

one of His Majesty's Justices of the Peace, of and in the District where such Troops or Militia may be either on a march, or in cantonment, upon receiving an order from the Commander in Chief of the said Troops or Militia in that behalf, or a requisition in writing from the Officer commanding any regiment or detachment of the same, for such boats or other craft, as may be requisite for the conveyance of the said Troops or Militia, and their ammunition, provisions and baggage, shall and may, and he is hereby required to issue his warrant to such person or persons as may be possessed of such boats or other craft, within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such boats or other craft, and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their boats or craft, for that service, each and every such person or persons shall forfeit and pay the sum of five pounds.

Boats or other craft to be furnished in cases of emergency.

Penalty.

VI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures by this Act inflicted, or authorized to be imposed, shall be levied and recovered, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of any Justice of the Peace, and such Justice is hereby empowered and required, to grant the same upon the confession of the party or parties, or upon the evidence of any one or more credible witness or witnesses, upon oath, and the overplus, if any, of the money arising by such distress and sale, shall be returned upon demand, to the owner or owners of such goods and chattels, deducting therefrom the costs and charges of such distress and sale, one half of the said penalties and forfeitures shall be paid to the informer, the other half into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury, for the time being, and in such manner and form as it shall please His Majesty to direct.

Mode of recovering penalties under this act.

VII. *And be it further enacted by the authority aforesaid,* That an Act or Ordinance of the late Province of Quebec, passed in the twenty-seventh year of His Majesty's Reign, intituled "An Ordinance for quartering the Troops upon certain occasions in the country Parishes, and providing for the conveyance of effects belonging to the Government." be, and the same is hereby repealed.

Ordinance of Quebec, 27th Geo. 3d repealed.

C H A P. III.

An Act to encourage the Destroying of WOLVES in this Province.

[Passed 9th March, 1809.]

WHEREAS, the inhabitants of this Province have suffered, and continue to suffer great injury and damage from Wolves, since the discontinuance of the Bounty heretofore granted for the destroying them; Therefore be it enacted

Preamble.

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 from and after the passing of this Act, all and every person or persons who shall kill or cause to be killed any Wolf or Wolves, and who shall, after the death thereof, take or cause to be taken the scalp or scalps with the ears on the same, of such Wolf or Wolves, before any one of His Majesty's Justices of the Peace, acting within the division where such Town, Township or Parish, where the said Wolf or Wolves shall have been killed, shall be, and make oath before the said Justice, that the said Wolf or Wolves was or were killed within the said Town, Township or Parish, or within five miles of any inhabited place next adjoining the said Town, Township or Parish, which oath the said Justice is hereby empowered to administer, the said Justice having first destroyed the said scalp or scalps, shall give to such person or persons a certificate of the fact or facts having been proved to his satisfaction, and such certificate being presented to the Treasurer of the District, shall authorise the person or persons obtaining and presenting the same, to ask for, demand and receive of and from the said Treasurer, the sum of Twenty Shillings for the scalp of every Wolf so taken and presented. *Provided always*, That nothing herein contained shall extend or be construed to extend the said reward to any Indian or Indians, who shall kill or cause to be killed any Wolf or Wolves as aforesaid.

On presenting a certificate from a Justice the sum of 20s. to be paid for the scalp of every wolf taken and killed.

Exception as to the Indians.

Payment by the Treasurer of the district.

Certain expences of the district to be paid before payment made by virtue of the certificate.

II. *And be it further enacted by the authority aforesaid*, That when and so often as any person or persons, possessed of any such certificates as aforesaid, shall present the same to the Treasurer of the District wherein such Wolf or Wolves shall have been destroyed, he, the said Treasurer, shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, provided the District fund in his hands do enable him so to do, and if the District fund in his hands do not enable him the said District Treasurer to pay and satisfy such bounty forthwith, then and in such case, he the said District Treasurer shall pay and satisfy the same out of the monies of the District which shall next thereafter come into his hands.

III. *Provided always, and be it further enacted by the authority aforesaid*, That it shall not be lawful for the Treasurer of any District to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, until he shall have paid the other annual expences of the District, arising from the building a Court-house and Gaol, and keeping the same in repair, the salary of the Clerk of the Peace and Gaoler, the maintenance of the prisoners, and the fees of the Coroners and other officers, any thing herein contained to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That when and as often as the funds of any District will, according to the provisions of this Act, enable the Treasurer of such District to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, it shall and may be lawful for the Magistrates of such District, in Quarter Sessions assembled, to order that each and every certificate granted as aforesaid for having destroyed a Wolf or Wolves, shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any District rate or assessment to be collected of or from any person or persons within the District, wherein such Wolf or Wolves shall have been destroyed, and shall, accordingly as such, be accepted and taken as equivalent to so much of the current gold or silver coin of this Province, by the Collector of each and every Township within such District respectively, and as such, shall and may by each and every Collector respectively, be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and equivalent to so much of the aforesaid current coin of this Province.

Under what circumstances the certificate shall be accepted as a discharge for the sum therein contained, of any district assessment.

C H A P. IV.

An Act for the more effectual preventing of FRIVOLOUS and VEXATIOUS SUITS; and to authorize the LEVYING of POUNDAGE upon EXECUTIONS in certain CASES, and to regulate the SALES by SHERIFFS and other Officers.

[Passed 9th March, 1809.]

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 in all actions to be brought in the Province of Upper Canada, from and after the passing of this Act, wherein the defendant or defendants shall be arrested and held to bail, and wherein the plaintiff or plaintiffs shall not recover the amount of the sum for which the defendant or defendants in such action shall have been so arrested and held to Special Bail, such defendant or defendants shall be entitled to costs of Suit, to be taxed according to the custom of the Court, in which such action shall have been brought, provided it shall be made appear to the satisfaction of the Court, in which such action is brought, upon motion to be made in Court for that purpose, and upon hearing the parties by affidavit, that the plaintiff or plaintiffs in such action, had not any reasonable or probable cause for causing the defendant or defendants to be arrested and held to Special Bail, in such amount as aforesaid; and provided that such Court shall thereupon by Rule or Order of the same Court,

Circumstances under which defendant when held to special bail, shall be entitled to costs of suit.