and powers hereby conferred, unless the said Harbour shall be begun within two years, and completed within five years from the passing of this Act.

XVII. *And be it further enacted by the authority aforesaid, That at any time before or after the making and completing the said Harbour, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in any wise appertaining, upon paying to the said Company of proprietors, their successors and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Harbour, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the moneys so advanced and paid, as a full indemnification to the Stockholders, allowing, moreover, six per centum per annum Interest upon the stock paid in: Provided the tolls that shall have been received have not yielded that rate of Interest, or allowing what may be necessary in addition to the tolls received to make up that rate of Interest, as the case may require; and the said Harbour, and all the works and dependencies thereunto belonging, shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place or stead of the said Company of proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Harbour or undertaking.*

Crown may assume possession of the Harbour.

On what conditions;

After assumption Harbour to be vested in the Crown.

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 the provisions of this Act, or any addition thereto, which may seem to them expedient.*

Legislature may alter or add to the provisions of this Act.

CHAP. XXXIV.

AN ACT to Incorporate certain persons under the title of the "York Bridge Company."

[Passed 16th February, 1840.]

WHEREAS the construction of a Bridge over the Grand River, at the Town of York, would be a great public convenience to the Inhabitants thereof: *And whereas* Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, by their Petition have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with

Preamble.

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 Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, together with all such persons as hereafter shall become Stockholders of the said York Bridge Company, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, and by the name of the "York Bridge Company," and by the same name of the York Bridge Company they and their successors shall be in law capable of purchasing, having and holding 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: *Provided always* that such Estate shall not exceed ten acres.

A Company incorporated under the name of the "York Bridge Company."

Corporate powers.

Shares in the Company
£6 3s.
Number of shares :

Stock not to exceed
£2,500.

Books of subscription to be opened.

Meeting to be called for the election of Directors.

II. *And be it further enacted by the authority aforesaid,* That a share in the said York Bridge Company shall be Six Pounds Five Shillings, and the number of shares shall not exceed Four Hundred, and that the whole amount of the Stock, Estate and Property, which the said Company shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value Two Thousand Five Hundred Pounds.

III. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened within one month after the passing of this Act, in the District of Niagara, at such time, and by such person or persons as a majority of the Petitioners, at a meeting to be held in the District of Niagara for that purpose, shall appoint.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the sum of Five Hundred Pounds shall have been subscribed, it shall and may be lawful for the subscribers, or any two or more of them, to call a meeting, to be held at some place in the District of Niagara, for the purpose of proceeding to the election of the number of Directors herein-after mentioned, in manner herein-after described, in respect to 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 the month of May following such election.

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year; which Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in May in each and every year, at such time of the day, and at such place at or near the intended site of the works of the said Company, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in some one Newspaper, published in the District of Niagara, of such time and place, not more than sixty nor less than thirty days previous to the said election, as they shall think fit; and such election shall be had 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 Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is herein-after provided; and if it shall at any election appear that any two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall by a plurality of votes appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to ballot a second time, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be a Director or Directors for the ensuing year, so as to complete the whole number of three; and the said Directors immediately after the said election shall proceed in like manner to elect by ballot one of their number to be President; and if any Director shall absent himself from the Province, and cease to be an Inhabitant thereof for the space of six months, his office shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company, shall become vacant by death, resignation or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the Director or Directors may appoint.

Affairs to be managed
by three Directors;

To hold office one year:

Notice of election;

By whom election to be
made;

Proviso in case of equal
number of votes;

President;

Vacancies how created;

How filled.

VI. *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 name, at least one month previous to the time of voting, being one vote for each share.

Regulation as to number
of votes.

Corporation not dissolved
by default in electing
on the proper day.

VII. *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, when on any day 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, in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Half yearly dividends
to be made.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make such yearly or half yearly dividends of the profits of the said Company as to them, or a majority of them, shall appear advisable.

No person to subscribe
more than twenty shares;

Shares how payable ;

Instalments not to exceed
twenty per cent ;

Public notice ;

Forfeiture of shares on
which instalments are
not paid.

Forfeited shares to be
sold.

Purchaser to pay
instalments as well as
purchase money.

If stock not subscribed
within one month former
subscribers may increase
their subscription ;

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, Her Majesty's Subjects or others, to subscribe for any number of shares, not exceeding in the first instance twenty shares, the amount whereof shall be due and payable, as follows, that is to say : ten per cent. on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors herein-before mentioned, and the remainder by Instalments of not more than twenty per cent., at such period as the President and Directors shall from time to time appoint : *Provided* that no Instalment shall be called for in less than thirty days after public notice shall have been given in such Papers as the Directors shall see fit : *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the Instalments due on any share or shares held by him, her or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon ; and the share or shares so forfeited, shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company : *And provided also* that the purchaser or purchasers shall pay up the residue of Instalments on back shares so purchased as aforesaid, before he, she or they shall be entitled to a certificate for such shares.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his subscription ; and that

after the first Instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company. Shares transferable.

XI. *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 Company, and touching the security to be given by and the duties 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 have power to appoint such Officers, Clerks and Servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit; also to place such tolls on travellers and carriages as may yield them a return for their outlay, not exceeding twenty per centum per annum: *Provided* that such rules and regulations be not repugnant to the laws of this Province, and that the tolls on the said bridge shall not exceed those which are or may be placed on the bridge at Brantford or at Dunnville. Powers of Directors; To appoint officers, &c. Fix salaries, To impose tolls; Rules not to be repugnant to the laws of the Province.

XII. *And be it further enacted by the authority aforesaid,* That this Act be and the same is hereby declared to be a public Act, and that the same shall be construed as such in all Her Majesty's Courts in this Province. This Act a public Act.

XIII. *And be it further enacted by the authority aforesaid,* That in all actions hereafter to be brought against the said Company, at any time, it shall and may be lawful for them to plead the general issue, and to give this Act and the special matter in evidence under it. In actions brought against the Company they may plead the general issue.

XIV. *And be it further enacted by the authority aforesaid,* That the shares of the said capital stock shall be transferable, and may from time to time be 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.

XV. *And be it further enacted by the authority aforesaid,* That this Act of Incorporation shall in no wise be forfeited by any non-user at any time before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-five. Act not to be affected by non-user for a specified time.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors to commence the operations of the Directors may commence operations as soon as five per cent is paid.

said Company, as soon as five per cent. shall be paid on the capital stock subscribed as aforesaid.

Legislature may vary or add to provisions of this Act.

XVII. *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 in 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, that may be affected by any of the powers given by this Act.

Manner in which the Bridge is to be constructed,

Person to be kept to open the same:

Penalty

XVIII. *And be it further enacted by the authority aforesaid*, That the said Company shall construct the said Bridge with a suitable swing not less than thirty-six feet wide, or in such a manner as will not obstruct the navigation of the Grand River, and keep a proper person to open the same at any and all times, and for neglecting or refusing to keep a proper person or persons to attend the same when required, shall for every such offence forfeit the sum of Six Pounds Five Shillings, to be recovered before any one of Her Majesty's Justices of the Peace, in and for the Niagara District, on the oath of one or more credible Witnesses.

Continuance of Act.

XIX. *And be it further enacted by the authority aforesaid*, That this Act shall continue to the full end and term of fifty years, and no longer.

CHAP. XXXV.

AN ACT to establish a College by the name and style of the University at Kingston.

[Passed 10th February, 1840.]

Preamble.

WHEREAS by the Petition of the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and of the Reverend Alexander Gale, Clerk of the said Synod, it appears that certain Lands and Funds have been placed at the disposal of the Presbytery of Toronto, by benevolent individuals, for the purpose of assisting in the establishment of an Academical Institution or College, in connexion with the Church of Scotland: *And whereas* the establishment of a University at Kingston, in the Midland District of this Province, for the Education of youth in the principles of the Christian

Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of the United Kingdom, would greatly conduce to the welfare of the Inhabitants of this Province: *And whereas* Lot number thirty-two, in the third Concession South of Dundas Street, in the Township of Trafalgar, in the District of Gore, is now held in trust by John Ewart, for the benefit of the said College, and it is desirable that the Trustees hereinafter named, and their successors in office, have legislative authority to take and hold the said Lot of Land, and other Lands and Funds, as a Corporate Body in perpetuity, for the purpose aforesaid: *Be it therefore enacted* by the Queen'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 Reverend Robert McGill, the Reverend Alexander Gale, the Reverend John McKenzie, the Reverend William Rintoul, the Reverend William T. Leach, the Reverend James George, the Reverend John Machar, the Reverend Peter Colin Campbell, the Reverend John Cruikshank, the Reverend Alexander Mathieson, Doctor in Divinity, the Reverend John Cook, Doctor in Divinity, and the Principal of the said College for the time being, Ministers of the Presbyterian Church of Canada, in connexion with the Church of Scotland; the Honourable John Hamilton, the Honourable James Crooks, the Honourable William Morris, the Honourable Archibald McLean, the Honourable John McDonald, the Honourable Peter McGill, Edward W. Thompson, Thomas McKay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, Thomas Blackwood, John Strange, Esquires, Members of the said Church, and their successors, to take, receive, hold and maintain in law the above named Lot of Land, or any other messuages, lands, tenements, hereditaments or other property, real or personal, acquired or to be acquired for the establishment and maintenance of an Academical Institution or College as aforesaid, for the Education and Instruction of Youth and Students in Arts and Faculties, such Institution to be called, "the University at Kingston."

Certain persons authorized to take and hold lands for the maintenance of "the University at Kingston."

II. *And be it further enacted by the authority aforesaid*, That the said Trustees and their successors shall be and remain forever hereafter a Board or Body Politic and Corporate, in deed and in manner, by the

Such persons, and their successors, created a body politic and corporate;

Name ; name and style of the Trustees of the University at Kingston, and by
 Corporate powers ; that name shall and may have perpetual succession; and shall and may
 be able in law and in equity to sue and be sued, implead and be impleaded,
 answer and be answered unto, defend and be defended, in all Courts and
 Common seal ; places whatsoever; and may have a Common Seal, and may change and
 alter the same at their pleasure; and also shall be able and capable to
 May hold lands ; have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain
 in law, to and for the use of the said College, any messuages, lands, tene-
 ments and hereditaments of what kind, nature or quality soever, so as
 Not to exceed in yearly value £15,000 sterling. that the same do not exceed, in yearly value above all charges, the sum
 of Fifteen Thousand Pounds Sterling; and also that they and their
 successors shall have power to take, purchase, acquire, have, hold, enjoy,
 receive, possess and retain all or any goods, chattels, moneys, stocks,
 charitable or other contributions, gifts, benefactions or bequests what-
 soever; and to give, grant, bargain, sell, demise or otherwise dispose of
 all or any part of the same, or of any other property, real, personal or
 other they may at any time or times possess or be entitled to, as to them
 shall seem best for the interest of the said College.

Board of Trustees how
 constituted ;

Manner of appointment ;

III. *And be it further enacted by the authority aforesaid,* That the said Board of Trustees shall forever hereafter consist of twenty-seven Members, of whom twelve shall be Ministers of the said Presbyterian Church of Canada, in connexion with the Church of Scotland, and fifteen shall be Laymen in full communion with the said Church, the same to be appointed in succession, in manner as follows, that is to say : three Ministers and four Laymen whose names stand lowest in this Act, and in the future roll of Ministers and Laymen composing the Board, shall after the year one thousand eight hundred and forty-two, retire from the Board annually on the first day of the Annual Meeting of the said Synod, and their room be supplied by the addition of seven new Members, three Ministers and four Laymen; the three Ministers to be chosen by the said Synod on the first day of the annual meeting of the same, in such manner as shall seem best to the said Synod, and the four Laymen to be chosen also on the first day of the Annual Meeting of the said Synod, by the lay Trustees remaining after the seven have retired, from a list of persons made up in the following manner, that is to say : each congregation admitted on the roll of the said Synod, and in regular connection therewith, shall at their Annual Meeting nominate every third year one fit and discreet person, being a Member in full communion with said Church, to fill the office of Trustee of said College, and the persons names so nominated, being duly intimated by the several congregations to the Secretary of the Board of Trustees, and in such form as the said Board may direct, shall be enrolled by the said Board, and constitute a

list from which lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year, the names of the Members thus added to the Board, to be placed from time to time at the top of the roll of the Board: *Provided always* that the retiring Trustees may be re-elected as heretofore provided, if the Synod and remaining lay Trustees respectively see fit to do so: *And provided always* that in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then and in such case the said retiring Members shall remain in office until their successors are appointed at some subsequent period: *And provided always* that every Trustee, whether Minister or Layman, before entering on his duties as a Member of said Board, shall have solemnly declared his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the said Church, in government, discipline and worship, and subscribed such a formula to this effect as may be prescribed by the said Synod, and that such declaration and subscription shall in every case be recorded in the books of the said Board: *And provided always* that all the Trustees named in this Act, shall continue to hold their offices as Members of the said Board, until the first day of the Annual Meeting of the said Synod, which shall be holden in the year one thousand eight hundred and forty-three.

Provision as to retiring Trustees;

Declaration to be made by every Trustee;

And formula subscribed.

IV. *And be it further enacted by the authority aforesaid*, That after the removal by death, resignation or otherwise, of the first Principal and Professor, who are to be nominated by the Committee of the General Assembly of the Church of Scotland, the said Trustees and their successors shall forever have full power and authority to elect and appoint for the said College a Principal, who shall be a Minister of the Church of Scotland, or of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and such Professor or Professors, Master or Masters, Tutor or Tutors, and such other officer or officers as to the said Trustees shall seem meet: *Provided always*, that such person or persons as may be appointed to the office of Principal, or to any Professorship or other office in the Theological Department in said College, shall before discharging any of the duties or receiving any of the emoluments of such office or Professorship, solemnly declare his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the Church of Scotland, in government, discipline and worship, and subscribe such a formula to this effect as may be prescribed by the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and that such declaration and subscription be recorded in the books of the Board of Trustees: *And provided always* that such persons as shall be appointed to Professorships not in the Theological Department

After removal of first Principal and Professors, Trustees to nominate;

Principal and Theological Professor;

To make a declaration of belief;

And subscribe a formula;

Other Professors to subscribe a formula.

in said College, shall before discharging any of the duties or receiving any of the emoluments of such Professorships, subscribe such a formula, declarative of their belief of the doctrines of the aforesaid Confession of Faith, as the said Synod may prescribe.

No religious test required from any Scholars, excepting those admitted to a degree in Divinity.

V. *And be it further enacted by the authority aforesaid,* That no religious test or qualification shall be required of or appointed for any persons admitted or matriculated as scholars within the said College, or of persons admitted to any Degree in any Art or Faculty therein, save only that all persons admitted to any Degree in Divinity, shall make such and the same declarations and subscriptions as are required by this Act to be made and subscribed by the Professor or Professors in the Theological Department.

Trustees may investigate conduct of Principal and others on complaint;

Power of removal, &c.

Reasons to be recorded.

VI. *And be it further enacted by the authority aforesaid,* That if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other officer of the said College, be at any time made to the Board of Trustees, they may institute an enquiry, and in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend or remove the person offending, as to them may seem good: *Provided always* that the grounds of such admonition, reproof, suspension or removal be recorded at length in the books of the said Board.

Power of Trustees to erect buildings, within 3 miles of St. Andrew's Church, Kingston.

VII. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have full power and authority to erect an Edifice or Edifices for the use of the said College: *Provided always* that such Edifice or Edifices shall not be more than three miles distant from Saint Andrew's Church, in the Town of Kingston, in the Province of Upper Canada.

Corporation may make By-laws or Statutes, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors, 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, and all matters regarding the same; the number, residence and duties of the Professors thereof; the management of the revenues and property of the said College; the salaries, stipends, provision and emoluments of and for the Professors, 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 necessary for the well-being and advancement of the said College, and agreeably to this Act; 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 provisions of this Act, or to the laws and statutes of this Province: *Provided also* that the said statutes, rules and ordinances, in so far as they regard the performance of Divine service in the said College, the duties of the Professors in the Theological Department thereof, and the studies and exercises of the students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be by him laid before the same at their next meeting for their approval, and until such approval duly authenticated by the signatures of the Moderator and Clerk of the said Synod is obtained, the same shall not be in force.

Not repugnant to the laws of the Province:

Statutes of a particular description to be subject to the inspection of the Synod.

IX. *And be it further enacted by the authority aforesaid*, That so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute under their Seal the said Principal and Professor, together with three Members of the Board of Trustees a Court, to be called the College Senate, for the exercise of Academical Superintendence and discipline over the students, and all other persons resident within the same, and with such powers for maintaining order, and enforcing obedience to the statutes, rules and ordinances of the said College as to the said Board may seem meet and necessary: *Provided always* that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the College Senate, but that such Principal and all the Professors of the College shall forever constitute the College Senate with the powers just mentioned.

College Senate to be appointed for academical discipline;

Who Senate shall consist of.

X. *And be it further enacted by the authority aforesaid*, That whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties.

When degrees may be conferred.

XI. *And be it further enacted by the authority aforesaid*, That five of the said Trustees lawfully convened, as is hereinafter directed, shall be a quorum for the dispatch of all business, except for the disposal and purchase of real estate, or for the choice or removal of the Principal or Professors, for any of which purposes there shall be a meeting of at least thirteen Trustees.

Five Trustees a quorum under certain exceptions.

Chairman, Secretary and Treasurer, may be appointed.

XII. *And be it further enacted by the authority aforesaid,* That the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer, and also once in each year or oftener a Chairman, who shall preside at all meetings of the Board.

How vacancies in the board of Trustees to be filled up.

XIII. *And be it further enacted by the authority aforesaid,* That the said Trustees shall have full power, by a majority of voices of the Members present, to select and appoint in the event of a vacancy in the Board by death, resignation or removal from the Province, a person whose name is on the list from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the person so chosen in that place on the roll of the Board in which the name of the Trustees in whose stead he may have been chosen stood.

How meetings of Trustees to be called.

XIV. *And be it further enacted by the authority aforesaid,* That the said Trustees shall have power to meet at the College upon their own adjournment, and so often as they shall be summoned by the Chairman, or in his absence by the Senior Trustee, whose seniority shall be determined by the order in which the said Trustees are named in this Act, or shall be elected hereafter: *Providéd always* that the said Chairman or Senior Trustee shall not summon a meeting of the Corporation, unless required so to do by a notice in writing from three Members of the Board: *And provided also* that he cause notice of the time and place of the said meeting to be given in one or more of the public Newspapers of the Province of Upper and Lower Canada, at least thirty days before such meeting, and that every Member of the Corporation resident within the said Provinces, shall be notified in writing by the Secretary to the Corporation of the time of such meeting.

Notice of time and place.

Governor may direct payment from the funds of King's College for a Theological Professor in this University, in satisfaction of all claim to instituting such Professor in King's College.

XV. *And be it further enacted by the authority aforesaid,* That so soon as the University of King's College, and the College hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorise and direct the payment from the Funds of the said University of King's College, in aid of the Funds of the College hereby instituted, of such yearly sum as to him shall seem just for the purpose of sustaining a Theological Professorship therein, and in satisfaction of all claim on the part of the Church of Scotland for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and discipline of the Church of Scotland.

CHAP. XXXVI.

AN ACT to authorise the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein-mentioned.

[Passed 10th February, 1840.]

WHEREAS a building was erected at Kingston, in the Midland District, by the voluntary contribution of certain of the Inhabitants, and by a Grant from the Funds of the Province, for the purpose of a General Hospital, which, for want of the necessary endowment, has not been used for the object contemplated, and in consequence thereof, the Building is unoccupied and subject to damage and decay: *And whereas* it appears by the Petition of certain of the said subscribers, that they are desirous that the said Building, together with the grounds connected therewith, should be leased for a period of years to the Trustees of a College or University about to be established at Kingston, under the authority of an Act passed during the present Session, for the accommodation of the said University: *Be it therefore enacted* by the Queen'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 direct and order a lease to the Trustees of the said University of the said Buildings and Grounds, for such term of years, and for such Annual Rent for the occupation and use of the same, as His Excellency the Governor, Lieutenant Governor, or person administering the Government shall deem proper.

Preamble.

Governor may direct a lease of the Kingston General Hospital to the University of Kingston :

Terms how regulated

II. *And be it further enacted by the authority aforesaid,* That the Annual Rent to be paid by the Trustees of the said University, for the occupation and use of the said Building and Grounds, shall be collected by the Sheriff of the Midland District, and be by him paid into the hands of Her Majesty's

Annual rent appropriated for the General Hospital at Kingston.

Receiver General, for the benefit of the said General Hospital, whenever it shall be put in operation.

CHAP. XXXVII.

AN ACT to extend the Limits of Port Darlington Harbour.

[Passed 10th February, 1840.]

WHEREAS by the fourth Section of an Act passed in the first Session of the thirteenth Parliament of this Province, entitled, "An Act to Incorporate sundry persons, under the style and title of the President, Directors, and Company of the Port Darlington Harbour," it is provided that tolls shall be payable 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: *And whereas* it appears by the Petition of H. S. Reid, and others, that the limits above mentioned are not sufficiently extensive to afford proper protection to the Stockholders who may undertake the construction of the said Harbour: *Be it therefore enacted* by the Queen'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 tolls which may hereafter be collected for the said Company, may be collected between the Western side of Lot number five, and the Eastern side of Lot number eighteen, in the Broken Front of the said Township of Darlington, any thing in the said recited Act to the contrary notwithstanding.

Boundaries within which tolls of the Port Darlington Harbour may be collected, enlarged.

CHAP.

CHAP. XXXVIII.

AN ACT to attach certain Townships to the County of Huron.

[Passed 10th February, 1840.]

WHEREAS by an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, “An Act to form certain Townships in the London District into a County, and to attach certain Townships to the Counties of Middlesex and Kent, in the London and Western Districts,” it was enacted, “That the Townships of Williams, McGillivray, Stephen, Hay, Stanley, Goderich, Colborne, Hullet, McKillop, Tuckersmith, Hibbert, Logan, Fullarton, Osborne, Biddulph, Blanchard, Downie, Ellice, North East-Hope, and South East-Hope, do constitute and form the County of Huron, in the London District”: *And whereas* by another Act passed in the first year of the reign of Her Majesty, entitled, “An Act to authorise the erection of the County of Huron, and certain other Territory adjacent thereto, into a separate District,” it was enacted, that the said County of Huron should be erected into a separate District, and that on any future survey of the Territory lying to the Northward of the said County of Huron, one range of Townships lying immediately contiguous to the Northerly boundary of the said County, should be attached to and become part of the said intended New District: *And whereas* it is expedient that the said range of Townships, being part of the said intended New District, should be added to the County of Huron: *Be it therefore enacted* by the Queen’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 Township of Ashfield, and such other Townships as may hereafter be surveyed, being the first range of Townships lying immediately contiguous to the Northerly Boundary of the said County, be attached to and form part of the County of Huron, in the said intended New District.

Preamble.

Certain Townships attached to the County of Huron.

CHAP. XXXIX.

AN ACT for dividing the Township of Hallowell, in the District of Prince Edward.

[Passed 10th February, 1840.]

Preamble.

WHEREAS from the great extent of the Township of Hallowell, in the District of Prince Edward, and from the increase of population therein, many great inconveniences occur to the inhabitants of the said Township in meeting together upon public occasions: *And whereas* it becomes expedient and necessary to divide the said Township of Hallowell into two parts: *Be it therefore enacted* by the Queen'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 aforesaid Township of Hallowell shall constitute and form two Townships; and shall be divided by a line commencing on Little Sandy Bay, in the limit between Block letter H, and Block letter I; thence North, twenty-eight degrees East, to the limit between said Block letter I and Lot letter F on East Lake; thence North thirty-two degrees West, to the North-Western angle of said Lot letter F; thence North-Easterly following the rear boundaries of the Lots on East and West Lakes respectively to the South-Eastern angle of Lot number Fourteen on West Lake; thence North, sixty-two degrees West, to the rear boundary of Lot number Ten fronting on East Lake; thence North, sixty degrees East, to the North-Eastern limit of Lot number Twenty of the Lots on East Lake; thence North, thirty degrees West, to the allowance for road between the First and Second Concessions of the Military tract; thence South, seventy degrees East, to the Southern angle of Lot number Twenty-four, in the Second Concession of the Military tract; thence South, twenty degrees West, to the Northerly limit of Lot number One on the East side of East Lake; thence North, sixty degrees East, to the Northerly angle of said Lot number One; thence South, thirty degrees East, to the Southern limit of Lot number Eight East of East Lake; thence South, sixty degrees West, to the Town line between the Townships of Hallowell and Marysburgh;

Township of Hallowell
divided into two
Townships;

Division lines.

thence South, thirty degrees East, to Lake Ontario; thence Westerly, Northerly, Westerly, Easterly, Northerly, and Westerly, to the place of beginning.

II. *And be it further enacted by the authority aforesaid,* That so much of the said Township of Hallowell as is comprised within the description shall constitute and form the Township of Athol. Part described to form Township of Athol.

III. *And be it further enacted by the authority aforesaid,* That the said Township of Athol shall be under the same regulations and entitled to the same privileges as any other Township within this Province. Athol to be placed on the same footing as other Townships.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That such division shall not by any means invalidate the legality of any existing Commission granted for the exercise of any authority or jurisdiction within the said Townships; or to make void or otherwise affect any grant of Lands, or other legal proceedings, within the limits of the said Townships, any law or usage to the contrary notwithstanding. Division not to avoid any Commissions; Or affect lands or legal proceedings.

CHAP. XL.

AN ACT to authorise the construction of a Mill Dam across the River Thames.

[Passed 10th February, 1840.]

WHEREAS it hath been represented by the petition of sundry persons inhabiting the Townships adjacent to the banks of the River Thames, in the Township of Delaware, in the County of Middlesex, and District of London, that the erection of Mills upon the said River on Lot B, in the broken Concession of Delaware, at the Village of Kilworth, in the said Township, and which is situated upon the right bank or Southerly side of said River Thames, and between said River and the main Road leading from Delaware to London, would tend greatly to increase the general prosperity and wealth of the surrounding country: *And whereas* the natural fall of the said River at this place is not of such magnitude as to render the water-privilege efficient at all seasons of the year for Mill purposes, and it will be therefore necessary to erect a Dam across the said River at the above-mentioned site: *And whereas* the erection of a Dam of a sufficient height to fully effect the purpose desired, will not flood or otherwise injure any lands lying above Preamble.

Owner of lot B, broken Concession of Delaware, may erect a Dam across the River Thames, at the Village of Kilworth;

Not to flood lands;

Locks for passage of boats to be constructed;

And inclined planes;

To be kept in repair at the expense of the owner.

If passage obstructed twenty successive days this grant to be void.

Owner of said lot may sustain actions, &c. for injury to the Dam;

Limitation as to place of erecting the same;

Owners of the lot on the Northerly side of the Thames entitled to use the water for mills or machinery.

the same: *Be it therefore enacted* by the Queen'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 any person or persons owning the said lot B, in the broken Concession of Delaware, at the Village of Kilworth, on the said River Thames, to erect a Dam upon the above-mentioned site, of such height only as will not flood or otherwise injure any lands lying above the same: *Provided always*, that such Dam or Dams shall be constructed with suitable Locks, for the safe and convenient passage of such Boats or other Craft as are now or may hereafter be in use upon the said River; and also with inclined planes of not less than forty feet in length, and thirty feet in width, with good and sufficient aprons for the safe passage of Rafts and the ascent of Fish; to be maintained and kept in good repair by the person in possession of said water privilege, free from toll or other charge, as long as the said Dam or Dams shall exist.

II. *And be it further enacted by the authority aforesaid*, That if the passage aforesaid shall at any time be obstructed for the period of twenty days successively, the grant hereby intended to be made shall be absolutely void.

III. *And be it further enacted by the authority aforesaid*, That the owner or owners of the said Lot of Land, for the time being, shall be held to possess, and be beneficially interested in the said Dam so to be erected, so that he or they may be enabled to sustain actions at Law or in Equity against any person or persons who may hereafter break down, destroy or injure the said Dam, or who shall in any wise prevent the use and enjoyment thereof by the owner or owners of the said Lot of Land: *Provided always*, that the said Dam shall be erected at a distance of not less than fifty yards up stream from the tail race of the Mill of Benjamin Woodhull, senior, and as nearly as may be at a right angle with the course of the River; and further, that nothing in this Act contained shall at any time prevent, or be construed to prevent the owners or occupiers of the Lot on the Northerly side of the River Thames, situated opposite to the Lot hereinbefore mentioned, to take and use in such way as they may deem proper from the Pond caused by the erection of said Dam, a suffi-

cient quantity of the Water of the said River Thames, for the purpose of working any Mills or Machinery, which the owners or occupiers of the last-mentioned Lot may deem it advisable to erect thereon, doing no damage to the said Dam.

IV. *And be it further enacted by the authority aforesaid*, That if the said Dam shall not be erected and used for the purposes above-mentioned, within two years from the passing of this Act, the privilege and right granted shall from thenceforth cease and determine, as if this Act had not been passed.

Dam to be erected within two years.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Legislature of this Province, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this Act.

Legislature may amend or repeal this Act.

CHAP. XLI.

AN ACT for stopping up parts of certain Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein mentioned.

[Passed 10th February, 1840.]

WHEREAS divers Inhabitants of the Town of Sandwich and its neighbourhood, in the Western District, have by their Petition to the Legislature of this Province, shewn that it would be an accommodation to the public, and a saving of Statute labour and other expenses, if a new Street or Road was to be opened through the Southern end of Park Lot number one, near the said Town, and if certain parts of Back Street and South Street, in the Town Plot of the same Town, were to be stopped up and extinguished as a Road, according to a certain plan annexed to their Petition, and they have prayed the Legislature to carry the above arrangement into effect: *And whereas* it is expedient to comply with the prayer of the said Petition: *Be it therefore enacted* by the Queen'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

Preamble.

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 be lawful for the Path Master or Street or Road Surveyor of the Town of Sandwich, for the time being, and he is hereby required so soon after the passing of this Act as may be, to open or cause to be opened a New Street or Road from Centre Street through the Southern end of Park Lot number one aforesaid into Peter Street, on the Town Plot of Sandwich, such Road or Street to be of the length of thirteen chains and fifty-two links or thereabouts, and to be of the same width as Centre Street aforesaid; and after the same Road or Street is opened and made passable, it shall become and be and is hereby declared to be a Public Highway, and dedicated to the public for all lawful purposes whatsoever.

A new street to be opened in Sandwich:

To be a public highway.

As soon as new street is opened certain streets to be stopped, and to cease to be public highways.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said New Street or Road shall have been opened from Centre Street to Peter Street as aforesaid, and be fit for travelling over, it shall be lawful for the said Path Master or Surveyor, and he is hereby required to stop up and extinguish, as a Public Road or Highway, so much of South Street aforesaid as extends from Cross Street on the said Town Plot to Back Street aforesaid, being six chains and twenty-five links in length or thereabouts, and also so much of Back Street aforesaid as extends from Chipewa Street, on the said Town Plot, to Centre Street aforesaid, being thirty-four chains and thirty links or thereabouts, and also such further part of Back Street aforesaid as extends from Centre Street aforesaid to McKee's line, being twenty-five chains or thereabouts, and such parts of South Street and Back Street as shall be so stopped up, are hereby declared to be extinguished as Public Highways, from the time that the aforesaid New Street or Road from Centre Street through Park Lot number one to Peter Street aforesaid shall have been opened and made fit for public use and travel.

CHAP. XLII.

AN ACT to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Hastings into a separate District."

[Passed 10th February, 1840.]

WHEREAS it is deemed expedient to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Hastings into a separate District": *And whereas* the Magistrates of the said District of Victoria, have by their Petition prayed that a tax on the property of the said Inhabitants, for the purpose of liquidating the debt and interest contracted for building the Gaol and Court House therein be continued: *Be it therefore enacted* by the Queen'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 twenty-first and twenty-second clauses of the said Act, be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said District, shall have power and authority, and they are hereby authorised and empowered at their Quarter Sessions assembled, to resolve that an increased tax of one penny in the pound over and above the ordinary assessment on all ratable property within the said District, shall be levied and collected, until it shall appear to the said Magistrates that said debt and interest contracted as aforesaid shall have been paid, for the purpose of paying said debt and interest, which resolution shall be transmitted to the Clerk of the Peace of said District, signed by the Chairman of the said Quarter Sessions.

Preamble.

21st and 22d. sec. 7,
Wm. IV, chap. 31.
repealed.

Magistrates may resolve that an additional rate be imposed on ratable property in District of Victoria;

Resolution to be sent to Clerk of the Peace.

Clerk of the Peace shall add this rate to the assessment list, till it is not necessary for paying expense of erecting the Gaol and Court-house.

III. *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 Victoria, to add to the Assessment List for the several Townships within the said District, the said increased tax of one penny, according to the resolution furnished him as aforesaid, until by a resolution which shall be passed in open Quarter Sessions, and signed by the Chairman as aforesaid, it shall appear that it is no longer necessary for the purposes aforesaid.

Collectors to receive and pay over this new rate in the same manner as ordinary assessments.

IV. *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 District, and they are hereby required to collect the moneys authorised by the authority of this Act, to pay the same over to the Treasurer of the said District of Victoria, in the same way and manner as the ordinary Assessments of the District have been heretofore collected and paid.

Money so raised to be expended solely in paying debt contracted in building Gaol and Court house.

V. *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said District, shall expend the money raised by the authority of this Act, towards paying the debt and interest now contracted for building a Gaol and Court House for the use of the said District, and for no other purpose whatsoever.

No percentage to the Treasurer, Assessor or Collector, on this rate.

VI. *And be it further enacted by the authority aforesaid,* That no percentage shall be allowed to the Treasurer of the said District, nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

CHAP. XLIII.

AN ACT to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from Debt.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the Magistrates of the District of Niagara, in General Quarter Sessions assembled, have in their Petition to the Legislature, set forth that in consequence of the embarrassed state of the Finances of that District, it has become absolutely necessary that an Act should be passed authorising the borrowing of a sufficient sum of money to liquidate the outstanding Debts of the said District, or in the event of their not being able to procure a loan, to raise the same by an additional rate upon

property within the District: *Be it therefore enacted* by the Queen'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 order to provide funds for the liquidation and discharge of all and every sum and sums of money, claims and demands, due or payable to any person or persons by the said District, such claims and demands acknowledged already or hereafter to be acknowledged by the Court of General Quarter Sessions, to be justly due to him, her or them, it shall and may be lawful for the Justices of the Peace of the said District, in General Quarter Sessions assembled, and they are hereby required to levy by Assessment, to be made on each and every Inhabitant householder in the said District, in the same manner and form as by law any Assessment may now or hereafter be levied for any public purpose in said District, an additional rate of one farthing in the pound, to continue and be collected for the term and space of five years from the first imposition and collection thereof.

Quarter Sessions to levy by assessment an additional rate of one farthing in the pound for five years, on the District of Niagara.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any three or more of the said Justices of the Peace, in and for the said District, in General Quarter Sessions assembled, either at the next or any subsequent Court, or Special Sessions, to be holden after the passing of this Act, and in the name or on the behalf of the Inhabitants of the said District, to raise by way of loan, at a rate of interest not greater than six per cent. per annum, from such person or persons, Bodies Politic or Corporate, as may be willing to lend the same on the credit of the said District, a sum not exceeding Two Thousand Pounds nor less than Twelve Hundred Pounds, to be paid and appropriated by the Treasurer of the said District, in discharge of the debts of the said District; and that the Bond or Agreement under the hand and seal of the Treasurer of the said District, to be given for the re-payment of such loan under the authority of this Act, (which Bond or Agreement the said Treasurer is hereby authorised to give,) shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such Treasurer in his individual capacity.

Justices may raise a loan to discharge the debts of the District of Niagara;

Bond or agreement of the Treasurer, for such loan, to be binding on the District.

CHAP. XLIV.

AN ACT to authorise the levying an additional Rate on the Inhabitants of the Midland District, for the payment of the Debt of the District, and for other purposes therein-mentioned.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the Magistrates and sundry Inhabitants of the Midland District, have by Petition set forth that it is highly desirable that a Wall should be erected around the Midland District Gaol, in the Town of Kingston, as well for the purpose of affording the benefits of air and exercise to the Prisoners confined therein, from which they are now necessarily excluded, as for the more secure custody of the said Prisoners, and also for the construction of a Guard House connected therewith, and also for liquidating the Public Debt, and it is expedient that the prayer of the said Petition should be complied with: *And whereas* the present state of the funds of the said Midland District will not admit of its being done, except by laying an additional Assessment upon the said District, for which the Petitioners have also prayed: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Justices of the Peace for the said Midland District, to contract with such person as may be willing to advance the same upon the credit of the District funds, for the loan of a sum of money sufficient to the before-mentioned purpose.

Justices of the Midland District may contract for a loan for certain purposes.

An additional assessment authorized until loan shall be repaid;

II. And for discharging the principal and interest of the loan so contracted for as aforesaid: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace for the said Midland District, in Quarter Sessions assembled, to order an Assessment of one penny in the pound, to be levied on the ratable property of the said District, which said Rate or Assessment shall be levied

and collected in like manner as other Rates and Assessments are now by law collected, until the said loan shall be liquidated: *Provided always*, that the amount to be raised, levied and collected as aforesaid, shall not exceed the sum of Three Thousand Five Hundred Pounds.

Amount to be raised not to exceed £3,500.

III. *And be it further enacted by the authority aforesaid*, That the Assessment authorised to be raised by this Act, be applied for the payment of the building of the said Wall, the erection of the said Guard House, and making the Gaol Ground secure for the safe-keeping of the Prisoners, and for paying off the District debt, and to no other purpose whatsoever.

Application of the moneys raised.

IV. *And be it further enacted by the authority aforesaid*, That no percentage be allowed to the Treasurer of the District, nor to any Assessor or Collector, for the moneys raised and collected by the provisions of this Act.

No percentage allowed on moneys raised by this Act.

CHAP. XLV.

AN ACT authorising the levying of an additional Tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein.

[Passed 10th February, 1840.]

WHEREAS it appears by the Petition of the Justices of the Peace residing within the Townships of Nepean, Goulburn, March, Huntley, Torbolton, Fitzroy, North Gower, Marlborough, Gloucester and Osgoode, that they have been unable to raise by loan the sum of money required to defray the expense of building a Court House and Gaol in the intended new District of Dalhousie: *And whereas* it is expedient to provide, by increased Assessment, for the re-payment of any sum of money which shall be raised by loan for the erection of a Gaol and Court House in the new District of Dalhousie, under the provisions of an Act passed in the Parliament of this Province, entitled, "An Act to erect certain Townships now forming part of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and for other purposes therein-mentioned": *Be it therefore enacted* by the Queen'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

Preamble.

Justices of District of Dalhousie may impose an additional rate to pay debt incurred in erecting Gaol and Court-house;

Increased rate to be levied till debt is paid.

Mode of collecting increased rate.

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 District of Dalhousie shall be erected and proclaimed according to the said Act, it shall and may be lawful for Her Majesty's Justices of the Peace residing within the said District, to direct and order the levy of an increased rate, not exceeding one penny in the pound, over and above the ordinary Assessment on all ratable property within the said District, which said new rate shall be applied in payment of the interest and principal of any sum which shall be raised under the authority of the said Act, and which said increased rate shall continue to be raised, levied and collected, until the sum so borrowed, and the interest thereon, shall be fully paid and discharged, and no longer.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace, in the said District of Dalhousie, to add to the Assessment Lists thereof the said increased Rate, and that the same shall be collected in the same manner as other Rates and Assessments within the said District are collected, and shall be received and accounted for and applied by the Treasurer of the said District, in pursuance of the provisions of this Act.

CHAP. XLVI.

AN ACT to confirm and regulate certain Sales of Land for Taxes, in the District of Ottawa.

[Passed 10th February, 1840.]

Preamble.

WHEREAS doubts have arisen as to the true construction and meaning of certain parts of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend the laws now in force regulating the Sale of Land for arrears of Taxes, and for other purposes therein-mentioned," and also of a certain Act passed in the first year of Her Majesty's reign, entitled, "An Act to postpone the Sale of Lands in arrear for Taxes": *And whereas,* under colour of the said recited Acts, certain lands situate in the District of Ottawa, and which before the passing of the said first-recited Act were in arrear for Taxes eight years and upwards, have been sold by the Sheriff of the said District, at Public Auction, to satisfy such arrears, although the period for which such sale was advertised commenced before the passing of the said last

recited Act: *Be it therefore enacted* by the Queen'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 sales of lands in the said District of Ottawa, which were effected by the Sheriff of the said District, for the arrear of taxes in the month of June now last past, shall be and the same are hereby confirmed and made valid, to the same extent as if the said first-recited Act had never been passed: *Provided nevertheless*, that it shall be the duty of the Sheriff of the said District, and he is hereby required immediately after the passing of this Act, to publish a list of all the lands sold by him as aforesaid in the Upper Canada Gazette, and in at least one Newspaper in the Eastern and Bathurst Districts respectively, and also in not less than four public places in the District of Ottawa; and it shall and may be lawful for the said Sheriff, within two years after the date of such advertisements, to convey to the respective purchasers the lands so sold as aforesaid, according to the manner and form prescribed by the laws now in force in this Province for the conveyance of lands sold by the Sheriffs of the several Districts therein for the arrears of taxes: *Provided always*, that nothing in this Act contained shall be construed to give effect to or make legal and valid any sale of lands for taxes, where such lands were not liable to the rates and assessments imposed by the laws of this Province, or to be returned by the Treasurer as in arrears for such rates and assessments.

Certain sales of land for taxes, in the District of Ottawa, confirmed;

Sheriff to publish a list of such lands;

And within two years thereafter may convey to purchasers;

Not to make valid sales of lands which were not liable to have been returned by the Treasurer as in arrears.

II. *And whereas* in the month of January, one thousand eight hundred and thirty-four, by an accidental fire, the greater part of the books, papers and accounts of the Treasurer's Office of the said District of Ottawa, were burned and destroyed, by reason whereof there is cause to apprehend that the lists which have since been made out, from time to time, of lands in arrear for taxes, have in some instances comprised lands upon which the taxes have really been paid, but of which payment no trace remained on record in the Treasury Office: *And whereas* it is expedient that the fact of any such payment should be duly placed on record in the said Office: *Be it therefore further enacted by the authority aforesaid*, That it shall be the duty of the Sheriff of the said District, immediately after the passing of this Act, to publish in the Upper Canada

Recital;

Sheriff of Ottawa to publish a list of lands which have been sold for arrears of taxes since the first January 1834.

Gazette, and in at least one Newspaper in the Eastern and Bathurst Districts respectively, and also in not less than four public places in the District of Ottawa, a list of all the lands which have been sold for arrears of taxes by him or by his predecessor in office, since the first day of January one thousand eight hundred and thirty-four.

III. *And be it further enacted by the authority aforesaid,* That the said list shall also comprise a notice signed by the said Sheriff, requiring all persons who may have paid the assessed taxes upon any of the lands so advertised, at any period prior to the first day of May, one thousand eight hundred and thirty-five, to produce to the Treasurer of the said District, within three years from the day of the publication of the said list and notice, any receipt signed by any Treasurer of the said District, or an affidavit in the manner prescribed by the existing laws of this Province, in cases where the assessed taxes have been actually paid, but not duly credited, in proof of such payment.

Notice to be published calling on persons who have paid taxes to produce their receipts, or a proper affidavit of payment.

IV. *And be it further enacted by the authority aforesaid,* That in all cases where the owners or claimants of land that may have been erroneously sold as aforesaid, shall neglect or omit within the period last specified, to produce to the Treasurer of the said District due proof of the payment of the taxes in the manner hereinbefore directed, the sales which the Sheriff of the said District may have effected of such lands for the arrears of taxes, shall be and the same are hereby confirmed and made valid.

If owners neglect to produce such receipt or proof, any sale which the Sheriff may have made of their lands confirmed.

V. *And be it further enacted by the authority aforesaid.* That the Sheriff and Treasurer of the said District respectively, shall be and they are hereby fully exonerated and discharged from all actions for damages which might be brought or maintained against them, or either of them, for the sale of any lands which, by reason of the destruction of the records of the Treasury Office, as above recited, may have been or shall happen to be erroneously disposed of as for arrears of taxes, between the first day of May one thousand eight hundred and thirty-five, and the first day of May one thousand eight hundred and forty-four.

Sheriff and Treasurer exonerated from actions in certain cases.

VI. *And be it further enacted by the authority aforesaid,* That the period required by the said first-recited Act, to intervene between the public auction of lands in arrear for taxes, at the rate of two shillings and sixpence per acre, and the final sale of such lands remaining unsold on the terms last-mentioned, shall be the interval between the day when such lands shall be offered for sale upon the said terms, and the second day of the Court of General Quarter Sessions of the Peace then next following:

Period to intervene between sale of lands at the rate of 2s. 6d. per acre and the final sale desired;

Provided nevertheless, that in all cases where a longer period has been construed and acted upon by any Sheriff in this Province, such construction and all acts thereunder performed by such Sheriff, shall be and the same are hereby confirmed and made valid, any law to the contrary thereof in any wise notwithstanding.

Not to avoid any thing heretofore done.

CHAP. XLVII.

AN ACT to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "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 10th February, 1840.]

WHEREAS the Mayor and Corporation of the City of Toronto, have by their Petition prayed that an Act passed in the seventh year of the reign of His late Majesty, entitled, "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,'" be continued and made perpetual: *Be it therefore enacted* by the Queen'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-fifth clause of the said Act be and the same is hereby repealed.

Preamble.

Thirty-fifth clause 7th Wm. IV, ch. 39, repealed.

II. *And be it further enacted by the authority aforesaid*, That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto as such Justices, any

Executive Councillors to have jurisdiction as Justices of the Peace in the City of Toronto.

thing in 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,” to the contrary thereof notwithstanding.

CHAP. XLVIII.

AN ACT to extend the time for completing the expenditure upon the Post Road between Cornwall and L'Orignal.

[Passed 10th February, 1840.]

WHEREAS it is expedient to continue the provisions of an Act passed in the second year of Her Majesty's reign, entitled, “An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Orignal”: *Be it therefore enacted* by the Queen'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 the period for the expenditure authorised by the said Act having expired, the Commissioners named in the said Act are hereby authorised to continue the expenditure under the provisions of the said Act, and that so much of the third clause of the said Act as confines the expenditure to the first day of November last, be and the same is hereby repealed; and that the Commissioners named in the said recited Act, shall on or before the tenth day of August, which will be in the year of our Lord eighteen hundred and forty, report their proceedings to His Excellency the Governor of this Province, for the information of the Legislature.

Preamble

Time for expending money in improving road between Cornwall and L'Orignal extended.

CHAP. XLIX.

AN ACT to extend the time for completing the Erie and Ontario Rail-road.

[Passed 10th February, 1840.]

WHEREAS by a certain Act of the Parliament of this Province, passed on the sixteenth day of April, in the year of our Lord one thousand eight hundred and thirty-five, and entitled, "An Act to Incorporate certain persons therein-named, under the name and style of the Erie and Ontario Rail-road Company," it is provided in the twenty-second clause of the said Act, that the double or single Iron or Wooden Rail-road or way between the River Welland and the River Niagara, at or below Queenston, shall be completed within five years after the passing of the said Act, otherwise every thing therein-contained should cease and be utterly null and void: *And whereas*, from causes unforeseen and beyond the control of the Company by the said Act Incorporated, it will not be possible to complete the work so required: *And whereas* it is necessary to extend the time for the completion of the said work: *Be it therefore enacted* by the Queen'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 time for completing the said double or single Iron or Wooden Rail-road or way between the River Welland and the River Niagara, at or below Queenston, shall be extended for and during the term of five years, any thing in the said recited Act to the contrary notwithstanding.

Preamble.

Time for completing
Erie and Ontario Rail
Road extended five
years.

CHAP.

CHAP. L.

AN ACT to extend the time for re-paying the Loan to the Oakville Harbour.

[Passed 10th February, 1840.]

Preamble.

WHEREAS by an Act passed in the first year of the reign of His late Majesty King William the Fourth, entitled, "An Act for affording aid to William Chisholm, Esquire, towards the completion of the Harbour at Oakville, in the Township of Trafalgar," a loan of Two Thousand Five Hundred Pounds was granted to the said William Chisholm, payable with interest in ten years: *And whereas* the period for the re-payment will soon arrive: *And whereas* the said William Chisholm has prayed for further time to pay the principal, and also to pay certain arrears of interest now due thereon: *And whereas* the Harbour now produces a revenue sufficient to indemnify the Province against the interest of the said loan, and will also afford a security for the re-payment of the principal: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the period for the payment of the Principal sum of Two Thousand Five Hundred Pounds, loaned to the said William Chisholm, shall be and the same is hereby extended to the period of ten years, from and after the day on which this Act shall receive the Royal assent.

Time for payment of loan to Oakville Harbour extended for ten years.

Mortgage of the Harbour and tolls to be made to secure payment of loan and interest.

II. Provided always, and be it further enacted by the authority aforesaid, That the said William Chisholm shall on or before the first day of June next, execute an Assignment, by way of Mortgage, of the said Harbour, and the tolls thereof, to such persons as the Governor may appoint in trust to receive the said Tolls, and to pay the current Interest on the said loan, and the arrears of Interest, and to satisfy the Principal of Two Thousand Five Hundred Pounds, when the same shall become payable, according to the provisions of this Act, or gradually to reduce the same, with power to appoint a receiver, if necessary, and all other such necessary

power as may be in behalf of this Province, required by Her Majesty's Attorney General.

CHAP. LI.

AN ACT granting a further sum of Three Hundred and Fifty-nine Pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District.

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN:

WHEREAS under and by virtue of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act granting a sum of money for the erection of a Toll Bridge over the River Thames, at Chatham, in the Western District," and Province of Upper Canada, the sum of Fifteen Hundred Pounds has been raised and expended, according to the provisions of the said Act: *And whereas* it appears by the Report of the Commissioners appointed in pursuance of the said Act to superintend the erection of the said Bridge, that in consequence of a change made in the site thereof by an Order of the Lieutenant Governor in Council, a further sum of Three Hundred and Fifty-nine Pounds is necessary to be granted for the completion thereof: *Be it therefore enacted* by the Queen'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, forthwith to authorise and direct Her Majesty's Receiver General of this Province, to raise by way of loan upon the credit of the Government Bills or Debentures, a sum of money not exceeding the sum of Three Hundred and Fifty-nine Pounds, at a rate of interest not exceeding six per centum per annum, payable half-yearly in this Province.

Preamble.

£359 to be raised by loan on Government Bills or Debentures.

Warrant may be issued for £359 in favour of Commissioners for building the Bridge at Chatham.

II. *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 issue his Warrant to the said Receiver General, in favour of the said Commissioners, for the said sum of Three Hundred and Fifty-nine Pounds, as soon as he shall deem it expedient so to do, which said sum shall be expended and applied in the completion of the said Bridge, and shall be accounted for by the said Commissioners to the Governor or Lieutenant Governor accordingly.

Provisions of 7th Wm. IV. ch. 83, extended to this loan.

III. *And be it further enacted by the authority aforesaid,* That the said sum of Three Hundred and Fifty-nine Pounds shall be raised, expended and applied, in the same manner, and shall be subject in all respects to the same enactments (so far as the same can be made applicable) as are provided in and by the said recited Act of the seventh year of the reign of His late Majesty, with respect to the said sum of Fifteen Hundred Pounds thereby authorised to be raised.

Limitation of the right of ferries within a certain distance of this Bridge;

IV. *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 person or persons, without the consent in writing of the said Commissioners, or a majority of them, first had and obtained for that purpose, to establish a Ferry across the said River Thames within two miles of the said Bridge, nor to use any boat, scow, or other craft for the conveyance of passengers, horses, cattle, or carriages across the said River, until the Tolls shall be taken off the said Bridge, and the same Bridge shall be thrown open to the public to pass over Toll free; and any person or persons offending against this Act, shall forfeit and pay a fine or penalty not exceeding the sum of five pounds, nor less than one pound per diem, so long as he, she or they shall continue such Ferry; such fine or penalty to be recovered before any one or more of Her Majesty's Justices of the Peace for the Western District, in the same manner as fines and penalties are recoverable under and by virtue of an Act of the Parliament of this Province, made and passed in the fourth year of His late Majesty's reign, entitled, "An Act to provide for the summary punishment of Petty Trespasses and other offences;" and all fines and penalties recovered under this Act, shall be applied in the same manner as fines and penalties are directed to be applied and appropriated in and by the said recited Act of the seventh year of the reign of His late Majesty.

Penalty:

How recoverable;

How appropriated.

CHAP. LII.

AN ACT to increase the Capital Stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour.

[Passed 10th February, 1840.]

WHEREAS the President, Directors, and Company of the Port Hope Harbour and Wharf Company, have by Petition set forth that they have expended Six Hundred Pounds over and above the amount of Capital Stock authorised to be subscribed for the construction of the said Harbour, which has proved inadequate for the purpose, and that they are desirous that the Capital Stock of the said Company should be increased Two Thousand Pounds, and that the period for completing the said Harbour should be extended four years from the passing of this Act: *Be it therefore enacted* by the Queen'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 Capital Stock of the Port Hope Harbour Company shall be increased in the sum of Two Thousand Pounds, to be taken in shares of the like amount as those formerly taken; and to be subscribed for in such manner and time as the Directors of the said Company shall direct, of which at least thirty days notice shall be given in the Upper Canada Gazette, and in one or more Newspapers published in the District of Newcastle.

Preamble.

Capital stock of the Port Hope Harbour Company increased :

How to be subscribed :

Notice.

Period for completing the Harbour extended.

II. *And be it further enacted by the authority aforesaid,* That the period for completing the said Harbour shall be extended to four years from the passing of this Act.

III. *Provided always, and be it further enacted by the authority aforesaid,* That this Act shall not go into operation until the interest now due to the Province, by the said Company, be first paid.

Interest due the Province from the Company to be paid before this Act takes effect.

CHAP. LIII.

AN ACT to repeal, alter and amend, the Laws now in force for the regulation of the several Macadamized Roads within this Province.

[Passed 10th February, 1840.]

WHEREAS the Laws now in force for the regulation of the Macadamized Roads within this Province require amendment, and it is of great importance that one uniform system should be adhered to for regulating the construction, management, and maintenance of the same: *Be it therefore enacted* by the Queen'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 eighth, ninth, tenth, eleventh, twelfth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth, clauses of an Act passed in the third year of the reign of His late Majesty King William the Fourth, entitled, "An Act to raise a sum of money for the improvement of the roads in the vicinity of the Town of York, and for other purposes therein mentioned"; and also the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-seventh, thirtieth, thirty-first, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth, clauses, and so much of the third clause of an Act passed in the sixth year of the reign of His said late Majesty, entitled, "An Act to continue the improvement of certain roads in the Home District," as relates to the power of Trustees; and also the third, sixth, seventh, eighth and ninth, clauses of an Act passed in the seventh year of His said late Majesty, entitled, "An Act for granting a further sum for completing the Macadamization of Yonge-Street, and other roads in the Home District"; and also the third clause of an Act passed in the first year of the reign of Her present Majesty Queen Victoria, entitled, "An Act for continuing the improvement of the Lake Road, West of the City of Toronto"; and also so much of an Act.

Preamble.

Section 8, 9, 10, 11, 12,
15, 16, 17, 18 and 19,
3d Wm. IV. ch. 38;

Also the 8th, 9th, 10th,
11th, 12th, 13th, 14th,
15th, 16th, 17th, 20th,
21st, 22nd, 23rd, 27th,
30th, 31st, 35th, 36th, 37th,
38th and 39th, sections,
and part of the 3rd sec.
6th Wm. IV. ch. 30;

Also sections 3, 6, 7, 8
and 9, of 7th Wm. IV.
ch. 75;

Also sec. 3, 1st Victoria,
ch. 34;

passed in the seventh year of His late Majesty's reign, entitled, "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"; also of an Act passed in the same year, entitled, "An Act to authorise the construction of a Macadamized Road from Dundas to Waterloo, in the Gore District"; also of an Act passed in the same year, entitled, "An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll Gates on the said Roads"; also of an Act passed in the same year, entitled, "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"; and also of an Act passed in the same year, entitled, "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"; and of any other Act passed by the Legislature of this Province as may be contrary to or inconsistent with the provisions of this Act, shall and the same are hereby declared to cease and stand repealed.

Also part of 7th Wm. IV. ch. 78;

Also part of 7th Wm. IV. ch. 79;

Also part of 7th Wm. IV. ch. 80;

Also part of 7th Wm. IV. ch. 81;

Also part of 7th Wm. IV. ch. 82;

Also such parts of any other Statutes as are contrary to the provisions of this Act, repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the present Trustees of the several Turnpike Trusts in this Province, to form a Board within their respective Districts, to be known by the style and title of the Commissioners of the — District Turnpike Trust; and the said Commissioners, for the time being, shall have power and authority over the several Macadamized Roads within the limits of their Districts respectively, so far as the improvement of the same has been authorised by any Act of the Legislature of this Province.

Trustees of the several turnpike trusts in each District to form a Board in their Districts;

Powers of such Boards.

III. *And be it further enacted by the authority aforesaid,* That no person who shall be appointed a Commissioner by virtue of this Act, shall act as such Commissioner, unless he shall, before he shall act as such, take and subscribe before any Justice of the Peace for the District, (who is hereby authorised to administer the same,) the oath following, that is to say: "I, A. B., do swear that I will truly and impartially, according to the best of my judgment, execute and perform the several powers, authorities and trusts reposed in me as a Commissioner, by virtue of an Act passed in the third year of the reign of Her Majesty Queen Victoria, entitled, 'An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province.'"

Oath to be taken by each Commissioner.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Commissioners, and they are hereby authorised and empowered to make, divert, shorten, vary, alter, and improve the course of any part of the above-mentioned Roads within their own trusts, upon, through, in and over any private lands or grounds, making or tendering satisfaction to the owners thereof, or persons interested therein for the same, and for any damages they may sustain thereby, in such manner as they shall think proper, so that any such Road shall not exceed one chain in width, together with such footpaths, causeways, bridges, arches, banks, culverts, ditches, drains, and fences on the line of such Road, as they shall think necessary and expedient; and it shall also be lawful for such Commissioners, and their Engineer or Surveyor, and workmen, with or without carts or carriages, from time to time, to enter upon the lands and grounds through which or whereupon such roads, footpaths, causeways, bridges, arches, banks, culverts, ditches, drains and fences is or are intended to be made or pass, and also upon any adjoining lands or grounds, to stake out the same in such manner as the said Trustees shall think necessary and expedient, without being deemed a trespasser or trespassers, and without being subject or liable to any fine, penalty or punishment for entering or continuing upon such lands or premises respectively, for any of the purposes of this Act; and if any person shall pull up, remove or destroy any stakes or other marks used for the purposes aforesaid, every person so offending shall forfeit and pay for every such offence, a sum not exceeding Twenty Shillings: *Provided always,* that it shall not be lawful for the Commissioners appointed under and by virtue of this Act, in altering or diverting the course of any part of the Turnpike Roads under their care and management, to take or pull down any dwelling house, or to take or make use of any orchard, garden, planted walk, or avenue to a house, or any enclosed ground planted as an ornament or shelter to a house, or set apart as a nursery for trees, or any part thereof respectively, without the consent of the owner or proprietor thereof in writing first had and obtained: *Provided always,* that if the owners or occupiers of any lands or grounds taken by the Commissioners for the purposes of this Act, shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the District in which such Road shall be situated, 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 made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners out of any moneys in their hands for the purposes of the said Act.

Powers of Commissioners as to course of roads,
over private lands,
tendering satisfaction;
Width of road;
Powers to enter upon lands;
Penalty for removing stakes, &c.
Commissioners not to pull down a dwelling house, or make use of an orchard, &c.
without consent of owner;
If owner of lands dissatisfied with tender, to be decided by a jury;
Costs, by whom payable.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners under this Act, to treat, contract and agree with the owners of and persons interested in any lands, tenements, hereditaments and premises, with their appurtenances, which they shall deem necessary to purchase for the purpose of widening, diverting, altering and improving any of the Turnpike Roads, for the purchase thereof, and for the loss or damage such owners or persons may otherwise sustain; and also to contract and agree with any person or persons whomsoever, for the purchase or demise from him, her or them, of and to hold any land or ground, for the purpose of digging stones, gravel and materials therefrom for the repair or use of the said Roads; and at any time after to sell the ground so purchased by Public Auction or tender: *Provided always,* that the entering into any such agreement or contract shall not be compulsory against any person or persons unwilling to enter into the same; and after any new Road shall be completed, the lands or grounds constituting any former road or roads, or so much and such part thereof as in the judgment of the Commissioners may thereby become useless or unnecessary, or shall and may be stopped up as public highways, shall be vested in and shall and may be sold and conveyed by the said Commissioners, in the manner before-mentioned, and the money arising from such sale, shall be applied for the purposes of this Act, for repairing and maintaining the Turnpike Roads; or it shall be lawful for the said Commissioners, instead of making such sale as aforesaid, to give up to the owners of any adjoining lands, whose building, land or ground, shall be taken for the purposes of this Act, any part or parts of the present or old roads, in lieu of and in exchange for the same, in such way and manner as such Commissioners and owners or proprietors, shall agree upon and think fit.

Commissioners may treat for the purchase of lands with the owners;

For altering the road;

Or for obtaining materials;

And may afterwards sell land purchased by them;

Not compulsory on any owner;

Old roads not required may be stopped up, and the land sold;

Or exchanged with owners for lands taken from them.

VI. *And be it further enacted by the authority aforesaid,* That no Commissioner shall, from and after this Act shall be in force, enjoy any office or place of profit, or have any share or interest, or be in any manner, directly or indirectly, concerned in any contract or bargain for making or repairing, or in any way relating to the roads for which he shall act, or for building or repairing any Toll House, Toll Gate or Weighing Engine thereon, or for supplying any materials for the use thereof, nor shall any such Commissioner let out for hire any waggon, cart or other carriage, or any horse, cattle or team, for the use of the Turnpike Roads for which he shall act as Commissioner; nor by himself or by any other person for or on his account, directly or indirectly, receive any sum or sums of money to his use or benefit, out of the sums appropriated by any Act of the Legislature for making said Roads, or out of the Tolls collected

Commissioners to hold no office of profit, nor have any interest in any contract in any way relating to the roads;

Nor in any way receive any of the moneys appropriated to making the roads;

Penalty for breach of these regulations :

After conviction Commissioner incapable of serving ;

And all his acts as Commissioner, declared void thenceforward ;

Acts as Commissioner before conviction valid ;

Not to extend to moneys paid for sale of or damages to lands ;

Or for materials taken ;

Or to prevent his selling for the use of the road any materials or timber.

Commissioners to appoint an Engineer or Surveyor, His duty ;

Commissioners to appoint Collectors of tolls, Clerks, and other necessary Officers ;

out of the said Roads ; and if any person after having been appointed a Commissioner of said Roads, shall, without having first duly resigned such office at some meeting of the Commissioners of the said Roads, hold any such office or place, or be concerned in any such contract or bargain, or shall sell any such tools or implements, or let out for hire any waggon, cart, carriage, horse, cattle or team, or receive any money out of the appropriations aforesaid, or out of the Tolls collected on said Roads, every Commissioner so offending shall for every such offence, forfeit and pay the sum of One Hundred Pounds, to be recovered in the manner hereinafter provided ; and from and after the conviction of any such offence, be incapable of acting as a Commissioner of said Roads ; and all acts, orders, matters and things made or done as a Commissioner, by the party so convicted, shall from thenceforward be null and void to all intents and purposes, and all and every such contract or bargain, shall be and is hereby declared to be void, and shall not be enforced or carried into effect by the other Commissioners entering into the same : *Provided always*, that all acts, orders, matters and things made or done by such Commissioner, previous to his being convicted of any such offence, shall be good, valid and effectual : *And further provided*, that nothing in this enactment contained, shall extend or be deemed or construed to extend, to any Commissioner who shall receive any sum or sums of money paid out of the appropriation aforesaid, or out of the Tolls collected on said Roads by way of purchase money, damages, rent, recompense or satisfaction, agreed upon or awarded to such Commissioner for any lands, grounds or tenements purchased or taken for the purpose of diverting or altering, or for the use of said Roads, or for a repository for materials to be used thereon ; or for damage done to any enclosed or private grounds of such Commissioner in taking materials therefrom, or in carrying and conveying them over the same ; or to prevent any such Commissioner from selling or disposing of, for the use of the Turnpike Roads, any materials or any timber grown or growing on the grounds of such Commissioner.

VII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners acting under the authority of this Act, and they are hereby empowered and required by writing under their hands, to appoint a competent Engineer or Surveyor, whose duty it shall be to superintend the construction and repairing of the Turnpike Roads under their care or management, to inspect and measure materials, make surveys, and report upon all proposed alterations, and generally to assist under the directions of the Commissioners in or about the execution of this Act, for making and maintaining such Roads ; and the said Commissioners are hereby empowered by writing under their hands, to appoint

such Collector or Collectors of the Tolls arising on such Roads, and a Clerk or Clerks, and such other officers as the said Commissioners shall think necessary; and such Engineer or Surveyor, Clerks, Collectors, and other officers, or any of them, from time to time to remove, or on removal, death or resignation of any such Engineer, Clerks, Collectors and other officers, to appoint others in their stead; and may and are hereby authorised out of any moneys arising on such Turnpike Roads, to allow and pay to such Engineer, Collectors, Clerks and other officers, and to such other persons as shall be assisting them, or any of them, in or about the execution of this Act, in making and repairing such Roads, such salaries, rewards and allowances for their attendance, care, labour and services, as such Commissioners shall deem reasonable: *Provided always*, that it shall not be lawful for the Commissioners to appoint, or continue the person who may be appointed to act as their Clerk in the execution of this Act, or the partner of any such Clerk, to be or to hold the offices of Clerk and Engineer or Surveyor, for the purposes of this Act, or to appoint or continue the person who may be appointed Engineer or Surveyor, or the partner of such Engineer or Surveyor, to be Clerk and Engineer or Surveyor, for the purposes of this Act; and if any person shall act in both capacities of Clerk and Engineer or Surveyor, or if any person being the partner of such Clerk, shall act as Engineer or Surveyor, or being the partner of such Engineer or Surveyor, shall act as Clerk in the execution of this Act, every person shall for every such offence forfeit and pay the sum of Fifty Pounds, to be recovered in the manner hereinafter provided.

And to remove them:

And appoint others;

And to fix and pay their salaries;

The same person not to act as Clerk and as Engineer or Surveyor;

Penalty for breach of this enactment.

VIII. *Provided always, and be it further enacted by the authority aforesaid*, That the Commissioners shall and they are hereby required to take sufficient security from the Engineer or Surveyor, Clerks and Collectors of Tolls; and if they shall so think proper, shall and may also take such security from any other officer to be appointed under and by virtue of this Act.

Commissioners to take security from Engineer, Clerks, and Collector.

And from any other Officer they may think fit.

IX. *And be it further enacted by the authority aforesaid*, That if the Engineer or Surveyor, or Clerk, or other officer to be appointed by the Commissioners under and by virtue of this Act, shall have any part, share or interest in any contract or bargain for work, materials or tools to be done or provided, upon, for or on account of the Turnpike Roads, or any part thereof under his or their care and management, or shall upon his or their own accounts, directly or indirectly, let to hire any team, or sell and dispose of any timber, stone or other materials to be used or employed

Penalty on Engineer, Clerk or Officer, being concerned in any contract, &c.

in making or repairing such Roads, he or they shall forfeit, for every such offence, the sum of Fifty Pounds.

Power of Engineer, &c. to search for, dig and take materials, in private grounds ;

Not being an Orchard, &c.

Making and tendering satisfaction ;

As Commissioner may approve ;

In case of difference ;

To be settled by two Justices.

X. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Engineers or Surveyors to the Commissioners under this Act, and for all such persons as he or they shall appoint, to search for, dig, gather, take, and carry away any materials for making or repairing the Turnpike Roads, in or out of the lands of any person or persons where the same may be had or found, in any Township or place in which any of such Roads shall lie or be situate, or in any adjoining Township or place, not being an orchard, garden, planted walk or avenue to any house, or any enclosed ground planted as an ornament or shelter to an house, or set apart as a nursery for trees, making and tendering such satisfaction for such materials, and for the damage done to the owners or occupiers of the land where or from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as the said Commissioners shall judge reasonable ; and also to carry through and over any enclosed lands or ground, not being an orchard, garden, planted walk or avenue to any house, or any enclosed ground planted as an ornament or shelter to a house, or set apart as a nursery for trees, paying or tendering for the damage done in going through or over any enclosed lands or grounds for or with such materials, such sum or sums of money as the said Commissioners shall deem reasonable ; and in case of any difference between such Commissioners, Engineers or other persons appointed or employed as aforesaid, and the owners and occupiers of such lands, or any of them, concerning such payments and damages as aforesaid, any two or more Justices of the Peace for the District, on ten days notice thereof being given in writing by either party to the other, shall hear, settle and determine the matter of such payment and damages, and the costs attending the hearing and determining the same.

No materials to be taken without notice to the owner of the premises, to appear before two Justices to oppose it ;

XI. *Provided always, and be it further enacted by the authority aforesaid,* That it shall not be lawful for any Engineer, or any other person or persons acting under the authority of this Act, to dig, gather, get, take or carry away any materials for making and repairing the Turnpike Roads from any enclosed land or ground, until notice in writing, signed by the Engineer, shall have been given to the owner or owners of the premises from which such materials are intended to be taken, or his or their known Agent, or to the occupiers of the premises from which such materials are intended to be taken, or left at the house or last or usual place of abode of such owner or occupier, to appear before any two or more Justices of the Peace acting in and for the District, to shew cause why such materials

shall not be had therefrom; and in case such owner, agent or occupier, shall attend pursuant to such notice, but shall not shew sufficient cause to the contrary, such Justices shall, if they think proper, authorise such Engineer or other person to dig, get, gather, take and carry away such materials, at such time or times, as to such Justices shall seem proper; and if such owner, agent or occupier, shall neglect or refuse to appear, the said Justices shall and may, upon proof on oath of the service of such notice, which oath they are hereby empowered to administer, make such order therein as they shall think fit, as fully and effectually to all intents and purposes as if such owner or occupier had attended: *Provided always*, that the Commissioners shall not be required to pay any larger sum, as a satisfaction for any materials raised, taken or carried away from any lands or grounds for making or repairing the Turnpike Roads, than such sum of money as shall appear to the two or more Justices settling and determining such satisfaction that such materials might or could have been actually sold for, in case the same had not been raised, taken or carried away by such Commissioners; and in case the said Justices shall be of opinion that the said materials, before they had been so raised, taken or carried away, could not have been sold or disposed of, then the said Justices shall only assess the damage done to lands or grounds of the owners or occupiers thereof, by the raising, gathering and carrying away the same.

If owner appear, Justices may decide;

If owner neglect to appear, Justices may decide, on proof of service of notice:

Provide as to sum which Commissioners may be called on to pay.

XII. *And be it further enacted by the authority aforesaid*, That if the Engineer or Surveyor, or any other person employed by him, shall by reason of the searching for, digging or getting any gravel, sand, stone or other materials for repairing the Turnpike Roads, make or cause to be made any pit or hole in any lands or grounds as aforesaid, wherein such materials shall be found, the said Engineer or Surveyor shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired, during such time as the said pit or hole shall continue open, and shall within three days after such pit or hole shall be opened or made, where no gravel, stones or materials shall be found, cause the same forthwith to be filled up, levelled and covered with the turf or clod which was dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down or fenced off, and so continued, and if the same is likely to be further useful, the said Engineer shall secure the same by posts and rails, or other fences, to prevent accidents to persons or cattle; and in case such Engineer or Surveyor shall neglect to fill up, slope down, or

Provide in case pit or holes are dug for materials;

To fence same round;

If no materials found to fill up pit;

Penalty for negligence.

fence off such pit or hole, in manner and within the time aforesaid, he shall forfeit the sum of twenty shillings for every such default.

Engineers, &c. may cut drains and water-courses through contiguous lands;

May make ditches, fences and barriers;

Making satisfaction to the owner of lands injured;

Disputes as to value to be settled by two Justices.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Engineer or Surveyor, and such other person and persons as shall be appointed by the Commissioners under this Act, from time to time, to cut, make and maintain drains or watercourses, upon and through any lands lying contiguous to any of the Turnpike Roads; and also to make ditches in such places and in such manner, as such Engineer by order of such Commissioners, shall judge necessary; and make sufficient fences and barriers, and other erections, on any part or parts of the said Roads, in order to prevent any rivulet or current of water from flooding the same, as such Engineer shall judge necessary, making such satisfaction to the owner or occupier of such lands so to be used, cut through or built upon, for the damages which they or any of them may sustain thereby, as such Commissioners shall judge reasonable; and in case of any difference between such owner or occupier and such Commissioners, touching such damages, the same shall be finally settled by any two or more Justices of the District.

Meetings of Commissioners regulated;

No orders to be made unless a majority of Commissioners present concur;

All the powers of Commissioners may be executed by the major part of them;

Number present not being less than five;

Chairman to be appointed;

To have a casting vote;

XIV. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed under and by virtue of this Act, shall and may from time to time, meet at such time and place on or near the Turnpike Roads, as to them shall seem convenient, and may adjourn themselves to meet at any place and time as the major part of them present at any meeting shall appoint, and all orders and determinations of the Commissioners in the execution of this Act, shall be made at meetings to be held in pursuance thereof, and not otherwise; and that no order or determination shall be made, unless the major part of the Commissioners present shall concur therein, and that all acts, orders and proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Commissioners, and all the powers and authorities vested in them generally, shall and may be had, made, done and exercised by the major part of the Commissioners, who shall be present at the respective meetings to be held by virtue of this Act, the whole number present not being less than five, and that all acts, orders or proceedings, had, made or done by or before such five Commissioners, shall have the same force and effect as if the same were had, made or done by or before all the said Commissioners; and that a Chairman shall and may, in the first place, be appointed at any meeting to be held by virtue and for the purposes of this Act, who shall have the casting or decisive vote, in case of an equal number of votes, (including the Chairman's vote); and that no order or

determination at any meeting of the said Commissioners, once made, agreed upon or entered into, shall be revoked or altered at any subsequent meeting, unless notice of the intention to make such revocation or alteration shall have been given by three or more Commissioners, by writing under their hands, to the Clerk to the said Commissioners, at a previous meeting, and entered in the book of proceedings of such meeting; and unless notice, signed by any two or more Commissioners, shall have been affixed on all the Turnpike Gates then erected on such Roads, twenty-one days at least before such meeting, nor unless such revocation or alteration shall be agreed to be made by a greater number of Commissioners than concurred in the making of any such order or determination; and at their several meetings the Commissioners shall pay and defray their own expenses, except any sum not exceeding ten shillings per diem, for the use of the room wherein they shall meet.

No order once made to be revoked unless notice of intention to revoke be given;

And affixed on turnpike gates;

And unless revocation be made by a greater number than made the order;

Commissioners allowed no expenses except for the room in which they meet.

XV. *And be it further enacted by the authority aforesaid,* That all orders and proceedings of the Commissioners appointed under and by virtue of this Act, together with the names of the Commissioners present at every meeting, shall be entered in a book or books, to be kept by the Clerk to the said Commissioners for that purpose, and be signed by the Chairman of the meeting or meetings at which such orders or proceedings shall be from time to time made or had; and that such book or books shall be open at all seasonable times to the inspection of any of the Commissioners, without fee or reward, and such orders and proceedings so entered and signed by the Chairman of such meeting or meetings as aforesaid, shall be deemed and taken to be original orders and proceedings, and which said book or books, as well as the book or books in which the oath directed to be taken by the said Commissioners shall be entered, shall and may be read in evidence in all Courts whatsoever, in all cases of appeal, and in all prosecutions, suits and actions whatsoever.

Orders and proceedings of Commissioners to be entered in a book;

To be signed by Chairman;

Books open for inspection:

Books may be read in evidence in Courts.

XVI. *And be it further enacted by the authority aforesaid,* That the Commissioners under this Act, shall and they are hereby required from time to time, and at all times, to order and direct a book or books to be provided and kept by their Clerk for the time being, in which book or books the Clerk shall enter, or cause to be entered, true and regular accounts of all sums of money received, paid, laid out and expended for or on account of each road respectively, and of the several articles or things for which such sums of money shall have been disbursed, laid out and paid; and all books containing the accounts and proceedings of the Commissioners in the execution of this Act, shall be admitted in evidence in all Courts, and by all Judges, Justices, and others, without proving the

Books of account to be kept;

To be admitted in evidence in all Courts;

facts therein-contained, unless such facts or any of them shall be first controverted, and all such books shall be preserved and kept by the Clerk for the time being of such Trustees, and shall at all seasonable times be open to the inspection of the said Commissioners, without fee or reward, and the said Commissioners may take copies or extracts from the said book or books, without paying any thing for the same; and in case the said Clerk shall refuse to permit the Commissioners to inspect the said book or books, or to take such copies or extracts as aforesaid, such Clerk shall forfeit and pay any sum of money not exceeding Five Pounds for every such offence.

Books open to inspection;

Penalty on Clerk refusing to produce books.

Commissioners may sue and be sued in the name of their Clerk;

Actions not to abate by death of any Commissioner;

Or without consent of Commissioners;

Clerk to be reimbursed all sums which he has become chargeable with as plaintiff or defendant.

XVII. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed under and by virtue of this Act, may sue and be sued in the name of their Clerk for the time being; and that no action or suit to be brought or commenced by or against the Commissioners, in the name of such Clerk, shall abate or be discontinued by the death or removal of any Commissioners or Clerk, or any of them, or by the act of any Commissioner or Clerk without the consent of the said Commissioners, but that the Clerk for the time being to the said Commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in every such action or suit: *Provided always,* that such Clerk shall be reimbursed out of the moneys belonging to the Turnpike Road Trust, all such costs, charges and expenses, as he shall be put to or become chargeable with, or liable to, by reason of his so being made plaintiff or defendant.

Commissioner ordering the expenditure of money not authorised by this Act made personally liable;

Exception.

XVIII. *And be it further enacted by the authority aforesaid,* That every Commissioner who shall order or direct the expenditure of any money, for or towards the making or repairing or altering any road not comprehended in this Act, or for or towards the performance of any act, matter or thing not authorised by this Act, such Commissioner shall be personally liable to the Trust for the re-payment of the money so expended at the suit of any person, or of any Commissioner, or of the Clerk to the said Commissioners on behalf of the Trust: *Provided always,* that no Commissioner shall be personally subject or liable (except as next hereinbefore mentioned) to the payment of any sum or sums of money laid out or expended in or towards the making, repairing or altering the Turnpike Roads authorised by this Act, nor shall execution issue against the goods and chattels of any Commissioner by reason of his having acted as such Commissioner, or having signed or authorised or directed any contract or security to be entered into relating to any such Road, unless in such con-

tract or security such Commissioner shall have in express words rendered himself so personally liable.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the Commissioners, and they are hereby required to hold a general meeting on the first Monday in November in each year, when they shall examine into the revenues and debts of the Trust, and the Clerk to the Commissioners shall forthwith make out a statement of the debts, revenues and expenditure received and incurred on account of the Trust, in the form contained in the Schedule to this Act annexed, which said statement shall be submitted to the Commissioners assembled at such meeting, and when approved by the majority of them, shall be signed by the Chairman of said meeting; and the said statement being so approved and signed by the said Clerk shall within ten days thereafter transmit the same to the Lieutenant Governor of the Province, for the information of the Legislature; and if such Clerk shall refuse or neglect to make out such statement as aforesaid, or to transmit the same within the time hereinbefore-mentioned, the Clerk so offending shall forfeit and pay the sum of Fifty Pounds, to be recovered as hereinafter directed.

General meeting of Commissioners;

When :

What to be done there :

Statement there adopted to be sent to Lieutenant Governor within 10 days ;

Penalty on Clerk for neglecting.

XX. *And be it further enacted by the authority aforesaid,* That all such officers as shall be appointed by the Commissioners under this Act, shall from time to time, when thereunto required by the said Commissioners, deliver to them, or to such person or persons as they shall for that purpose appoint, true, exact, and perfect accounts in writing, under their respective hands, of all moneys which they and every of them respectively shall have received to that time by virtue of any Act, and how much thereof has been paid and disbursed, and for what purpose, together with the proper vouchers for such payments, and shall pay all such moneys as shall remain in their or any of their hands, to the said Commissioners, or to such person or persons as they shall appoint to receive the same, and not otherwise, within such time as the said Commissioners shall limit and appoint; and if any such officer shall refuse or neglect to produce or deliver up such accounts, and the vouchers relating to the same, or shall refuse or neglect to pay the money due on such account within the time, or in manner aforesaid, or if any such officer or person shall refuse or neglect to deliver up to the Commissioners, or to such person or persons as they shall appoint, within ten days after being thereunto required by the said Commissioners, all the books, papers, writings, tools and implements in his custody or power, relating to the execution of this Act, then in any and every of the said cases, it shall be lawful for any two or more Justices of the Peace for the District, upon complaint made to them by

Officers whenever required by Commissioners to render accounts of all moneys.

with proper vouchers;

If Officer neglect or refuse to comply in any respect ;

Two Justices on complaint may summon such Officer ;

or on behalf of the said Commissioners, and such Justices are hereby required, by warrants under their hands and seals, to summon such officer or officers, person or persons, to appear before them; and upon his or their appearing, or not being to be found, to hear and determine the matter of such complaint in a summary way, and to settle the said account or accounts, if produced; and if upon confession of the officer or officers, person or persons against whom any such complaint shall be made, or by the oath or oaths of any witness or witnesses, (which oath such Justice is hereby empowered and required to administer,) or upon inspection of the said accounts, if produced, it shall appear to such Justices that any of the money which shall have been collected or received, shall be in the hands of such officer or officers, person or persons, such Justices may and are hereby authorised and required, on non-payment thereof, by warrant under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of such officer or person respectively; and if no goods and chattels can be found sufficient to answer and satisfy the said money, and the charges of distraining and selling the same, or if such officer or other person shall not appear before the said Justices at the time and place appointed by them for that purpose, unless for some sufficient reason, or if appearing shall refuse or neglect to give and deliver up to the said Justices an account of all the receipts and payments as aforesaid, or to produce and deliver up to the said Justices the several vouchers and receipts relating to such accounts respectively, or the books, accounts, papers, writings, tools and implements, in his custody or power relating to the execution of this Act, then and in either of the cases aforesaid, such Justices may and they are hereby authorised and required, by warrant under their hands and seals, to commit such officer or person to the common Gaol of the District, there to remain without bail or main-prize, in case he shall be committed for non-payment of any money received by him, or in his hands, until he shall have accounted for and paid the full amount thereof, or compounded with the Commissioners, and paid such composition in such manner as the said Commissioners may appoint, (which composition the said Commissioners are hereby empowered to make,) or in case he shall be committed for not delivering up any account, books, papers, writings, tools or implements as aforesaid, or make satisfaction in respect thereof to the said Commissioners: *Provided* that no person who shall be committed for want of sufficient distress, shall be detained in prison, by virtue of this Act, for a longer period of time than six calendar months.

And determine the matter,

If moneys are in hands of such Officer;

Justices may cause the same to be levied by distress;

If no goods,

Or if Officer do not appear,

Or neglect or refuse to deliver accounts and vouchers, or books, &c.

Justices may commit such Officer to gaol;

No person committed for want of sufficient distress to be detained longer than six months.

Commissioners to continue present toll gates;

XXI. *And be it further enacted by the authority aforesaid, That it shall be lawful for the Commissioners under this Act, and they are hereby*

authorised and empowered to continue all and every or any of the Toll Gates or Toll Houses now standing, or being in, upon or across any of the Turnpike Roads, or on the sides thereof, and from time to time, at any special meeting to be holden for that purpose, of which meeting public notice, specifying the time and place and the purpose thereof, shall have been given in some Newspaper published and circulated in the District, and also by affixing a copy of such notice on all the Turnpikes, Toll Gates or Side Bars, (if any,) which shall be standing on such Road fourteen days previously to such meeting, to order and direct, by some order in writing, that there be erected and built in, upon or across any of the Turnpike Roads, or any part thereof, or upon the sides thereof, or any part thereof, when and where they shall judge necessary, such and so many Turnpikes, Toll Gates, Side Bars and Chains, with Toll-houses, out-houses and other conveniences thereto; and also to take in and enclose on the sides of such Roads, or any part thereof, suitable garden spots for each of such Toll-houses, not exceeding one-eighth of a statute acre to each Toll-house, as the said Commissioners shall direct or appoint; and also shall and may, from time to time, at any such meeting, or at any other meeting to be called as aforesaid, and by such order as aforesaid, from time to time, order and direct any of such Toll Gates, Turnpikes, Side Bars and Chains, to be taken down or discontinued, or to be removed and placed elsewhere, upon, across or on the sides of such Roads, in such situations as to them the said Commissioners may appear fit or eligible.

And after public notice.

to direct erection of new and additional toll gates;

And to enclose land on road side for gardens to toll-houses;

And may discontinue any toll-gate,

Or change their site.

XXII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners to order and direct one or more lamp or lamps, to be erected and placed on or against, or in front of each and every of the Toll-houses on the Roads, and also to order and direct at what times of the year, and during what hours such lamp or lamps, or any of them, shall be kept lighted; and all and every the Collector and Collectors of Tolls on such Roads, who shall neglect or omit to observe and fulfil the orders of the said Commissioners, in respect to the keeping or lighting such lamp or lamps, shall forfeit and pay any sum not exceeding twenty shillings for every such neglect or omission; and in case any person shall wilfully damage or injure any lamp so set up as aforesaid, or extinguish the light therein, such person shall forfeit and pay any sum not exceeding forty shillings for every such offence.

Commissioners may order lamps to be erected at toll-houses;

Collectors refusing or neglecting liable to a penalty;

Penalty for wilful damage to such lamps.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Commissioners, at any of their respective meetings, if they think proper, to order or cause to be built and erected, at any of the Turnpikes or Toll Gates, on the Roads under their care and

Commissioners may order the erection of weighing machines;

management, one or more Crane or Cranes, Machines or Engines, proper for the weighing of waggons or carriages conveying any goods or merchandize whatsoever; and by notice on a board for that purpose, to be put up at or near to every such Weighing Machine, to order and direct all and every such waggons or carriages as shall come within one hundred yards of any such Crane, Machine or Engine, on such Turnpike Roads, to be weighed, together with the lading thereof.

And may direct waggons &c. to be weighed.

Keeper of toll-gate, when weighing machine erected, to weigh waggons, &c.

Penalty for neglect of duty;

Penalty on owner refusing to have his waggon, &c. weighed.

XXIV. *And be it further enacted by the authority aforesaid,* That the Keeper of every Toll Gate or Bar, where any Weighing Engine shall be erected, or any other person who shall be appointed by the Commissioners to the care of such Weighing Engines, shall and he is hereby required to weigh all such waggons, carts and other carriages liable to be weighed, as shall pass laden through such Gates or Bars respectively, and which he shall believe to carry greater weights than are allowed to pass without paying additional Toll; and if any Collector or person so appointed shall permit any such waggon, cart or carriage, to pass by or through any Toll Gate, of which he is in charge, with a greater weight than that allowed, without weighing the same, and receiving the additional Toll, he shall for every offence forfeit the sum of Five Pounds; and if the owner or driver of any waggon, cart or other carriage, shall refuse to allow the same to be weighed, or shall resist any Gate Keeper or other person appointed in weighing the same, the owner or driver so offending shall forfeit and pay any sum not exceeding Five Pounds.

Power of Commissioners as to tolls already imposed;

May lessen tolls;

And increase again the tolls so lessened;

And on removal of gates or erection of new ones,

may impose tolls;

XXV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners appointed under this Act, to continue to demand and receive the Tolls now directed to be taken and collected by any Act passed by the Legislature of this Province, for making and maintaing the Macadamized Roads, and they are hereby also empowered, at a meeting to be held for that purpose, of which meeting one calendar month's notice shall have been given in writing, to be affixed at all Turnpike Gates which shall be then erected upon such Roads, and in some public Newspaper published in the District, from time to time, to lessen or reduce all or any of the Tolls to be taken and collected as aforesaid, for and during such time as the Commissioners shall think proper, and afterwards at any meeting to be held as aforesaid, from time to time, as they shall see occasion, to increase all or any of the Tolls so lessened, to any sum or sums of money, and also upon any Toll Gates, Turnpikes, Side Bars and Chains, being removed and placed elsewhere, or upon the erection or buildings of such other Toll Gates, Turnpikes, Side Bars or Chains, as the said Commissioners shall direct, they are hereby authorised

and empowered, at any meeting to be held as aforesaid, to fix such Toll to be demanded, taken, collected and received at every such Toll Gate, Turnpike or Side Bar, so removed and placed or erected elsewhere, as may be found necessary and expedient to answer the purposes of this Act: *Provided always*, that the amount of Tolls collected upon each of the Turnpike Roads mentioned in this Act, shall not be less annually, after deducting the expense of collection, than will pay the interest of the principal sum expended in constructing the same respectively, and also pay such further sum as may be found necessary to keep the said Roads in repair, together with the salaries of the Engineer or Surveyor, and Clerk or Clerks.

Amount of tolls to be sufficient to pay all charges, the interest of the debt, and necessary repairs.

XXVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners appointed under this Act, to raise such Tolls on the Turnpike Roads, from and after the expiration of twelve years from the passing of this Act, as will enable them to keep such in repair, pay the necessary officers employed in the execution of this Act, and redeem the balance of the principal sum expended in constructing said Roads, within a period of not less than twenty-six years from the passing of this Act.

Further powers of raising tolls after the expiration of twelve years.

XXVII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners of the Turnpike Roads, at a public meeting, to let to farm the Tolls of the several Gates erected upon such Turnpike Roads, in the manner hereinafter mentioned, that is to say: the Commissioners shall cause notice to be given of the time and place of letting the same, at least one month before the day appointed for that purpose, by affixing the same upon every Toll Gate belonging to such Turnpike Roads, and by insertion thereof in some public Newspaper circulated in the District, and specifying in every such notice the sum which the said Tolls produced in the preceding year, clear of the salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction, to the best bidder, upon his producing sufficient sureties for the payment of the money monthly, and that they will be put up at the sum which they were let for or produced in the preceding year, clear of the salary of the Collector; the highest bidder shall be the farmer or renter of the said Tolls, and shall forthwith enter into a proper agreement for the taking thereof, and paying the money at the time specified in such notice, with such surety or sureties for the payment thereof, and under such conditions, and in such manner as the said Commissioners shall think fit; and if the person being the highest

Commissioners may farm out tolls;

Notice to be given;

What notice must contain;

Highest bidder to be the farmer of the tolls;

Sureties to be given;

If highest bidder fail
tolls to be put up again
immediately ;

If no bidder, or if tolls
not let at auction,

Commissioners may accept
a private tender ;

It not less than the sum
for which they were last
let ;

Or may appoint a
Collector ;

Or fix a future day for
letting the same ;

Penalty for taking a
greater or less toll than
that regulated ;

Commissioners may
appoint a person to bid
for tolls ;

Not to be let for more
than twelve months at a
time.

Commissioners and their
Collectors may daily
demand and receive tolls,

Tolls payable before any
horse, &c. allowed to
pass.

bidder shall not forthwith enter into such agreement, it shall and may be lawful to put up the said Tolls again immediately for another bidder, and in like manner to continue putting up the same until a bidder shall be found who shall enter into such agreement; and in case no bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Commissioners to accept a private tender for the same, and to demise or let to farm all or any of such Tolls, at any sum not less than the sum at or for which they shall then have been last let, or the said Commissioners may appoint a Collector of such Tolls, or fix some future day for the letting thereof, as they shall judge most proper, upon giving such notice thereof as aforesaid, and shall and may in that case put them up at such sum as they shall think fit; and if the person who shall be the farmer, renter or collector of such Tolls, shall take a greater or less Toll from any person than what is authorised and directed by the Commissioners under this Act, he shall for every such offence forfeit the sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the Commissioners think fit to vacate the same, become null and void: *Provided always*, that when the Commissioners shall put up the Tolls to let or farm, the said Commissioners may, if they think fit, appoint some person to bid for the same on their account, to the intent that such Tolls may not be let for less than an adequate value, and also that nothing in this Act shall be construed to empower the Commissioners to let to farm the said Tolls for a longer period at one time than twelve calendar months.

XXVIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners under this Act, or any person appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take every day, (such day for the purposes of this Act being computed from twelve of the clock at night, to twelve of the clock at the next succeeding night,) the several and respective Tolls directed to be taken by the Commissioners at the several and respective Toll Gates and Turnpikes, Side Bars, and Chains in, upon, across or on the sides of the Turnpike Roads, or any part thereof; and which Tolls or sums of money shall be demanded and taken as aforesaid, before any horses, cattle or carriage whatsoever, shall be permitted to pass through any Toll Gate, or Turnpike, or Side Bar or Chain, and the Tolls or sums of money to be levied and collected by virtue of this Act, are hereby vested in the Commissioners for the purposes thereof, in manner to be thereby directed.

XXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners, and they are hereby empowered, from time to time, as they shall see convenient, to compound and agree, for any term not exceeding one year at any one time, with any person for the Tolls payable for any horses, cattle or beasts, or carriages passing through any of the Turnpikes or Toll Gates of the Roads under their care and management, and collected and taken under the authority of this Act; and also that the Commissioners shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross, or not travelling a greater distance than three hundred yards on any Turnpike Road, and without any intention to evade the Tolls, as to them may appear just and reasonable.

Commissioners may compound with any person for tolls;

And make arrangement with any person having only to cross the road or travel a short distance thereon.

XXX. *And be it further enacted by the authority aforesaid,* That the Commissioners under this Act shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued at every Toll Gate within the District, a Table painted in distinct and legible black letters, on a board with a white ground, containing at the top thereof the name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing severally the total amount of Tolls payable under this Act, and also a List of the several Gates which shall be wholly or partially cleared by the payment of Tolls at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Commissioners shall also provide tickets, denoting the payment of Toll, and on such several tickets shall be specified the name of the Gate at which the same respectively shall be delivered, and also the names of the several Gates freed by such payment, one of which tickets shall be delivered gratis to the person paying the Toll, and on the production of such ticket therein-mentioned, as being cleared as aforesaid, by the payment of the Toll at the Gate where such ticket was delivered, the person producing the same, shall pass through the Gate or Gates therein-mentioned without paying any further or additional Toll.

A board containing a table of tolls, &c. to be kept up at every toll-gate.

How to be painted:

Particulars to be contained in the table;

Tickets to be provided;

What they are to contain.

XXXI. *And be it further enacted by the authority aforesaid,* That upon the death, incapacity, refusal, neglect or absconding of any collector or receiver of Tolls at any Turnpike or Weighing Machine, upon any of the Turnpike Roads, any two or more of the Commissioners, though not assembled at any meeting, by writing under their respective hands, shall and may nominate and appoint a proper person in his place, to continue until the next meeting of the Commissioners, in the stead of such collector or receiver as shall so die, become incapable, refuse, neglect or abscond; which person so nominated and appointed shall have the like power and

In case of death, &c. of Collector two Commissioners may appoint a temporary successor;

Who shall exercise the same powers and be in the same manner liable as his predecessor;

Possession of toll-house, &c. may be taken if refused, under the authority of any Justice.

authority, and be answerable and accountable, in the same manner, in all respects, as the person who shall die, become incapable, refuse, neglect or abscond, would have had and been subject to if living; and if any collector or receiver of Tolls as aforesaid, who shall be discharged from his office by the said Commissioners, or the wife or widow, or any of the children, family or representatives of any collector or receiver, who shall die, abscond, refuse or neglect to perform his duty, or be discharged, or any other person having the possession of any Toll House or Building, or Weighing Machine, erected by virtue of this Act, shall neglect or refuse to deliver up such possession for the space of three days after demand thereof made, and notice in writing given for that purpose by any two or more of such Commissioners, or by their Clerk, then and in any of the said cases it shall and may be lawful for any Justice of the Peace for the District, by warrant under his hand and seal, to order any Constable, or other Peace Officer for the same place, with such assistance as shall be necessary, to enter such House or Building, or Weighing Machine, in the day time, and to remove the person who shall be found therein, together with his goods, out of the same, and to put the said Commissioners, or any of their officers, in the possession thereof.

While tolls are leased Lessee to have possession of toll-house and appurtenances;

XXXII. *And be it further enacted by the authority aforesaid,* That during such time as the Tolls arising on any of the Turnpike Roads, or any part or parts thereof, shall be leased, demised or let to any person whatsoever, it shall and may be lawful to and for the lessee or farmer thereof, or such other person as he shall authorise and appoint, to occupy and enjoy the Toll House or Houses at which the said Tolls so let are to be collected and to arise, with all the appurtenances and conveniences to the same Toll House or Toll Houses belonging, for the purpose of collecting such Tolls during so long time only as such lessee or farmer shall duly and regularly pay his rent or rents, and perform the covenants, agreements and conditions of such lease, demise or letting, but no further or otherwise.

Paying his rent, &c.

If Lessee of tolls neglect to fulfil the conditions of lease, or if rent in arrear seven days;

XXXIII. *And be it further enacted by the authority aforesaid,* That in case all or any of the Tolls, arising by virtue of this Act, shall be demised or let to farm to any person, in any manner whatsoever, and the lessee or farmer thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let, or in case the rent or rents agreed to be paid by such lessee or farmer, shall be in arrear for the space of seven days next after any of the days on which the same ought to be paid, pursuant to the agreement for letting to farm thereof, or in case any such lease or agreement shall in any other manner become

Lessee may be removed by warrant of a Justice;

void, then and in any of those cases it shall and may be lawful for any Justice of the Peace for the District, by warrant under his hand and seal, to order a Constable or other Peace Officer, with such assistance as shall be necessary, to enter upon and take possession of any Toll House or Toll Houses, Toll Gate, Bar or Chain, or Weighing Machine, and the buildings or appurtenances thereto belonging, and to remove and put out such lessee or farmer of the Tolls arising thereat respectively, or other person who shall be found therein, together with his goods, out of and from the possession of the said Toll House or Toll Houses, and from the collection of Tolls, and to put the said Commissioners, or any of them, or their new appointed officer or other person acting by or under their authority, into the possession thereof, and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate and determine the contract and agreement (if any) for demising or letting the said Tolls to such lessee or farmer, and the same shall be from that time utterly void to all intents and purposes, (save as to covenants or agreements,) for payment up to that time of the rent or rents thereby reserved, or other covenant or agreements on the lessee's part which shall have been holden, as if such demise or agreement had never been made, and it shall be lawful for the said Commissioners, in every such case, to demise or let to farm the said Tolls again to any other person, or cause them to be collected, as if no former demise, contract or agreement had been made relative thereto, any rule of law or right to the contrary notwithstanding.

And Commissioners be put in possession;

And Commissioners may annul the agreement.

XXXIV. *And be it further enacted by the authority aforesaid, That every Toll Collector upon the Turnpike Roads, shall place or cause to be placed on some conspicuous parts of the front of the several Toll Houses at which they shall be respectively stationed, and so that the name shall appear to public view, their Christian and surnames, painted in black on a board with a white ground, each of such letters of such name or names, to be at least two inches in length, and of a breadth in proportion, and that such board shall be and remain at such Toll House during the whole of the time that the person whose name shall be expressed thereon shall be on duty thereat; and if any Collector of the said Tolls shall not place such board, and keep the same there during the time he shall be such Collector as aforesaid, or shall demand and take a greater or less Toll from any person than he shall be authorised to do by virtue of the orders and resolutions of the Commissioners, made in pursuance of this Act, or shall demand and take a Toll from any person who shall be exempt from the payment thereof, and who shall claim such exemption, or shall refuse, or permit or suffer any person to read, or shall in any wise hinder any person from reading the inscriptions on such board, or*

Every toll Collector to keep up a board with his name painted thereon at length;

Penalty for this or any other breach of duty by Collectors of tolls.

shall refuse to tell his Christian and surname to any person who shall demand the same, on being paid the said Tolls, or any of them, or shall in answer to such demand give a false name, or shall refuse or omit to give to the person paying the Toll a ticket denoting the payment of the Tolls, and naming and specifying the Toll Gate at which such ticket has been delivered, and the Toll Gate or Toll Gates (if any) freed by such payment, or upon legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder or prevent any passenger from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive language to any Commissioner, traveller or passenger, then and in every such case, every such Toll Collector shall forfeit and pay any sum not exceeding Five Pounds for every such offence.

Lessee to have same powers of collecting tolls, &c. as a Collector appointed by the Commissioners;

XXXV. *And be it further enacted by the authority aforesaid,* That during such time as the Tolls, or any part thereof, shall be leased to any person whomsoever, it shall be lawful for the lessee or farmer thereof, or such other person as he shall by writing or writings under his hand authorise and appoint, to demand and take such Tolls so leased, demised or farmed, and to use all such means and methods for the recovery thereof, in case of non-payment or evasion, as any Collector of such Tolls appointed under this Act is authorised and empowered to use; and such lessee or farmer, or other person as aforesaid, so demanding and taking such Tolls, shall be subject to the like pains and penalties and forfeitures, and shall be liable to the like actions and prosecutions as any Collector of such Tolls appointed by the Commissioners is subject or liable.

And to be subject to the same liabilities.

Competency of witnesses respecting tolls.

XXXVI. *And be it further enacted by the authority aforesaid,* That in case any dispute, suit or litigation shall arise, touching or in any wise relating to the Tolls granted by this Act, the person appointed to collect the same, or any other person acting under the authority of the Commissioners, shall not be incompetent to give evidence in any such dispute, suit or litigation, on account of his being appointed to collect such Tolls.

Property in toll, gates, toll-houses, &c. &c. vested in the Commissioners.

XXXVII. *And be it further enacted by the authority aforesaid,* That the right, interest and property of and in all the Toll Gates and Toll Houses, Weighing Machines and other erections and buildings, lamps, bars, toll boards, direction boards, mile stones, posts, rails, fences and other things which shall have been or shall be erected and provided, in pursuance of any Act of the Legislature for improving the Turnpike Roads in this Province, with the several conveniences and appurtenances thereunto belonging, and the materials of which the same shall consist, and all

materials, tools and implements which shall be provided for making and repairing said Road, shall be vested in the Commissioners under this Act for the time being, and they are hereby authorised and empowered to apply and dispose of the same as they shall see fit.

XXXVIII. *And be it further enacted by the authority aforesaid,* That if any person shall drive any wheeled carriage upon that part of the Road between the stones or hard road and the ditch, when that part of the road is not sufficiently firm to resist the pressure of the wheels without forming ruts, further than may be necessary in passing any other vehicle, or in turning on, off or upon such road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall wilfully pull down or damage any bridge, wall or any other building or erection made by the Commissioners under this Act, or repairable by them, or shall haul or draw, or cause to be hauled or drawn upon any part of the Turnpike Roads, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, to drag or trail upon such Road to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon such Road, without some proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever upon such Road, to the prejudice, interruption and danger of any person travelling thereon, or if any person shall after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to lie and remain on such Road, any stone or other thing with which such cart or carriage shall have been blocked or stopped, or if any person should pull down, damage, injure or destroy any lamp or lamp post put up, erected or placed in or near the side of the Turnpike Road or Toll Houses erected thereon, or shall wilfully extinguish the light of any such lamp, or if the occupier of any land or premises adjoining said Roads, shall suffer his cattle to lie about the same, or if any person shall wilfully pull down, break, injure or damage any Table of Tolls put up or fixed at any Toll Gate or Bar, or any part of the Turnpike Roads, or wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or if any person shall throw any earth, rubbish or other matter or thing into any drain, ditch, culvert or other water-course made or repairable by virtue of this Act, so as to obstruct the waters from running or draining off the Turnpike Roads, or if any person shall without being thereto authorised by the Engineer or Surveyor for the time being, shovel up, scrape together, or carry away any stones, gravel, sand or other

Penalty for driving off the hard road;

Doing damage to fences,

Or to bridge, walls or other building,

Or trailing timber, &c. along the road,

Or leaving waggon, &c. without any one in charge of it,

Or laying timber, &c. on the road,

Or leaving blocks or stones in the road.

Or injuring lamps.

Suffering cattle to lie about the road,

Damaging toll-board, or defacing the same,

Or throwing rubbish, &c. into any drain,

Or carrying away soil, &c. from the road,

Or digging holes, materials, dirt or soil, from any part of the Turnpike Roads, or dig any holes or ditches on the allowances for the same, or if any person shall in any manner wilfully prevent any other person from passing him, or any carriage under his care upon such Roads, every person offending in any of the cases aforesaid, shall forfeit and pay a sum not exceeding Forty Shillings for such offence.

Maliciously throwing down, &c. gates or other fence belonging to the turnpikes, a misdemeanor. XXXIX. *And be it further enacted by the authority aforesaid,* That if any person shall unlawfully and maliciously throw down, level or otherwise destroy, wholly or in part, any Turnpike Gate, or any Chain, Rail, Post, Bar or other fence belonging to any Turnpike Gate or Bar, set up or erected to prevent passengers passing by without paying the Toll directed to be paid by the Commissioners under this Act, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof shall be punished accordingly.

Exception from tolls: XL. *And be it further enacted by the authority aforesaid,* That no Toll shall be demanded or taken by virtue of this Act, for any horses or carriages attending the Lieutenant Governor of the Province for the time being, or for the horse of any officer or soldier on the march or on duty, or for any horse or other beast, or any cart, carriage or waggon employed in conveying or carrying the arms or baggage of any such officer or soldier, or in carrying or conveying any sick, disabled or wounded officer or soldier, or for any waggon, cart or other carriage, or the horse, horses or beasts drawing the same, employed in conveying any ordnance or barrack, or Commissariat or other public stores of or belonging to Her Majesty, Her Heirs or Successors, for the use of Her Majesty's forces: *Provided always,* that such waggon, cart or other carriage, and such horse or other beast so employed in carrying and conveying such officers or soldiers, arms, munitions or stores as aforesaid shall belong to Her Majesty, or be impressed for the performance of such services, or for any horse or carriage that shall only cross any Turnpike Road, and not pass above one hundred yards thereon, or for any horse, beast or other cattle or carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same day any dung, soil or compost, or manure for improving lands, or any ploughs, harrows or implements of husbandry, unless laden also with some other thing not hereby exempted from Toll, or any hay, straw, fodder for cattle, and corn in the straw which has grown or arisen on the land or ground in the occupation of the owner of any such hay, straw, fodder, or corn in the straw, potatoes or other agricultural produce, and which has not been bought, sold or disposed of, nor is going to be sold or disposed of, or for any horse or other beast employed

Lieutenant Governor,

Officer or Soldier on duty,

Waggons, &c. carrying their baggage or arms,

Or wounded Officer or Soldier,

Or public stores for the use of Her Majesty's Forces,

Provided that such waggon &c. belong to Her Majesty;

Or is impressed for such service;

Or for any Horse, &c. carrying compost;

Or implements of husbandry;

Or Hay, &c. under certain circumstances;

in husbandry, going to or returning from plough or harrow, or to or from pasture or watering place, or going to or returning from being shod or farried, such horse or other beast not going or returning on those occasions more than one mile on the Turnpike Road, or of or from any person or persons going to or returning from his, her or their usual place of religious worship on Sundays, or from any persons attending funerals, or from any waggon, cart or other carriage employed at days wages by the Commissioners, in carrying or conveying materials for making or repairing the Turnpike Roads, or from the Engineer or Surveyor, or from the Commissioners appointed under this Act, when personally passing through any Turnpike, Toll Gate, Side Bar or Chain, upon or across any of the Turnpike Roads in the District.

Or for any Horse, &c. going or returning while employed in husbandry ;

Or from persons going to or returning from public worship on Sundays ;

Or funerals ;

Or from waggons, &c. employed at days wages for the roads ;

Or from Engineer or Commissioners when personally passing.

XLII. And be it further enacted by the authority aforesaid, That if any person shall claim or take the benefit of the exemption mentioned in this Act, not being entitled to the same, every such person shall for every such offence forfeit any sum not exceeding Forty Shillings, and in all cases the proof of exemption shall be upon the person claiming the same.

Penalty on persons taking the exemption who are not entitled thereto.

XLII. And be it further enacted by the authority aforesaid, That if any person shall with any horse, cattle, beast or carriage, go off or pass from any Turnpike Road through or over any land or ground near or adjoining thereto, not being a public highway, and such person not being the owner or occupier or servant, or one of the family of the owner or occupier of such land or ground, with the intent to evade the payment of the Tolls directed to be taken by any order of the Commissioners under this Act, or if any owner or occupier of such land, shall knowingly or willingly permit any person, except as aforesaid, with any horse, cattle or beast, or carriage whatsoever, to go or pass through or over such land or ground, with intent to evade any such Toll, or if any person shall give or receive from any person other than the Collector of the Tolls, or shall forge, counterfeit or alter any note or ticket, directed to be given with intent to evade the payment of the Tolls, or any part thereof, or if any person shall fraudulently or forcibly pass through any such Toll Gate, with any horse, cattle, beast or carriage, or shall leave upon the said Road any horse, cattle, beast or carriage whatsoever, by reason whereof the payment of any tolls or duties shall be evaded or lessened, or shall take off, or cause to be taken off, any horse or other beast or cattle from any carriage either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any horse or

Penalty for evading tolls ;

Or knowingly permitting any person to cross land off the road to evade tolls ;

Or counterfeiting tickets ;

Or forcibly passing with any horse &c. through a toll gate ;

Or otherwise lessening the tolls or evading the same.

other beast to any such carriage, and draw therewith upon any of the Turnpike Roads, so as to increase the number of horses or other beasts drawing the said carriage, after the same shall have passed through any Toll Gate, whereby the payment of all or any of the Tolls may be evaded or lessened, or if any person shall do any other act whatsoever, in order and with evident intent to evade the payment of all or any of the Tolls, and whereby the same shall be evaded or lessened, every such person shall forfeit and pay for every such offence, any sum not exceeding Forty Shillings.

Commissioners may make a temporary road, under certain exceptions, over adjoining lands till the road be repaired, &c. making recompense;

XLIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners to make, or cause to be made, a road through the grounds adjoining any ruinous or narrow part, or any part making and not completed of any Turnpike Road, (not being the site or ground whereon any buildings stand, nor being an orchard, yard, garden, planted walk or avenue, or any ground planted as an ornament or shelter for an house, or any enclosed ground set apart as a nursery for trees,) to be made use of by all passengers, cattle and carriages, as a public highway, whilst the old road is repairing or widening, or a new road making, and till such time as it shall be convenient for passengers and carriages to pass along the same, making such recompense to the owners and occupiers of such private grounds respectively for the damage they shall or may thereby sustain, as shall be adjudged reasonable by the Commissioners; and in case of any difference concerning such damages between such owners or occupiers and such Commissioners, then it shall and may be lawful for any two or more Justices of the Peace, acting in and for the District, on fourteen days notice in writing being given by either party to the other, to settle, adjudge and finally determine what recompense shall be made to such owners and occupiers for the damages they shall have sustained as aforesaid.

If recompense disputed, two Justices may determine the same.

Penalty on forcibly opposing Collector in the execution of his duty.

XLIV. *And be it further enacted by the authority aforesaid,* That in case any person shall resist, or make forcible opposition against any Collector of the Tolls in the execution of his office, every such person offending therein, shall for every such offence forfeit any sum not exceeding Five Pounds, at the discretion of the Justices of the Peace before whom he shall be convicted.

Vacancy by Trustees neglecting to attend meetings;

XLV. *And be it further enacted by the authority aforesaid,* That if any of the present Trustees shall neglect to attend three successive meetings of the Commission, after due notice of such meetings shall have been personally served upon such Trustees, unless they shall have been pre-

vented by sickness, or absence from the District, he or they shall be deemed and taken to have vacated their office of Trustee, and upon a representation of such absence being made to the Governor, Lieutenant Governor, or person administering the Government, by a majority of the Trustees, it shall and may be the duty of the said Governor, Lieutenant Governor, or person administering the Government, to nominate and appoint another or other Trustee or Trustees, in the place of such Trustee or Trustees neglecting to attend as aforesaid. To be filled by Governor.

XLVI. *And be it further enacted by the authority aforesaid,* That no cart or waggon, travelling on any of the Turnpike Roads, shall be driven by any person who shall not be of the full age of thirteen years, under a penalty not exceeding ten shillings, to be paid by the owner of such cart or waggon; and if the driver of any carriage whatsoever, on any part of the Turnpike Roads, shall by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing, or being upon such road, or shall quit the road and walk on the footpath, or wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such Turnpike Road, that he cannot have the direction or government of the horses or cattle drawing the same, or if any person shall by negligence or misbehaviour prevent, hinder or interrupt the free passage of any carriage, or of Her Majesty's Subjects on any of the Turnpike Roads, every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses before any Justice of the Peace for the District, shall for every such offence forfeit any sum not exceeding Forty Shillings, and in default of payment, be committed to the common Gaol, for any time not exceeding one month, unless such forfeiture shall be sooner paid, and every such driver offending in either of the said cases, shall and may by the authority of this Act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to law. No waggon, &c. to be driven by a person under 13 years of age; Penalty on negligent driving; Fine; Imprisonment in default of payment.

XLVII. *And be it further enacted by the authority aforesaid,* That if any person shall erect, make, or cause to be erected and made, any dwelling house, building or fence, on any part of the allowance of one chain for the Turnpike Roads, or shall make any drain, gutter, sink or water-course, without the consent of the Commissioners first had and obtained, across or otherwise break up or injure the surface of any such Road, or of any part thereof, every person so offending shall forfeit and pay for every Penalty for obstructing the road by buildings; Or making drains, &c.

Commissioners may remove buildings, &c.

Or fill up drains, &c. at party's expense;

Two Justices may levy the penalty and these expenses.

such offence, any sum not exceeding Forty Shillings; and it shall be lawful for the Commissioners under this Act, to cause such dwelling house or other building, fence, drain, gutter, sink or water-course, to be taken down or filled up at the expense of the person to whom the same shall belong; and it shall and may be lawful for any two or more Justices of the Peace of the District, upon proof thereof to them made upon oath, to levy as well the expenses of taking down or filling up such dwelling house or other building, drain or other encroachments as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner on demand.

No person retailing wine, &c. to hold office under the Commissioners.

XLVIII. And be it further enacted by the authority aforesaid, That no person shall be capable of holding any place of profit under the Commissioners of the Turnpike Roads, who shall sell any Wines, Ale or Spirituous Liquors, or provisions by retail.

All persons living within half a mile of either side these roads, required to commute their statute labour at 2s. 6d. per diem;

Town Clerk required to deliver lists to Commissioner's Clerk of persons liable to such commutation;

Ten shillings allowed Town Clerk;

Commissioners may demand such commutation;

And on refusal two Justices may levy the same by distress.

XLIX. 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 of either side of the Roads, placed by this Act under the care and management of the Commissioners, 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 six-pence per day for every day for which they are assessed; and the Town Clerks for the several Townships in which the said Roads are situate, are hereby required to deliver to the Clerk of the Commissioners, on or previous to the first day of May in each and every year, true and perfect lists, in writing, of the names of the several persons within such Township who are liable to pay such commutation, together with the number of days, he, she or they are assessed, for which lists each Town Clerk, upon delivering the same, shall be entitled to demand and receive the sum of ten shillings from the Clerk of the Commissioners, to be paid out of the funds of the Trust; and the Commissioners shall have full power and authority, and are hereby required to demand and receive, or cause to be demanded and received, the amount of commutation for statute labour 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, it shall and may be lawful for any two or more Justices of the Peace of the District, upon proof thereof to them made upon oath, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing; and the money so arising from

such commutation, shall be applied by the Commissioners for the purposes of this Act, for repairing and maintaining the Turnpike Roads.

L. *And be it further enacted by the authority aforesaid, That if any* Penalty on Town Clerk for not furnishing lists.
 Town Clerk shall fail or neglect to furnish the list aforesaid, by the time before specified, he shall forfeit and pay for every such neglect, a sum not exceeding Five Pounds.

LI. *And be it further enacted by the authority aforesaid, That so much* 5th and 28th sections 1st Victoria, ch. 21, repealed as far as relates to the operation of this Act.
 of the fifth and twenty-eighth clauses of an Act passed in the first year of the reign of Her present Majesty Queen Victoria, entitled, "An Act to alter and amend sundry Acts, regulating the appointment and duties of Township officers," as relates to the elections of overseers of highways, and the wilful stopping up of any highway or road in any Township, be and the same are hereby repealed, so far as relates to the operation of this Act.

LII. *And be it further enacted by the authority aforesaid, That all the* Money collected at Toll Gates to be paid to Commissioners;
 money collected at the different Toll Gates on each Road, shall be paid by the Collector to the Commissioners of such Road, when required by them, and that it shall be the duty of the said Commissioners, and they are hereby required, on or before the first day of January and the first day of July, in each and every year, to pay over to Her Majesty's Receiver General; such part of the said Tolls as shall amount to the interest of the principal money borrowed and expended in Macadamizing said Roads, to be by him applied to the payment of the interest on the said loans as it becomes due: *Provided always,* that the Commissioners shall state the amount paid on account of each Road respectively, and the money so paid shall be applied only to the Debentures issued for such Roads. Commissioners to pay half yearly to Receiver General the interest on loan for Macadamizing the roads;

LIII. *And whereas* the Commissioners are authorised and empowered, from and after the expiration of eleven years from the passing of this Act, to raise such Tolls on the said Roads as will enable them (besides keeping the same in repair) to pay the interest on the said loans, and redeem the balance of the principal sum, within a period of not less than twenty-six years: *Be it therefore further enacted by the authority aforesaid, That the* Commissioners to pay to Receiver General half yearly moneys raised to redeem debentures.
 said Commissioners are hereby required to pay over the same to Her Majesty's Receiver General, at least once in every six months, at the periods before-mentioned, to be by him applied to the purpose and in the manner before specified.

Lieut. Governor to fill vacancies in the Board of Commissioners.

LIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor, or person administering the Government of this Province, from time to time, 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 Commissioners, by death, resignation or otherwise.

All persons who have been heretofore employed by the Trustees to be henceforth in all respects accountable to Board of Commissioners;

LV. *And be it further enacted by the authority aforesaid,* That all persons who shall have been employed by the Trustees under any Act for Macadamizing the Roads, who shall have received any Tolls or other money for the purposes of such Act, which may have been repealed, or who may have or shall have had in their custody or possession any money, books, papers, writings or other things relating to any such Turnpike Road, shall account for and pay and deliver over the same, and every part thereof, to the Commissioners appointed under this Act, in like manner and under the like penalties as the several Collectors and other persons receiving any money by virtue of this Act, are by the said Act required to pay or account for the same; and it shall and may be lawful for the Commissioners appointed under and by virtue of this Act, and they are hereby empowered and required to carry into effect all such parts, provisions and enactments of the before-recited Acts of the third, sixth and seventh years of the reign of His late Majesty William the Fourth, and of the first year of the reign of Her present Majesty Victoria, for Macadamizing the Roads, as shall not have been repealed.

Commissioners empowered to carry into effect such parts of the several statutes before-mentioned as have not been repealed.

LVI. *And whereas* several of the Trustees appointed by the above recited Acts, have for the purposes of such Acts become personally responsible for large sums of money, in anticipation of the sale of Debentures, which sale has not yet been effected, and which sums of money have actually been expended in the improvement of the Turnpike Roads: *Be it therefore further enacted by the authority aforesaid,* That the Commissioners under this Act, shall out of the first money arising from the sale of such Debentures, pay and discharge the said sums of money, and so soon as the same shall have been paid by the said Commissioners, the said Trustees shall be and they are hereby declared to be fully exonerated and discharged from all personal responsibility respecting such sums as aforesaid.

Commissioners to keep certain roads within the City of Toronto, and its Liberties, in repair;

LVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners under this Act, and they are hereby required to maintain, keep in repair, and retain under their care and management, all such portions of the Turnpike Roads, situate within

the Liberties and City of Toronto, as have been made by the Trustees under and by virtue of any of the before-recited Acts for Macadamizing the Roads; and it shall not be compulsory upon the said Commissioners to remove their Toll Gates without the Liberties of the said City, until such times as the Corporation shall assume the payment of such parts of the loan and interest as have been expended by the Trustees in constructing the said portions of Road, and shall further undertake to keep the same in repair.

And need not remove their toll-gates without the liberties of the City until the Corporation assume the payment of part of the debt.

LVIII. *And be it further enacted by the authority aforesaid,* That all penalties imposed by this Act, exceeding Five Pounds, may be sued for in any of Her Majesty's Courts of Record in this Province, and that every prosecutor or informer shall sue for and recover any forfeiture or penalty imposed by this Act, in the manner hereinafter mentioned, (that is to say): if the same shall exceed the sum of Five Pounds, it shall be recoverable by action of debt in any of Her Majesty's Courts of Record, in which it shall be sufficient to declare that the defendant is indebted to plaintiff in the sum of ———, being forfeited by an Act passed in the third year of the reign of Her Majesty Queen Victoria, entitled, "An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province," and the plaintiff, if he recover, shall have full costs: *Provided* that there shall not be more than one recovery for the same offence, and that twenty-one days notice be given to the party offending previous to the commencement of such action, and that the same be brought and commenced within three calendar months after the offence for which such action is brought shall have been committed; and if the said penalty or forfeiture shall not exceed the sum of Five Pounds, the same shall be recoverable only by information before two or more Justices of the Peace, and no writ of *certiorari* to remove the same shall be allowed.

All penalties over £5, may be recovered in any Court of record;

Made of proceeding to recover penalties:

Notice to offenders;

Action to be brought within three months;

Penalty under £5, recoverable before two Justices.

LIX. *And be it further enacted by the authority aforesaid,* That when any distress shall be made for any sum or sums to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same, be deemed a trespasser or trespassers on account of any default or want of form in any proceeding relating thereto, nor shall the party or parties be deemed a trespasser or trespassers *ab-initio*, on account of any irregularity which shall be afterwards done in making the distress, but the person or persons aggrieved by such irregularity, may recover the satisfaction for the special damage in an action on the case: *Provided always,* that no plaintiff or plaintiffs shall recover in any action for such irregularity, trespass or wrongful proceedings, if tender of suffi-

No distress unlawful for want of form in proceeding;

Action on the case for irregularity;

Tender of amends;

cient amend shall be made by or on behalf of the party or parties who shall have committed, or cause to be committed, any such irregularity or wrongful proceedings before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they see fit, whereupon such proceedings, orders and judgments shall be had, made and given in and by such Court, as in any other actions where the defendant is allowed to pay money into the Court.

If no tender defendant may pay money into Court.

Limitation of action for any thing done in pursuance of this Act;

Venue;

Defendant may plead general issue;

Treble costs given to defendant in certain cases.

LX. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterward, and the same or every such action or suit shall be brought in the District and not elsewhere, and the defendant in every such action or suit, shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of, shall appear to have been done under the authority and in the execution of this Act, or if any such action or suit shall have been brought after the time limited for bringing the same, or be brought and had in any other District or place, then as afore-mentioned the Jury shall find for the defendant or defendants; and if the plaintiff shall become non-suit, or discontinue his action, after the defendant shall have appeared, or have a verdict against him, or if upon demurrer Judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases by law.

Penalties under £5, on conviction of parties before two Justices;

To be levied with costs by distress and sale of goods;

Overplus;

LXI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures and fines, by this Act inflicted or authorised to be imposed, not exceeding Five Pounds, (the manner of levying and recovering of which is not herein otherwise directed,) shall upon proof and conviction of the offence respectively, before any two or more Justices of the Peace for the District, either by confession of the party offending, or by the oath of any credible witness, (which oath every Justice is in every such case authorised to administer,) be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand and seal of such Justices, which warrant they are hereby empowered and required to grant, and the overplus (if any) after such penalties, forfeit-

ures and fines, and the charges of such distress and sale are deducted, shall be returned upon demand unto the owner of such goods and chattels; and in case such fines, penalties and forfeitures, shall not be forthwith paid upon conviction, then it shall be lawful for such Justices to order the offender so convicted, to be detained and kept in safe custody, until return can be conveniently made, unless the offender shall give sufficient security to the satisfaction of such Justices for his appearance before such Justices, on such day as shall be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking such security, and which security such Justices are thereby empowered to take, by way of recognizance or otherwise; but if upon the return of such warrant, it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justices of the Peace as aforesaid, and they are hereby authorised and required, by warrant under their hands and seals, to cause such offender to be committed to the common Gaol of the District, there to remain without bail or mainprize, for any time not exceeding one calendar month, unless such penalties, fines and forfeitures, and all reasonable charge attending the same, shall be sooner paid or satisfied.

If penalties not paid on conviction;

Offender may be kept in custody till he gives security to appear;

If no sufficient distress, offender to be imprisoned.

LXII. *And be it further enacted by the authority aforesaid,* That no person shall or may be convicted of any offence contrary to the provisions of this Act, in a summary way, after the expiration of six months from the time when any such offence shall or may have been committed.

No person to be convicted summarily after the expiration of six months.

LXIII. *And be it further enacted by the authority aforesaid,* That all moneys arising from such penalties, forfeitures and fines, as are inflicted or authorised to be imposed by this Act, shall be from time to time paid to the Commissioners, to be by them applied in repairing and maintaining the Turnpike Roads, and disposed of for the purposes of this Act.

Moneys arising from fines, &c. to be paid to Commissioners:

How applied.

AN ESTIMATE of the expense of maintaining the Turnpike Road on ——— Road, in the ——— District, between the first day of November and the thirty-first day of October.

	£	s.	D.
Manual labour			
Team labour and carriage			
Materials delivered on the road, exclusive of carriage.....			
Land purchased			
Damages done in obtaining materials			
Tradesmen's bills.....			
Salaries.....			
Law charges			
Interest of debt			
Incidental expenses.....			
	£		

State the length of the road, and the number of miles finished ; the rate of toll per mile ; description and quality of materials used ; with the price and damages, &c. paid for by the ton or yard.—State the price.

CHAP. LIV.

AN ACT to provide for the relief of William Kingsmill and William Chisholm, Esquires.

[Passed 10th February, 1840.]

WHEREAS William Chisholm, Esquire, Collector of Customs for the Port of Oakville, in the District of Gore, was absent on Militia duty during the Fall of eighteen hundred and thirty-seven, and Spring of eighteen hundred and thirty-eight, and the Deputy of the said William Chisholm was also absent on the same duty, both of them having promptly stepped forward to crush the unnatural Rebellion of December eighteen hundred and thirty-seven, in consequence of which absence the returns of the Duties received during these periods were omitted to be made within the time specified by the seventh section of the fourth George the Fourth, Chapter the eleventh ; *And whereas* William Kingsmill, Esquire, Collector of the Port of Port Hope, has been and still is absent on Militia duty, in defence of the Province, and his office being performed by Deputy,

Preamble.

who neglected to make the returns required by the said Act within the time prescribed, in consequence of which the percentage allowed by law on the collection of said Duties has been disallowed by the Inspector General according to law, and it is desirable, under these peculiar circumstances, to afford relief in the premises: *Be it therefore enacted* by the Queen'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 be lawful for the Governor in Council to allow to the said William Chisholm and William Kingsmill, Esquires, respectively, any amount to which they would have been entitled by law had no neglect as aforesaid taken place, any thing in the said seventh section of an Act passed in the fourth year of the reign of His Majesty George the Fourth, chapter eleven, 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 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 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 provisions for the due collection of duties on goods imported into this Province," to the contrary in any wise notwithstanding.

Governor in Council may allow to William Chisholm and William Kingsmill, Esquires, certain sums to which but for the omission of making returns they would have been entitled.

CHAP. LV.

AN ACT for the relief of Allan MacDonell, Esquire, the Sheriff of the Midland District.

[Passed 10th February, 1840.]

WHEREAS Allan MacDonell, Esquire, Sheriff of the Midland District, Preamble. hath by his Petition set forth that in consequence of the defective construction of the Gaol of the said District, he has been obliged and compelled to pay a large sum of money, by reason of the escape of debtors confined therein: *And whereas* the said Sheriff did frequently point out to the Magistrates of the said District, the impossibility of retaining prisoners in custody by reason of the insecurity of the prison, and it manifestly appearing that such escapes have not arisen from any negligence or inattention on the part of that Officer, it is desirable that relief should be extended to him under the circumstances: *Be it therefore enacted* by the Queen'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 may be lawful for the Magistrates of the Midland District, at the first General Quarter Sessions after the passing of this Act, or a majority of them, (if they are of opinion that relief should be granted under all the facts,) to authorise the Treasurer of the District, out of the rates now levied and collected, or hereafter to be raised, levied and collected for the uses of the District, to pay in such manner as they may deem proper, by instalments or otherwise, to Allan MacDonell, Esquire, the Sheriff of the said District, the sum of Four Hundred and Fifty Pounds, Halifax currency.

Justices of the Midland District at their next Quarter Sessions may authorise certain payments to the Sheriff of that District out of the District funds.

CHAP.

CHAP. LVI.

AN ACT for the relief of Philip De Grassi.

[Passed 10th February, 1840.]

Preamble.

WHEREAS Philip De Grassi, Esquire, of the Township of York, has expended the sum of Thirty-five Pounds, in repairing a certain Hill, called Thorn's Hill, in the third concession of the said Township: *And whereas* it is just and right that he should be re-paid the same: *Be it therefore enacted* by the Queen'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 Jacob Snider, Conrad Graham and William Donaldson, Commissioners appointed by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "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,'" for expending the sum of Two Hundred and Seventy-five Pounds in the Township of York, be and they are hereby required to pay the said Philip De Grassi, the sum of Thirty-five Pounds, out of any balances that may be now or hereafter shall come into their hands of the said sum of Two Hundred and Seventy-five Pounds.

Certain Commissioners appointed by 7th Wm. IV. chap. 107, directed to pay £35 to P. DeGrassi.

CHAP.

CHAP. LVII.

AN ACT to authorise the Receiver General to dispose of the Provincial Stock, in the Bank of Upper Canada.

[Passed 10th February, 1840.]

WHEREAS it is expedient that the Stock of the Bank of Upper Canada, owned by this Province, be sold, and the proceeds placed at the disposal of the Legislature thereof: *Be it therefore enacted* by the Queen'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 Her Majesty's Receiver General of this Province shall, and he is hereby authorised and required to sell and dispose of Two Thousand Shares of the Stock of the Bank of Upper Canada, held by this Province, with the sanction of His Excellency the Governor-General, or Person administering the Government in Council.

Preamble.

Receiver General, under the sanction of Governor in Council, may sell the Bank Stock held on behalf of the Province.

II. *And be it further enacted by the authority aforesaid,* That an Act passed during the third session of the present Legislature, entitled, "An Act to authorise the Receiver General to raise a loan on the security of the Provincial Stock in the Bank of Upper Canada," be and the same is hereby repealed.

1st Victoria, ch. 50, repealed.

III. *And be it further enacted by the authority aforesaid,* That so much of the first clause of an Act passed in the fourth year of the reign of His late Majesty George the Fourth, chapter eleven, entitled, "An Act to amend and repeal part of an Act, entitled, 'An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of Upper Canada,'" as authorises the Lieutenant Governor of this Province to nominate and appoint annually four Directors of the said Bank of Upper Canada, be and the same is hereby repealed.

Part of sec. 1, 4th Geo. IV. chap. 11, repealed.

Directors to be appointed by Governor until stock sold;

And after sale the whole number of Directors to be chosen by the Stockholders.

IV. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That the Directors appointed under the authority of the said last-recited clause, shall be named in the manner therein provided, so long as the Stock in this Act authorised to be sold shall not be disposed of, and that when the said Stock shall be sold or disposed of, as is hereinbefore provided, then the whole number of fifteen Directors, elected or appointed for the management of the said Bank, shall be elected in the manner now prescribed for the election of Directors, by the Stockholders of the said Institution, any thing in the said recited Act, or in this Act, to the contrary notwithstanding.

CHAP. LVIII.

AN ACT to authorise the Receiver General of this Province to borrow a certain sum of money upon Debentures, for the purposes therein mentioned.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the Houses of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, of London, have advanced a large sum of money for the use of this Province: *And whereas* it is necessary to provide means to re-pay the same: *Be it therefore enacted* by the Queen'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 the event of no other arrangement being made with the said Firms of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, or other means of payment being at the disposal of the Executive Government, it shall and may be lawful for the Governor of this Province, to authorise the Receiver General thereof to cause any number of Debentures to be made out for such sums of money, not exceeding Seventy Thousand Pounds, currency, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the resources of this Province; which Debentures shall be prepared and made out in such method and form as has heretofore been in use, and shall be signed by

Under certain circumstances Governor may authorise Receiver General to issue Debentures to the amount of £70,000;

the Receiver General, and made redeemable in not more than twenty years from their respective dates, payable in London.

Debentures when to be payable.

II. *And be it further enacted by the authority aforesaid,* That from and out of the moneys to be obtained by the issue and sale of such Debentures, it shall be the duty of the Receiver General, without delay, to pay to the said Houses of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, the debt due and owing to them by or on account of this Province, and that the residue of the moneys so obtained, shall be applicable to the general uses of the Province, under the authority of the Legislature.

Proceeds of Debentures how to be disposed of.

III. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of Parliament of this Province, passed in the seventh year of the reign of His Majesty King George the Fourth, entitled, "An Act to authorise the Government to borrow a certain sum of money upon Debentures, to be loaned to the Welland Canal Company," regulating or affecting the issue of Debentures authorised thereby, or their passing current with certain public accountants; the suspension of interest thereon in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon; the expense attending the same; paying off and cancelling such Debentures; the punishment for forging any such Debentures, or any matter or thing relating to or affecting such Debentures, or the knowingly uttering any such forgery, shall apply to and be in force, in respect to the provisions of this Act.

Provisions of law applicable to Debentures issued under 7th Wm. IV. chap. 92, declared to be in force as to Debentures authorised by this Act.

CHAP. LIX.

AN ACT to provide for the support and maintenance of the Provincial Penitentiary.

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient to provide for the clothing, lodging and maintenance of the convicts, and for the payment of the officers, watchmen, and other persons employed in the guarding, government, and Police of

Preamble.

the Provincial Penitentiary: May it therefore please Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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 Her Majesty's Receiver General of this Province, and he is hereby required 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 said Receiver General unappropriated, to discharge such warrant or warrants as shall, from time to time, be issued by the Governor-General, or Lieutenant Governor, in favour of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such warrant or warrants, shall be applied in clothing, feeding, lodging, securing, and furnishing employment for convicts, and in paying the salaries and wages of the officers, keepers, and watchmen of the said Penitentiary: *Provided always*, that the said moneys shall not exceed in amount the sum of Five Thousand Three Hundred Pounds, currency.

£5,300 granted for the support of the Provincial Penitentiary.

Accounts to be laid before the Legislature.

II. *And be it further enacted by the authority aforesaid*, That an account in detail of the expenditure which may be incurred under this Act, shall be submitted to the Lieutenant Governor, to be laid before the Legislature at its next session.

Gratuity to the Deputy Warden granted.

III. *And be it further enacted by the authority aforesaid*, That the Inspectors of the said Penitentiary are hereby authorised, out of the money hereby granted, to pay such gratuity to the Deputy Warden of the said prison, on his leaving the same, as the Governor-General may be pleased to direct.

Guards of the Penitentiary to be sworn:

Oath

IV. *And be it further enacted by the authority aforesaid*, That the guards of the said Penitentiary now appointed, or hereafter to be appointed, shall severally take and subscribe, before the President of the Board of Inspectors, the following oath:—I, A. B, do promise and swear, that I will faithfully, diligently and justly, serve and perform the office and duties of guard of the Provincial Penitentiary in Upper Canada, according to the best of my abilities:—So help me God.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the President of the Board of Inspectors, President of the Board of Inspectors may administer oaths. to administer all oaths required to be taken by the Warden and other officers of the said Penitentiary, any thing in the ninth section of an Act passed in the fourth year of the reign of His late Majesty, entitled, "An Act to provide for the maintenance and government of the Provincial Penitentiary erected near Kingston, in the Midland District." to the contrary thereof in any wise notwithstanding.

CHAP. LX.

AN ACT to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly.

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN:

WHEREAS the Honourable Sir Allan Napier MacNab, Knight, has Preamble.] discharged the arduous and important duties of Speaker of the House of Assembly, during a period of great public difficulty, to the entire satisfaction of that House, at a personal inconvenience and expense, for which the salary attached to that office does not provide an adequate remuneration.—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 Queen'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 Your Majesty the sum of Six Hundred Pounds, to be paid to the said Sir Allan Napier MacNab, in addition to his present salary as Speaker of the House of Assembly. £600 granted by way of additional remuneration to the Speaker of the House of Assembly.

CHAP. LXI.

AN ACT to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to remunerate the Honourable John Henry Dunn, for services rendered to this Province."

[Passed 10th February, 1840.]

Preamble

WHEREAS by a certain Act of the Parliament of this Province, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to remunerate the Honourable John Henry Dunn, for services rendered to this Province," a sum equal to one fourth per centum on certain loans before then negotiated by the said John Henry Dunn, on account of this Province, was authorised to be charged in the public accounts of the said John Henry Dunn, and to be retained by him out of any moneys in his hands applicable to the general uses of this Province: *And whereas* it was in and by the said Act provided, that the total sum so to be charged and retained as aforesaid, should not exceed the sum of One Thousand Pounds: *And whereas* the loan so negotiated, amounted to Six Hundred Thousand Pounds, and it is in accordance with the spirit of the said Act, and the intention of the Legislature, that the said John Henry Dunn should be allowed the full per centage before-mentioned: *Be it therefore enacted* by the Queen'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 the proviso in the said recited Act contained, it shall and may be lawful for the said John Henry Dunn, to charge in his public accounts with this Province, and to retain to his own use, out of any moneys in his hands applicable to the general service thereof, a sum equal to one-fourth per centum on the loan so negotiated as aforesaid.

A quarter per cent to be reserved by the Receiver General on loans negotiated heretofore by him.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to give or grant to the said John Henry Dunn, a larger sum than One Thousand Five Hundred Pounds, on account of the per centage mentioned herein, or in the said recited Act, passed in the seventh year of the reign of His late Majesty.

This percentage not to exceed £1500 in the whole.

CHAP. LXII.

AN ACT to remunerate John Kidd for certain services.

[Passed 10th February, 1840]

MOST GRACIOUS SOVEREIGN:

WHEREAS John Kidd, Gaoler of the Home District, has petitioned the Legislature to be remunerated for certain services rendered by him, in taking charge of State Prisoners: *And whereas* it is just and reasonable that the sum of One Hundred and Fifty Pounds should be paid to the said John Kidd, in compensation for said services.—We, therefore, beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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 Her Majesty, out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General of this Province and unappropriated, the sum of One Hundred and Fifty Pounds, to enable Her Majesty to pay the said sum to the said John Kidd.

Preamble.

£150 granted to remunerate John Kidd for services.

CHAP.

CHAP. LXIII.

AN ACT granting a sum of money to Samuel B. Smith, to make good a deficiency in his salary, as one of the Junior Clerks in the Executive Council Office, for the year of our Lord one thousand eight hundred and thirty-nine.

[Passed 10th February, 1840]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by the Petition of Samuel B. Smith, that his salary as a Junior Clerk in the Executive Council Office, was reduced for the year one thousand eight hundred and thirty-nine, Twenty Pounds below the amount he received for former years, and the amount estimated for the present year, and it is therefore expedient to grant to Your Majesty the said sum of Twenty Pounds, to enable Your Majesty to pay the like sum to the said Samuel B. Smith.—We therefore pray Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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, and in the hands of the Receiver General and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of Twenty Pounds, to enable Her Majesty to make good the deficiency in the salary of the said Samuel B. Smith, for the year one thousand eight hundred and thirty-nine.

£20 granted to make good a deficiency in the salary of Samuel B. Smith, for the year 1839.

CHAP.

CHAP. LXIV.

AN ACT to remunerate Lewis Bright, for his long and faithful services, by granting a Pension to him and his aged wife, or the survivor of them during their natural lives.

[Passed 10th February, 1840.]

WHEREAS from the great age and long and faithful services of Lewis Bright to his Sovereign, it is just and right to grant a pension to protect him and his aged wife from want, in their declining years: *Be it therefore enacted* by the Queen'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 Her Majesty, Her Heirs and Successors, the sum of Sixty-two Pounds Ten Shillings annually, to provide for the payment of a Pension to the said Lewis Bright, and his wife, during their joint lives, and the life of the survivor of them, the said Pension to commence and become payable from and after the passing of this Act.

Preamble.

A pension of £62 10s. per annum granted to Lewis Bright and his wife during their joint and several lives.

CHAP.

CHAP. LXV.

AN ACT granting a Pension to Joseph Randal, who lost his arm in the service of Her Majesty.

[Passed 10th February, 1840.]

Preamble.

WHEREAS Joseph Randal, of the Town of Chatham, in the Western District of this Province, suffered the loss of his left arm while serving as a volunteer at the said Town of Chatham, on the thirtieth day of June, one thousand eight hundred and thirty-eight, when engaged, by order of the Magistrates of the said Town, in cleaning and proving a piece of cannon which had been taken from the enemy at Fighting Island, and it is just and expedient to grant a Pension to the said Joseph Randal: *Be it therefore enacted* by the Queen'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 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 Her Majesty, Her Heirs and Successors, the annual sum of Twenty Pounds, to enable Her Majesty to provide a Pension for the said Joseph Randal; such Pension to commence from the said thirtieth day of June, one thousand eight hundred and thirty-eight.

A pension of £20 per annum granted to Joseph Randal.

CHAP.

CHAP. LXVI.

AN ACT granting a Pension to the Widow and Children of the late William Kerry, who was killed in the service of Her Majesty.

[Passed 10th February, 1840.]

WHEREAS William Kerry, late a Captain in Her Majesty's Kent Militia, was killed in attempting to capture a Brigand who had invaded this Province from the United States of America: *And whereas* the Widow and Children of the said William Kerry are left without the means of support, and it is just and expedient to grant a Pension to the said Widow and orphan Children: *Be it therefore enacted* by the Queen'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 Her Majesty, Her Heirs and Successors, the annual sum of Twenty Pounds, to enable Her Majesty to provide a Pension for the Widow of the said late Captain William Kerry, to commence on the twenty-eighth day of June, one thousand eight hundred and thirty-eight, and be payable to the said Widow, and in case of her death or marriage, then to the eldest child, or the guardian thereof legally appointed, for the use of the children of the said Captain William Kerry, until the youngest thereof shall have attained the age of twenty-one years.

Preamble.

A pension of £20 per annum granted to the widow and children of Captain William Kerry.

CHAP.

CHAP. LXVII.

AN ACT to afford assistance to the House of Industry in the City of Toronto.

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN :

WHEREAS there is reason to believe that without public aid the funds of the House of Industry, in the City of Toronto, will be insufficient to meet the numerous and pressing claims of the sick and destitute.—We, Your Majesty's most dutiful and loyal Subjects the Commons of Upper Canada, in Provincial Parliament assembled, do therefore most humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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 Her Majesty the sum of Three Hundred and Fifty Pounds, to enable Her Majesty to advance the like sum, in aid of the funds at the disposal of the Managing Committee of the House of Industry, in the City of Toronto, for the relief of the sick and destitute poor.

Preamble.

£350 granted in aid of the House of Industry in the City of Toronto.

CHAP.

CHAP. LXVIII.

AN ACT granting a sum of money for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty.

[Passed 10th February, 1840.]

WHEREAS it is expedient to grant a sum of money for the support of the Common Schools in the several Districts of this Province: *Be it therefore enacted* by the Queen'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, and in the hands of the Receiver General and unappropriated, there be granted to Her Majesty, for the use of the Common Schools in this Province for the year of our Lord one thousand eight hundred and forty, the sum of Five Thousand Six Hundred and Fifty Pounds, in addition to the sums now appropriated by law, to be applied and accounted for in the same way and manner, and in conjunction with the present sums granted by Act of Parliament, which said sum of Five Thousand Six Hundred and Fifty Pounds shall be appropriated 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 three hundred and fifty pounds; to the District of Victoria, the sum of two hundred pounds; to the Prince Edward District, the sum of two hundred pounds; to the Newcastle District, the sum of five hundred pounds; to the Home District, the sum of seven hundred and fifty pounds; to the Gore District, the sum of six hundred pounds; to the Niagara District, the sum of five hundred pounds; to the London District, the sum of three hundred pounds; to the District of Brock, the sum of one

Proamble.

£5,650 additional granted in aid of Common Schools.

Disposition thereof.

hundred and fifty pounds; to the Talbot District, the sum of one hundred and fifty pounds; to the Western District, the sum of three hundred and fifty pounds.

To be paid in discharge of Lieutenant Governor's warrants.

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 Lieutenant Governor.

Third and fourth sections, 1st Victoria, chap. 60, revived and continued.

III. *And be it further enacted by the authority aforesaid*, That the third and fourth clauses of an Act passed in the first year of Her Majesty's reign, entitled, "An Act granting a sum of money for the support of Common Schools for the year eighteen hundred and thirty-eight," be and the same are hereby revived and continued.

CHAP. LXIX.

AN ACT to continue an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned."

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned," will shortly expire, and it is expedient to continue the same.—We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, do therefore humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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 and made perpetual.

7th William IV. chap. 110, made perpetual.

CHAP. LXX.

AN ACT to make good certain moneys advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof.

[Passed 10th February, 1840.]

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

WHEREAS in pursuance of an Address of Your Commons House of Assembly, during the last Session of the Provincial Legislature, to His Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, the sum of Seven Thousand Nine Hundred and Eleven Pounds and sixpence 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 their respective offices.—May it therefore please Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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 Seven Thousand Nine Hundred and Eleven Pounds and sixpence half-penny, to make good the said sum so issued and advanced as aforesaid.

Preamble.

£7,911 0 6 granted to make good advances for contingencies of last session.

II. *And be it further enacted by the authority aforesaid*, That the due application of the said sum of money, pursuant to the directions of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors,

How to be accounted for.

through the Lords Commissioners of Her Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall be graciously pleased to direct.

CHAP. LXXI.

AN ACT granting to Her Majesty a certain sum of money to defray the expenses of the Civil Government, for the year one thousand eight hundred and forty.

[Passed 10th February, 1840.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient to provide for defraying the charges of the several services hereinafter mentioned in support of the Civil Government of the Province: We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, do therefore beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of 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, to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of Sixteen Thousand Seven Hundred and Seventy-nine Pounds, Four Shillings and Six-pence, which said sum of Sixteen Thousand Seven Hundred and Seventy-nine Pounds, Four Shillings and Six-pence, shall be applied in the payment of the following charges, viz.:—

Preamble.

£16,779 4 6 granted for the support of the Civil Government of this Province for the year 1840.

Government Office.—To the Private Secretary of His Excellency the Lieutenant Governor, the sum of Two Hundred and Eight Pounds.

One Clerk, One Hundred and Seventy-five Pounds.

Contingencies, One Thousand Seven Hundred and Twenty Pounds.

Contingencies, (excess of 1839,) One Thousand Five Hundred and Seventy-two Pounds.

Secretary and Register's Office.—First Department, Chief Clerk and two Junior Clerks, Seven Hundred Pounds.

Second Department, One Senior Clerk, Three Hundred Pounds.

Third Department, One Senior Clerk and two Junior Clerks, Six Hundred and Fifty Pounds.

Contingencies, Four Hundred Pounds.

Executive Council Office.—Four Clerks, Eight Hundred and Forty Pounds.

Contingencies, One Hundred and Seventy-five Pounds.

Receiver General's Office.—Three Clerks, Six Hundred and Seventy Pounds.

Contingencies, Two Hundred Pounds.

Inspector General's Office.—Three Clerks, Six Hundred and Seventy Pounds.

Contingencies, Two Hundred Pounds.

Surveyor General's Office.—Senior Surveyor and Draftsman, Three Hundred Pounds; six Clerks, One Thousand One Hundred and Eighty Pounds.

Contingencies, Seventy-five Pounds.

Office of Adjutant General of Militia.—One Clerk, One Hundred and Seventy Pounds.

Contingencies, Three Hundred Pounds.

Arrears of Contingencies for one thousand eight hundred and thirty-eight, and one thousand eight hundred and thirty-nine, Three Hundred and Seventy-nine Pounds, Fifteen Shillings and Six-pence.

Her Majesty's Attorney General.—The sum of Eight Hundred and Sixty-six Pounds, Thirteen Shillings and Four-pence, additional salary in lieu of all fees, travelling expenses or contingencies, and in lieu of fees as an Officer of the Land Granting Department, and for such other sums as he may receive on Fiats or other Instruments.

Her Majesty's Solicitor General.—The sum of Three Hundred and Seventy-seven Pounds, Fifteen Shillings and Eight-pence, in lieu of all fees, travelling expenses or contingencies.

Expenses of Criminal Prosecutions, Four Hundred Pounds.

Usher and Keeper of the Court of Queen's Bench, Forty Pounds.

Excess of expenditure for Criminal Prosecutions for one thousand eight hundred and thirty-nine, Four Hundred Pounds.

Printing the Statutes.—One Thousand Pounds.

Government Printing.—Seven Hundred and Fifty Pounds.

Repairs of Government House.—Two Hundred Pounds.

Repairs of Government House in arrear for one thousand eight hundred and thirty-nine, Sixty Pounds.

Contingencies of Public Offices.—Eight Hundred Pounds.

Repairs of East Wing, One Hundred Pounds.

Furniture of the Executive Council Chamber, One Hundred Pounds.

Clerk of the Crown and Pleas, Fifty Pounds.

Clerk of the Crown and Pleas, arrears for one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, and one thousand eight hundred and thirty-nine, One Hundred and Fifty Pounds.

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