

III. *And be it further enacted by the authority aforesaid,* That if the owner of any distress, or some person on his behalf, shall not appear, or shall dispute the amount of the damages claimed, it shall and may be lawful for the pound-keeper to apply to some neighboring Justice of the Peace, who is hereby authorised and required forthwith to summon three freeholders, to whom he shall administer an oath well and truly to assess the damages, and where the said freeholders shall not agree, the determination of the majority of them shall be conclusive as to such damages. *Provided nevertheless,* That nothing herein contained shall be construed or taken to restrain the owner of the distress from instituting any suit or suits in consequence of any distress or distresses to be made under the authority of this Act, in which nothing shall be tried or called in question, except the legality of taking or impounding such distress or distresses.

If the owner of any distress shall not appear, Justices to summon freeholders to assess damages, &c.

IV. *And be it enacted by the authority aforesaid,* That from and after the first day of May next, it shall not be lawful for any person or persons residing in the several towns of York, Niagara, Queenston, Amherstburgh, Sandwich, Kingston, or New-Johnstown, to have any Swine going at large in the said towns; and if any Swine belonging to any such person or persons, shall be found at large in any of the towns aforesaid, such person or persons shall for every such Swine forfeit and pay the sum of ten shillings, to and for the use of His Majesty, his Heirs and Successors, to be accounted for unto His said Majesty through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall direct, to be recovered in a summary way, before any one of His Majesty's Justices of the Peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of ten shillings, and the charges of the sale.

Swine not to go at large, in York, Niagara, Queenston, Amherstburgh, Kingston or New Johnstown.

(See 34th Geo. III. c 8.—44th c 4.)

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## C H A P. XI.

An Act the more conveniently to collect the Compensation to the Members of the House of Assembly for their attendance in their Duty in Parliament, and to repeal part of an Act passed in the Parliament of this Province in the thirty-third year of His Majesty's reign, intituled, "*An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of WAGES to the House of ASSEMBLY.*"

[ 5th March, 1803.]

**W**HEREAS the present mode of Assessment for making compensation to the Members of the House of Assembly for their attendance in their duty in Parliament, is found to be inconvenient; for the more easy collection and payment of the same; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain

Preamble.

certain

Every Member having attended, to receive from the Speaker a warrant.

And may demand of the Justices, a sum not exceeding 10s per day,

Which shall be levied by assessment.

Where any Member represents two or more Districts, he may demand a warrant directed to the Justices of each District.

Thirtieth clause of former Act repealed.

(See 33rd Geo. III. c. 3.)

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 after every prorogation and dissolution of the Assembly of this Province, it shall and may be lawful for every Member thereof, having attended, to receive from the Speaker of the House of Assembly, a warrant under his hand and seal, signifying the time that such Member hath attended his duty in the said Assembly; and every Member possessed of such warrant, shall and may ask and demand of the Justices of the Peace for the District in which the County or Riding represented by such Member may be situate, in their General Quarter Sessions assembled, a sum not exceeding ten shillings per day, for every day that the said Member shall have been engaged in the attendance of his duty in the House of Assembly, and have been necessarily absent from his place of abode in going to, or returning from his attendance; which sum it shall or may be lawful for the said Justices to levy, by assessment to be made on each and every inhabitant householder in the several parishes, townships, reputed townships, or places within the County or Riding represented by such Member, in the same manner and form as by law any assessment may now or hereafter be levied, for any public purpose in any District in this Province; and for the said Justices to issue their order upon the Treasurer of the District to pay the amount of the sum to which any such Member may be entitled, out of the monies which may come into his hands, under and by virtue of any Act of the Provincial Parliament. And it shall and may be lawful to and for each and every Member, who may now or hereafter represent part of two or more Districts, to ask and demand from the Speaker of the House of Assembly, who is hereby authorized and required to grant the same, a Warrant directed to the Justices in General Quarter Sessions assembled, of each of the said Districts, which the said Member shall so represent, which Warrant shall specify the sum that each District is liable to pay, and the Justices thereof respectively, are hereby required to cause the sum specified in such Warrant to be collected and paid to the said Member, in manner and form as herein before directed.

II. *And be it further enacted by the authority aforesaid,* That the thirtieth clause of an Act passed in the Parliament of this Province, in the thirty-third year of His Majesty's reign, intituled, "An Act to authorize and direct the laying and collecting of assessments and rates within this Province, and to provide for the payment of Wages to the House of Assembly," shall be, and the same is hereby repealed.

## C H A P. XII.

An Act particularizing the Property, Real and Personal, which, during the continuance thereof, shall be subject to ASSESSMENTS and RATES, and fixing the several VALUATIONS at which each and every particular of such Property shall be Rated and Assessed.

[Expired.]