

## C H A P. XI.

An Act to prevent CERTAIN MEETINGS within this Province.

[Passed 27th November, 1818.]

Preamble

**W**HEREAS, the election or appointment of Assemblies, purporting to represent the people, or any description of the people, under the presence of deliberating upon matters of public concern, or of preparing or presenting Petitions, Complaints, Remonstrances, and Declarations, and other Addresses to the King, or to both or either Houses of Parliament, for alteration of matters established by Law, or redress of alledged grievances in Church or State, may be made use of to serve the ends of factious and seditious persons, to the violation of the Public Peace, and manifest encouragement of Riot, Tumult, and Disorder; It is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all such Assemblies, Committees, or other bodies of persons, elected or otherwise constituted or appointed, shall be held and taken to be unlawful assemblies, and that all persons giving or publishing notice of the election to be made of such persons or delegates, or attending, voting, or acting therein by any means, are guilty of a high misdemeanor; *Provided always*, That nothing in this Act contained shall impede the just exercise of the undoubted right of His Majesty's Subjects to petition the King or Parliament for redress of any public or private grievance.

Assemblies held for certain purposes, declared to be unlawful, and persons giving notice thereof or acting therein, held guilty of a high misdemeanor.

Not to interfere with the just exercise of the right of petitioning.

## C H A P. XII.

An Act for vesting in Commissioners the ESTATES of certain TRAITORS, and also the Estates of persons declared ALIENS, by an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, "*An Act to declare certain persons therein described ALIENS, and to vest their ESTATES in His Majesty, and for applying the proceeds thereof towards compensating the Losses which His Majesty's Subjects have sustained in consequence of the late War, and for ascertaining and satisfying the lawful Debts and Claims thereupon.*"

[Passed 27th November, 1818.]

Preamble.  
54th Geo. 3. c9, re-cited.

**W**HEREAS, by the operation of an Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, entitled, "*An Act to declare certain persons therein described Aliens, and to*"

to vest their estates in His Majesty," and by Inquisitions duly taken and returned, according to the provisions of the said Act, His Majesty has become seized of Lands in this Province, of considerable value, which it is expedient should be sold, that the claims of all bona fide creditors, and persons having any just lien or security upon the same, may be paid and satisfied, and the remaining proceeds thereof applied agreeably to the gracious instructions of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, communicated through His Honor Samuel Smith, Esquire, late Administrator of the Government of this Province, towards compensating the losses which His Majesty's faithful Subjects of this Province have sustained by the invasion of the enemy, or otherwise, in consequence of the War, lately terminated between His Majesty and the United States of America; And whereas, also, during the late War with the United States of America, a number of His Majesty's Subjects in this Province, contrary to their duty of Allegiance, were wickedly and traitorously adhering to the enemies of His Majesty, or did levy War against His Majesty, or were guilty of other High Treasons, and it being in like manner signified to be the gracious intention of His Royal Highness the Prince Regent, that the estates, real and personal, of such persons as have been or shall be duly attainted, as guilty of High Treason during the said War with the United States of America, should be likewise applied towards compensating the losses which His Majesty's faithful Subjects of this Province have sustained by the invasion of the enemy, or otherwise, in consequence of the said War; Therefore, in order to carry the said gracious intentions into effect, and also that due provision may be made for the satisfaction of all just and lawful claims, which any of His Majesty's dutiful and loyal Subjects may have to, upon, or out of the estates of such Rebels and Traitors; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time, by Commission under the Great Seal of this Province, to authorise and empower such and so many persons as he shall think fit, to be Commissioners and Trustees, in whom all and every the real estates that now are, or hereafter may become vested in His Majesty, by the operation of the said Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," and the proceedings that have been had or may take place thereupon, and also, all and every the estates, both real and personal, that have become vested, or may hereafter become vested in His Majesty, by the attainder of any person or persons convicted of or for any High Treason, committed during the

Royal instructions  
respecting the forfeited  
estates.

Governor to appoint  
comm'rs. in whom the  
forfeited estates, real &  
personal, shall be vested.

the late War between His Majesty and the United States of America, shall be vested in the manner, and for the ends and purposes hereinafter mentioned.

II. And to the end that all the estates of the said Traitors, of what nature soever, within this Province, which by the attainder of any person or persons of any High Treason, by him or them committed during the late War between His Majesty and the United States of America, shall have been or may hereafter become legally forfeited to His Majesty, and also, all the real estates, which by the said Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, and by the proceedings that have been or may be hereafter had thereupon, have or hereafter may become vested in His Majesty, may be the better known, described, and ascertained, and that the rents, issues, profits, and produce thereof may be recovered and brought in for the use of His Majesty, to be applied in the manner herein before expressed, and that due examination may be taken, and satisfaction made of all just and lawful claims to, upon, or out of the said Estates or any of them, *Be it further enacted by the authority aforesaid,* That the Clerk of the Crown for this Province, shall, within three months after the passing of this Act, deliver to the Commissioners to be appointed under this Act, an extract certified under the Seal of the Court of King's Bench of this Province, of all Inquisitions heretofore made and taken under the provisions of the said Act of this Province, passed in the fifty-fourth year of His Majesty's Reign, whereby any real estate or estates have been vested in His Majesty, and also, a certified extract, under the Seal of the said Court, of all Inquisitions whereby any real or personal estate, of any kind whatever, have been returned, as forfeited to His Majesty, by the attainder of any person or persons, of any High Treason committed during the War lately terminated between His Majesty and the United States of America, in which extracts of the Inquisitions taken under the said Act passed in the fifty-fourth year of His Majesty's Reign, shall be stated the names, additions, and late places of abode of the persons enquired of by the said Inquisitions, and the real estates which by such Inquisitions are vested in His Majesty, as the same are described in the said Inquisitions respectively, together with the date of the said Inquisitions, and the names of the Commissioners by whom they were respectively taken; and in the extracts of the Inquisitions upon attainders of any person or persons for High Treason, as herein before mentioned, shall be stated the names, additions, and late places of abode of the persons attainted, the species of Treason of which, and the respective times, places, and Courts, when and where they were so attainted, and also, the real estates, chattels, real or personal debts, goods, and effects whatsoever, which in the said Inquisitions are found to be forfeited by such attainder, and that the said Clerk of the Crown for the time being, shall, within thirty days after any Inquisition shall be hereafter returned into the Court of King's Bench, under the provisions of the said Act of the fifty-fourth year of his Majesty's Reign, whereby any real estate shall become vested in His Majesty, or after any Inquisition shall be returned into the Court of King's Bench, whereby any real or personal estate shall be found vested in His Majesty, by the attainder of any person or persons for  
any

Certified extracts of inquisitions to be furnished to the commissioners by the clerk of the Crown.

any High Treason, committed during the existence of the late war between His Majesty and the United States of America, make out and deliver to the said Commissioners like extracts of the same respectively, all which extracts or certified lists, the said Commissioners shall enter into a book, to be provided and kept by them for that purpose.

which extract to be entered by the commissioners.

III. *And be it further enacted by the authority aforesaid,* That an extract from that book, signed by any two or more of the said Commissioners, shall be taken and held as sufficient evidence of the matters therein certified, in all Courts of Justice within this Province, as far as may concern the execution of this Act, as fully as if the records of such attainder or Inquisition were produced in such Courts.

An extract of such entry, signed by any 2 or more commissioners to be evidence in Courts of Justice.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them for the time being, are hereby authorised, empowered, and required, to inquire into all such estates, both real and personal, within this Province, as are or may be vested in His Majesty by such attainder as aforesaid, or by Inquisition returned under the authority of the said Act passed in the fifty-fourth year of His Majesty's Reign, and to cause all and every the rents, issues, and profits of the said real estates, until sale thereof, to be effectually levied and paid into the hands of a special Receiver, to be appointed by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, for the purposes of this Act, and to levy, raise, secure, and cause to be sold, all such goods, debts, and personal chattels and estates, within this Province, as are or may be vested in His Majesty, in the manner herein before mentioned, and to sell the said real estates, after the claims relating to such estates respectively, shall be determined, or otherwise dispose of the same, in the manner herein after provided, and out of the rents or produce of the said estates, real or personal, to cause payment or satisfaction to be made of such sums of money as shall be due to any claimants upon the same, and in the execution of the premises, the said Commissioners shall and may proceed, in virtue of the powers hereby granted to them, in a summary way, without the formalities practised or observed in Courts of Justice.

General duties of commissioners under this Act.

Mode of proceeding.

V. And to the end that all and every of the said estates and interest hereby vested or to be vested in the said Commissioners may be duly published, so as all persons having interest therein, may have notice thereof, in such manner as that they may enter their claims upon the same, in manner herein after provided; *Be it enacted by the authority aforesaid,* That the said Commissioners shall cause the Register or books herein appointed to be kept of the names of all persons attainted of High Treason, committed during the time aforesaid, and of all real and personal estates and interests by this Act vested or to be vested in the said Commissioners, or an authentic copy or duplicate of such books, to be kept by a proper officer, who shall make the same open and patent to the inspection of all persons who shall demand the same, between the hours of ten and two, of any lawful day, without any fee or reward, and in the said books shall be expressed the dates when the entries of the several estates, real or personal, that shall be there entered, were made,

Register of forfeited estates kept by commissioners to be open to public inspection.

made, and the said Commissioners, or the majority of them, shall also transmit to the special Receiver, for the time being, an authentic copy of the said Register or books.

Duplicates of entries of real estates forfeited shall be transmitted to the clerks of the peace in the District where such real estates lie.

VI. *And be it further enacted by the authority aforesaid,* That when any real estate shall be entered in the said Register, the said Commissioners shall, from time to time, within the space of one month after such entry, transmit or cause to be transmitted an authentic copy or duplicate of every such entry to the Clerk of the Peace of the District, within which the said real estate is situated, and every such Clerk of the Peace shall, and is hereby required within seven days after he shall receive such duplicate or copy, to cause the same or a copy thereof to be affixed on the door of the place where the General Quarter Sessions of the Peace are usually held for such District, and to cause the same to be inserted in a book to be provided and kept by him for that purpose, all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and two, without fee or reward.

Notice to be given of such entries or registers

VII. *And that no person or persons whomsoever, having any estate, right, title, or interest in Law or equity, into or out of any of the said estates, real or personal, vested or to be vested in the said Commissioners by this Act, may be in any wise prejudiced thereby; Be it enacted by the authority aforesaid,* That all and every person and persons whatsoever, bodies politic or corporate, other than and except all such persons forfeiting the same, and the heirs, executors, administrators, and assigns, of every of them, and all and every person and persons having or claiming any thing in the premises or any part thereof, to the use of, or in trust for any such persons or their or any of their heirs, executors, administrators, having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, rent, debt, benefit, charge, or incumbrance whatsoever, in Law or equity, in, to, or out of, or upon any lands, messuages, tenements, and hereditaments whatsoever, or to any real or personal estate, or any other the premises whatsoever, vested or to be vested in the said Commissioners by this Act, by or under any settlement, conveyance, judgment, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting or which was binding on the persons attainted or to be attainted, or on the persons found or to be found Aliens by any Inquisition taken and returned according to the above recited Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, and which might have affected the same estate, before the respective days and times whereon the same was vested in His Majesty, and also all and every person and persons, bodies politic and corporate, pretending to have right or title to any estate which shall have been vested or shall hereafter be vested in the said Commissioners, and who shall pretend that none of the persons registered in the books of the said Commissioners, as attainted of High Treason, or as found to be Aliens, was seized or possessed of, or interested in or entitled unto such estates, in his, her, or their own right, or to his, her, or their own use, nor any other person in trust for them or any of them, as in the Inquisitions concerning the same are respectively returned, or that they have right or title to such estate, shall, within the space of six months,

In what manner claims to or out of the forfeit-estates, are to be made.

Time of making claim

months, to be reckoned from and after the date of the entry that shall be made in the Registry book of the said Commissioners, of any personal estate, and in case of real estate, within eight months of the entry in the Register to be kept for the District where such estate lies, in manner herein before directed, of the estate or interest in, to, or out of which such claims and demands are to be made respectively, enter all their respective claims and demands before the said Commissioners, in such manner as herein before mentioned, or in default thereof, every such estate, right, title, interest, use, possession, reversion, remainder, annuity, rent, debt, charge, and incumbrance into, or out of, or upon the said premises, or any part thereof, shall be and is hereby declared to be null and void, to all intents and purposes whatsoever, and the estate or estates so, as aforesaid, liable unto or charged therewith, shall from thence be freed, acquitted, and discharged of and from the same; and all and every such claims and demands of infants, shall and may be made by their fathers or guardians, or any other persons in their behalf, and all claims of femmes couvertes, by their husbands or any other persons on their behalf, and all claims of madmen, ideots, or lunatics, by such person or persons under whose care or custody they are or shall be at the time of entering such claims, and that all such claims shall be made and tendered in writing to the said Commissioners, and signed by the party or parties making the same, or such other person or persons on his, her, or their behalf, as aforesaid, or signed by the attornies or agents of the party or parties claiming, and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same, and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, annuity, rent, debt, benefit, charge, or incumbrance he or she demand or claim, into, or out of, or upon any part of the premises, and by and under what gift, grant, settlement, conveyance, security, title, or incumbrance, he or she do claim the same, and if such party claiming hath demands, or claims any estate, right, title, or interest, in or to any part of the premises, by virtue of any incumbrance for any debt or sum of money whatsoever, such party shall also in his claim set forth such incumbrance, and the dates and contents thereof, and the witnesses thereto, and if the same be recorded, when and where the same was entered on record, and whether such debt and sum of money was and is really due and remains wholly unpaid and unsatisfied, and what part and how much thereof has been really and truly satisfied, by money paid or by any other ways and means whatsoever, and every such claim shall be transcribed by order of the said Commissioners, or the majority of them, and entered in books to be provided and fairly kept by them for that purpose, and the said Commissioners or the majority of them, are hereby required and empowered to proceed in a summary way, without abiding the course of any roll, to hear and determine all such claims; and every decree of the said Commissioners, or the majority of them, shall be final and binding upon all parties concerned, in case thirty days shall elapse without any proceedings being had for appealing from the same to a special commission of appeal, to be composed of the Chief Justice and Judges of the Court of King's Bench in this Province, and it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint the Chief Justice and the Judges of the Court of King's Bench for the time being, Commissioners of appeal, with

If claims not made within the terms limited, the estate to be forever discharged thereof

How claims of infants lunatics, femmes couvertes, &c to be made.

Claim to be in writing.

How commissioners are to proceed on such claims.

Commissioners' decree to be final unless appealed from within 30 days.

Commissioners of appeal.

power to hear and determine all appeals from the decisions, judgments, and decrees of the Commissioners first above referred to.

Examination of claims  
by commissioners.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them, shall, and they are hereby empowered and required, in a summary way, without the formality of proceedings in the Courts of Law or Equity, to proceed by and upon the testimony of witnesses upon oath, examination of persons claiming, or otherwise interested, upon their oaths, inspection, and examination of deeds of writings and records, or by all or any of the said ways and means or otherwise, or according to the circumstances of the case, as soon as conveniently may be, to hear and determine, and adjudge all and every claim and claims which shall be entered within the times aforesaid, and that every party claiming shall, if required by the said Commissioners, or by or on behalf of His Majesty's Attorney or Solicitor General of this Province, upon oath, answer to the truth of his or her claim, and to such proper interrogatories as the Commissioners shall think fitting for the clearing thereof, and upon oath produce before the said Court, at the hearing of such claim, all such deeds, writings, and evidences, as are in his custody or power, any ways concerning the said claim or the subject matter thereof.

Evidence to be pro-  
duced.  
Oath of claimants.

IX. *And to the end that due care may be taken of the interest of His Majesty in respect of such claims as shall be offered, as aforesaid, It is hereby enacted by the authority aforesaid,* That His Majesty's Attorney General of this Province, or in his absence, the Solicitor General, shall and they are hereby empowered and required to provide for making proper answers and defence on behalf of His Majesty, to all such claims as shall be offered as aforesaid, and for reversing, affirming, and amending the decrees that shall be passed upon such claims, as they shall see cause.

His Majesty's Attor-  
ney and Solicitor Gen.  
to defend on behalf of  
His Majesty.

In what manner the  
sums decreed to claim-  
ants shall be paid.

X. *And be it further enacted by the authority aforesaid,* That where the claim so to be determined, as aforesaid, to be just and lawful, shall contain a demand of any sum or sums of money, any wise affecting any of the said estates, real or personal, then and in such case, the said Commissioners or the majority of them, shall, and are hereby expressly empowered and required to issue out debentures or certificates to claimants for the respective sum or sums which shall be determined to be due and payable to them severally, by the decrees of the said Commissioners, which debentures or certificates, with legal interest, shall be paid without any deduction, fee or reward, by the aforesaid special Receiver, out of such rents, profits, and proceeds, as shall be paid into his hands from the respective estates, upon which the said claims are allowed, so that such claims shall in no case exceed the rents, profits, and proceeds, received by the said special Receiver from and on account of the estate, in respect of which, the said claim is made.

Sheriff to put claim-  
ants in possession of  
real estates decreed to  
them.

XI. *And be it further enacted by the authority aforesaid,* That when the said claim shall contain a demand of any lands, tenements, or other real estate whatsoever, or any interest therein, and shall be adjudged and decreed by  
the

the said Commissioners to be just and legal, then and in that case, the said Commissioners or the majority of them, are hereby authorised to order the Sheriff of the District where the same shall lie, to cause possession to be delivered to such claimant or claimants, his, her or their heirs, executors, administrators or successors, or to whom they or any of them shall appoint, and all and every such claimant or claimants, his, her or their heirs, executors, administrators or successors, shall hold and enjoy the same or such estate and interest therein, respectively, as shall be adjudged, determined or decreed as aforesaid.

XII. *And be it further enacted by the authority aforesaid,* That all and every the estate and interests, which shall be entered in the Register to be kept by the said Commissioners, according to the directions of this Act, to or upon which no claim shall be entered within the time and in the manner hereinafter prescribed, shall be deemed and taken, against all persons and to all intents and purposes, to be vested in the said Commissioners in virtue of this Act, and such estates and interests as shall be so entered in the said Register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in the said Commissioners, subject only to such burthen, diminution or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwise.

Estates when to be vested in the commissioners.

XIII. And to the intent that the said real and personal estates may be disposed of, and the value thereof applied as herein is directed, *Be it further enacted by the authority aforesaid,* That the said Commissioners shall, as soon as convenient, use their utmost endeavours to secure all such goods and personal chattels as appear by the said extracts, or otherwise, to be vested in His Majesty, in such places, and in the custody of such persons as shall be thought most proper by the said Commissioners, for preventing the perishing, or any loss or embezzlement thereof; and the said Commissioners or the majority of them, are hereby authorised and required to sell all and singular the real estate, and also the goods and chattels, vested or to be vested in them by this Act, according to the best of their skill and judgment, and for that purpose, having caused public notice to be given for the space of ninety days at least, of the time and where they intend to begin to expose to sale any part or parcel thereof, and of the several particulars then and there to be sold, they shall sell the same by public auction, to such person or persons as shall bid most for the same, and immediately upon every such sale or contract, shall cause an entry to be made in their book of all and every the real and personal estate so sold, and of the buyer's names and places of abode, and the prices paid for the same respectively, and upon payment of the purchase money to the said Commissioners, or as soon after as conveniently may be, the said Commissioners shall deliver to the respective purchasers, the goods and chattels, and execute deeds of bargain and sale, for such real estates as shall be sold in manner aforesaid, to the respective purchasers thereof, which said deeds of bargain and sale, are hereby required to be registered, as other conveyances by deed of bargain and sale of lands in this Province, and in case any person or persons, being the highest bidder at any such auction, shall make default in payment of

Commissioners to sell forfeited estates by auction.



of the monies, according to the terms mentioned at the said auction, he, she or they shall forfeit one third of the sums for which the said real estates or goods and chattels, respectively, were sold, to be levied under a warrant, under the hands and seals of the majority of the said Commissioners, and the said Commissioners, or the majority of them, may and shall proceed to a new sale of all and every such real estate, or goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof had been before made.

Persons having entered into forfeited estates, or enjoyed the same without lawful title, shall account for the profits thereof to the commissioners.

or in default pay double value, to be levied &c.

Days of meeting of commissioners, who may send for persons, papers, &c.

administer oaths.

Penalty on Sheriffs or other officers not obeying the precepts of the Commissioners.

XIV. *And be it further enacted by the authority aforesaid,* That all and every person and persons, who, since the committing of any act by reason of which any estate has become or may hereafter become vested in His Majesty, either by attainder, or any High Treason committed during the late war between His Majesty and the United States of America, or under the provisions of the herein before recited Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, have entered into or upon the said estate or any part thereof, and held and enjoyed the same without any lawful title thereunto, shall be responsible for all and every the profits of the same premises, during the time of his, her, or their occupation thereof, and shall answer and pay the value thereof, to be decreed upon evidence by the said Commissioners, or the majority of them, to the said special Receiver, at such days or times as shall be appointed by the said Commissioners, or the majority of them, or in default thereof, shall forfeit double the value of the same profits by him or them received, to be levied by the said Commissioners or the majority of them, by warrant under their hands and seals, and paid into the hands of the special Receiver, to be applied as the other monies to be paid to him in pursuance of this Act.

XV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them, shall and may meet on the first and third Mondays of every month, and may meet, act, and proceed at such other days and times as they may think proper, with or without adjournment, and shall and may send their precept or precepts for any person whatsoever to appear before them, and for all such books, papers, and writings, as they shall think necessary for their information in any matter or thing relating to this Act, under the same penalties and conditions as witnesses subpoenaed in civil causes, in the Court of King's Bench, and shall and may detain in their custody such books, papers, and writings, so long as they shall have occasion for the same, and then return such books, papers, and writings to the persons to whom they respectively belong, and shall and may administer oaths for the better discovery of the truth of the inquiries by them to be made, to any person or persons therein concerned, or to any other person or persons whatsoever, and all Sheriffs, Bailiffs, Constables, and other officers whatsoever, are hereby required to obey and execute such orders and precepts as shall be sent to them or any of them, by the said Commissioners, or the majority of them, as they will answer the contrary at their utmost perils; and if any officer or officers shall neglect or refuse to give obedience to the precepts and orders of the said Commissioners,

sioners, or the majority of them, for the due execution of this Act, then and in every such case, it shall and may be lawful to and for the said Commissioners, or the majority of them, to impose upon any such officer or officers, a fine not exceeding fifty pounds, sterling, for any one offence, and to commit such officer or officers, till such fine shall be paid unto the Receiver General of this Province, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and for the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as it shall please His Majesty to direct.

XVI. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them, shall, and they are hereby authorized, from time to time, to appoint and employ Clerks or other necessary officers for the execution of this Act, which said Clerks or other officers respectively, are hereby required faithfully to execute and perform the trust in them respectively reposed, without taking any thing for such their service, other than such fees, salaries or rewards, as the said Commissioners, or the majority of them, shall think fit and direct in that behalf, and every such Clerk or other officer, before he enters on the execution of his employment shall take an oath for his true and faithful demeanor, in all things relating to the trusts reposed in him by the said Commissioners, and that he will not directly nor indirectly take or receive any fee or reward, or accept the promise of any fee or reward, for any thing whatsoever to be done by him in the execution of the said trusts, except what shall be settled or allowed by the said Commissioners, or the majority of them, and that he will not, directly nor indirectly, have any part, share, or interest, or make any benefit by any discoveries of any forfeited or forfeitable estates or interests whatsoever, intended to be vested in the said Commissioners, in pursuance of this Act, or conceal, or cause, or procure to be concealed the same or any part thereof.

Appointment of clerks  
&c. by the Commrs

Fees.

Oath to be taken by  
clerks, &c.

XVII. *And be it further enacted by the authority aforesaid,* That there shall and may be paid to such person or persons as the said Commissioners or the majority of them, shall nominate, upon account for payment of salaries of inferior officers employed under them, and for incident charges in and for the performance of the several trusts by this Act committed to the said Commissioners, such sums of money as the said Commissioners, or the majority of them, judge to be necessary and reasonable in that behalf, out of such monies as shall, from time to time, be or remain in the hands of the said special Receiver for the time being, by virtue of any of the clauses, matters, or things, in this Act contained, and the said special Receiver is hereby authorized and required to pay the same out of such monies, upon vouchers or authorities signed for that purpose by the said Commissioners, or the majority of them.

Provision for the remuneration of inferior officers, by the Commissioners.

XVIII. *And be it further enacted by the authority aforesaid,* That an appeal shall lie to the Commissioners of Appeal in this Province, from the judgment and decree of the said Commissioners, upon any claim that shall be brought

Proceedings in appeal

brought before them in pursuance of this Act, and that the appellant or appellants from any such judgment or decree, shall, within twenty days from the giving or passing of the same, present to the said Commissioners or the majority of them, his, her, or their exception or exceptions to the said judgment or decree, which exception or exceptions, shall be in writing, and signed by the party or parties appealing, or his, her, or their Attorney, and shall be entered by the said Commissioners in a book to be kept by them for that purpose, a transcript of which exceptions, signed by the majority of the said Commissioners, shall be remitted without delay to the Clerk of the said Commission of Appeal for the time being, that the said Commissioners of Appeal may proceed as soon after as may be convenient, to consider the said judgment or decree, and to reverse or affirm the same as they shall judge thereupon; and if the appellant or appellants do not appear personally, or by his or their Attorney to prosecute such appeal within the next term after the said transcript shall have been filed by the Clerk of the Commissioners, the said Commissioners are hereby required to hear the argument on such appeal, ex-parte, and to decide thereupon according to their judgment on the matters contained in the said transcript, and the judgment of the Commissioners on such appeal, shall be final and conclusive.

Attorney and Solicitor Generals accounts how to be audited and discharged.

XIX. *And be it further enacted by the authority aforesaid,* That His Majesty's Attorney and Solicitor General of this Province, shall and may make out their contingent accounts against the Government of this Province, for all services rendered by them on behalf of His Majesty, in respect of the estates hereby vested or to be vested in the said Commissioners, which accounts being duly sworn to, shall be inspected and audited by the said Commissioners, or the majority of them, following as nearly as may be the usual allowance of fees made to those officers respectively, for services of a similar nature, and the amounts of such accounts so audited, shall be paid by the said special Receiver, for the time being, under the authority of the said Commissioners, or the majority of them, out of such monies as shall come into his hands in pursuance of this Act.

Oath to be taken by the Commissioners and security given.

XX. *And be it further enacted by the authority aforesaid,* That the Commissioners to be appointed under this Act shall, before entering upon the duties of their office, take an oath to execute, faithfully and impartially, with all possible despatch, according to the best of their ability, the several duties imposed upon them by this Act, which oath shall be taken and subscribed before the Executive Council of this Province, and shall enter into a bond under the penalty of one thousand pounds, to pay over into the hands of the said special Receiver, all such sums of money as shall be paid to them, in pursuance of this Act, within one month after they shall receive the same respectively, and that each of the said Commissioners, acting in pursuance of this Act, shall be entitled to receive a sum not exceeding one pound per day, for every day he shall be so employed in executing the provisions of this Act, which sums shall be paid to them respectively by the said special Receiver annually, out of such monies as shall come into his hands in pursuance of this Act, upon the warrant of the Governor; Lieutenant Governor, or Person administering the Government of this Province.

Remuneration.

XI. *And be it further enacted by the authority aforesaid,* That the special Receiver to be appointed under this Act, for the time being, shall before entering upon the duties of his office, take an oath to execute faithfully the duties imposed upon him by this Act, which oath shall be taken and subscribed before the Executive Council of this Province, and shall enter into a bond, with a penalty of four thousand pounds, with two sureties in the sum of two thousand pounds each, to pay over and duly account for all such sums of money as he shall receive in pursuance of this Act, and that the said special Receiver for the time being, shall and may retain in his hands two pounds ten shillings, for every hundred pounds to be by him received and paid in pursuance of this Act, as a remuneration for services therein, and that the balance remaining in his hands after the payment of all and every of the certificates, debentures, accounts, charges, salaries and deductions mentioned or provided in this Act, shall be paid by the said special Receiver, in discharge of such warrants as the Governor, Lieutenant Governor or Person administering the Government of this Province, by and with the advice of the Executive Council thereof, shall from time to time issue in favor of any person or persons, for any sum or sums of money to be paid them towards compensating the losses which he, she or they have sustained by the invasion of the enemy or otherwise, in consequence of the late war with the United States of America.

Oath of Special Receiver.

Security.

Remuneration.

Appropriation of proceeds of the forfeited estates, after payment of all accounts, charges and deductions.

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## C H A P. XIII.

An Act to repeal an Act passed in the fifty-fifth year of His Majesty's Reign, entitled "An Act to Licence PRACTITIONERS in PHYSIC and SURGERY throughout this Province" and to make further provision for Licencing such Practitioners.

[Passed 27th November, 1818.]

**W**HEREAS, the provisions of an Act of the Parliament of this Province, passed in the fifty-fifth year of His Majesty's Reign, entitled "An Act to Licence Practitioners in Physic and Surgery throughout this Province." have been found to be impracticable; Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the above recited Act be and the same is hereby repealed.

Preamble.

55th Geo. III. c 5 repealed.

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

Medical Board to be appointed for examination of candidates for Licences to practice.