

## C H A P. VII.

*An ACT to Regulate the Toll to be taken in Mills.*

Preamble.

**W**HEREAS it is expedient to ascertain and determine the quantity of grain to be taken by way of toll, for grinding the said grain into flour and bolting the same, and whereas different customs have obtained within the several districts of this province; Be it enacted by the kings 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 provisions for the government of the province of Quebec, in North America, and to make further provision for the government of the said province;" and by the authority of the same, That from and after the first day of January in the year of our Lord one thousand seven hundred and ninety-three, no owner or occupier, or owners or occupiers of any mill or mills within this province, or any person employed by him or them, shall demand take or receive any quantity or proportion of grain, brought to him or them to be ground and bolted greater than one twelfth share or part for grinding and bolting such grain.

No greater proportion to be taken for grinding and bolting grain than one 12th.

Penalty,

II. *And be it further enacted by the authority aforesaid,* That any owner or occupier or owners or occupiers of a mill or mills within the said province, or any person employed by him or them, who shall demand and take after the day and year above mentioned, any quantity or proportion of grain greater than the twelfth share or part of such grain as aforesaid, shall for every such offence forfeit and pay the sum of ten pounds Quebec currency, one moiety thereof to his majesty his heirs and successors for the public uses of the said province and the support of the government thereof, and the other moiety of the said sum, to any person who shall sue for the same in any of his majesty's courts of record within this province.

how applied & levied.

Bags must be marked.

III. *And whereas much inconvenience and confusion has arisen from the custom of bringing bags of grain without any distinguishing mark to whom the said bags of grain belong,* Be it enacted by the authority aforesaid, that no owner or occupier of any mill, shall be bound to receive, or be chargeable with the loss of any bag or bags of grain or flour, unless the same be marked with the initial letters of the christian and surname of the owner of the said grain, or with some mark distinguishing the said bag or bags, which mark of distinction, shall be previously communicated and made known to the said owner or occupier, or his servant usually attending the said mill.

## C H A P. VIII.

*An ACT for building a Gaol and Court House in every district throughout this Province, and for altering the names of the said Districts.*

Preamble.

**W**HEREAS great inconveniences have been suffered by the inhabitants of this province, from the want of prisons and court houses in the several districts thereof, and whereas such buildings are manifestly necessary for the regular administration of justice and the due execution of the laws, Be it enacted by the kings 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 a gaol and court-house, shall be erected in manner herein after to be mentioned in each and every district throughout the said province.

A gaol & court house to be built in each district.

I. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the name of the district at present known by the name of the district of Lunenburgh, and bounded as in a certain proclamation issued by his excellency GUY LORD DORCHESTER, in the twenty-eighth year of his majesty's reign, is described, shall cease, and that the said district shall hereafter in all public proceedings be called and known by the name of the EASTERN District.

The district of Lunenburgh to be henceforth called the Eastern district.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the name of the district at present known by the name of the district of Mecklenburgh, and bounded as in a certain proclamation issued by his excellency Guy lord Dorchester, in the twenty-eighth year of his majesty's reign, is described, shall cease, and that the said district shall hereafter in all public proceedings be called and known by the name of the MIDLAND District.

The district of Mecklenburgh to be henceforth called the midland district.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the name of the district at present known by the name of the district of Nassau, and bounded as in a certain proclamation issued by his excellency Guy lord Dorchester, in the twenty-eighth year of his majesty's reign, is described, shall cease, and that the said district shall hereafter in all public proceedings be called and known by the name of the HOME District.

The district of Nassau to be henceforth called the Home district.

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the name of the district at present known by the name of the district of Hesse, and bounded as in a certain proclamation issued by his excellency Guy lord Dorchester in the twenty-eighth year of his majesty's reign, is described, shall cease, and that the said district shall hereafter in all public proceedings be called and known by the name of the WESTERN District.

The district of Hesse to be henceforth called the Western district.

V. *Provided always, and it is hereby enacted,* That such alteration of the names of the several districts, shall not impeach or be construed to impeach, the legality of any existing commission granted for the exercise of any authority or jurisdiction, within the limits of the said districts, or any of them, by the names herein before mentioned, or to make void any legal or other proceeding, had under and by virtue of the said commissions, or otherwise to affect the said commissions in any respect whatever.

Such alteration of names not to avoid commissions or legal proceedings.

VI. *And for the better effectuating the building the said gaol and court-house in each of the said districts, Be it further enacted by the authority aforesaid, and it is hereby enacted,* That the justices of the peace within the respective limits of their commissions at the general quarter sessions assembled, shall be authorized, and they are hereby authorized, by such means as shall to them seem most fitting and convenient, to procure different plans and elevations of a gaol and court-house, to be laid before them, for the purpose of selecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said justices then and there assembled as aforesaid.

Magistrates in quarter sessions to procure different plans & elevations of a gaol and court house, & to approve of one.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any two or more of the said justices, assembled in manner aforesaid, in the name and on the behalf of the inhabitants of the several districts, to contract with, and they are hereby enabled and authorized to contract with any person or persons who shall be willing to build the said gaol and court-house, according to the plan so approved of as aforesaid, upon a site or situation to be determined upon by the said justices, or the greater part of them so assembled as aforesaid, and for that purpose the said plan and elevation shall remain and continue in the office of the clerk of the peace of the several districts for general inspection, and public notice shall be given to all persons willing to contract for the building of the said gaol and court-house, to deliver in

and to contract for building the same agreeably thereto.

Public notice being given for receiving proposals, & the same examined the lowest shall be accepted provided the security be sufficient.

When to be completed.

Where to be built in the Eastern district.

in the Midland district.

in the Home district.

in the Western district.

Sheriff to appoint the gaoler.

No license to be granted for retailing spirituous liquors within such gaols.

Penalty on gaolers transgressing in this respect.

Penalty for a second transgression.

Rules made in quarter sessions when approved by a judge shall be binding on the gaoler & prisoners.

within a certain limited time, written proposals or offers under seal, of the sum of money for which he or they will engage to build such gaol and court-house, conformably to certain articles and conditions, to be agreed upon by the justices then present, or the greater part of them as aforesaid, and that the said justices shall on a day for that purpose previously to be fixed, openly examine the said proposals so delivered in as aforesaid, and shall be empowered and are hereby required to contract with such person or persons as shall offer to undertake and perform the said buildings for the lowest price, provided the person or persons making such proposals, shall give and enter into good and sufficient security, to be approved of by the said justices or the greater part of them in manner aforesaid, for the due performance of their contract.

VIII. *Provided always,* That it be an article within the said contract, and the person or persons so contracting shall engage that the said gaol and court-house shall be completed within eighteen calendar months, after the execution of the said contract.

IX. *And be it further enacted by the authority aforesaid,* That a gaol and court-house for the Eastern District, shall be built in manner aforesaid, in the town of New-Johnston, in the township of Edwardsburgh.

X. *And be it further enacted by the authority aforesaid,* That a gaol and court-house for the Midland District, shall be built in manner aforesaid, in the town of Kingston.

XI. *And be it further enacted by the authority aforesaid,* That a gaol and court-house for the Home District, shall be built in manner aforesaid in the town of Newark.

XII. *And be it further enacted by the authority aforesaid,* That a gaol and court-house for the Western District, shall be built in manner aforesaid, as near to the present court-house as conveniently may be.

XIII. *And be it further enacted by the authority aforesaid,* That in each and every district, the sheriff thereof shall have power and authority to nominate and appoint such person as he shall judge most proper to the office of gaoler and keeper of the gaol and court-house, and also to remove and discharge such gaoler and keeper.

XIV. *Provided always,* That no licence shall be granted for retailing any spirituous liquors, within any of the said gaols or prisons, and if any gaoler, keeper or officer of any gaol or prison, shall sell, use, lend, or give away or knowingly permit, or suffer any spirituous liquors or strong water, to be sold, used, lent, or given away in such gaol or prison, or brought into the same, other than except such spirituous liquors or strong waters as shall be prescribed or given by the prescription and direction of a regular physician, surgeon or apothecary; every such gaoler, keeper or other officer, shall for every such offence forfeit and lose the sum of twenty pounds, current money of this province, one moiety thereof to his majesty, his heirs and successors, for the public uses of the said province, and the support of the government thereof, and the other moiety of the said sum with full costs of suit, to the person or persons who will sue for the same in any of his majesty's courts of record in this province, by action of debt, bill, plaint or information, and in case any such gaoler or other officer being convicted thereof as aforesaid, shall again offend in like manner, and be thereof a second time lawfully convicted, such second offence shall be deemed a forfeiture of his office.

XV. *Provided also,* That it shall and may be lawful for the said justices at their quarter sessions assembled, as aforesaid, or the greater part of them, to frame and draw up such rules and regulations to be observed and obeyed within the said gaol, respectively, as to them shall seem most proper and convenient, which having received the approbation and signature of one of the judges of the supreme court, shall be binding on the gaoler and prisoners.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said justices within the respective limits of their commissions, assembled as aforesaid, or the

greater part of them, and they are hereby authorized and empowered, to ascertain and appoint a reasonable yearly salary according to their discretion to be paid to the gaoler, and that the said salary shall be in place of all fees, perquisites or impositions of any sort or kind whatever, and that it shall not be lawful for the said gaoler or officer belonging to the said gaol, to demand or receive any fee, perquisite or other payment from any prisoner who may be confined within any of the said gaols or prisons.

A yearly salary shall be appointed to such gaoler in place of all fees, perquisites or impositions whatever.

# L A W S

## OF HIS MAJESTY'S PROVINCE OF

### U P P E R - C A N A D A .

PASSED IN THE SECOND SESSION OF THE PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK, ON THE THIRTY-FIRST DAY OF MAY, IN THE THIRTY-THIRD YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING.

#### C H A P. I.

*An ACT for the better Regulation of the Militia, in this Province.*

**W**HEREAS the establishment of a respectable militia, under proper officers is essential for the protection and defence of the province; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, an act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled "An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province," and by the authority of the same, That from and after the passing of this act, an ordinance of the province of Quebec, passed in the seventeenth year of his majesty's reign, entitled, "An Ordinance for regulating the militia of the province of Quebec, and rendering it of more general utility towards the preservation and security thereof," shall be repealed, and the same is hereby repealed accordingly. And be it enacted by the authority aforesaid, That the governor, lieutenant governor or person administering the government of this province, shall and may from time to time, constitute and appoint a lieutenant in each and every county and riding thereof, who shall have full power and authority, and is hereby required to call together, arm and array, and cause to be trained and exercised, such persons, in such manner as herein after directed, once in every year, and the said lieutenants severally shall from time to time, constitute and appoint one such person as they shall think fit, qualified as herein after directed, and living

Preamble.

Ordinance for regulating the militia repealed.

Lieutenant of counties to be appointed,