

and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor or person administering the government for the time being, from time to time to nominate and appoint by an instrument under his hand and seal at arms, a proper person to execute the office of returning officer, for every county or riding, division or town within the province.

In what manner returning officers shall be, in future, appointed,

II. *Provided always, and it is hereby enacted,* That no person shall be obliged to execute the office of returning officer for any longer time than one year, unless he shall be disposed to continue to execute the same, by and with the consent and approbation of the said governor, lieutenant governor or person administering the government for the time being.

shall not be compelled to serve for any longer time than one year.

III. *Provided also, and be it hereby enacted by the authority aforesaid,* That this act shall continue in force for and during the space of seven years, and no longer.

Determination of this act.

C H A P. XIII.

An ACT to establish a further Fund for the Payment of the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the Contingent Expences thereof.

**W**HEREAS by a certain act of the parliament of Great-Britain, passed in the fourteenth year of his majesty's reign, entitled, an act for establishing a fund towards further defraying the charges of the administration of justice and support of the civil government, within the province of Quebec, in North America, it was therein amongst other things enacted, "That from and after the fifth day of April, one thousand seven hundred and seventy five, there should be raised, collected and paid into his majesty's receiver general of the province, for the use of his majesty, his heirs and successors, a duty of one pound sixteen shillings, sterling money of Great-Britain, for every licence that should be granted by the governor, lieutenant governor or commander in chief of the said province, to any person or persons, for keeping a house or other place of public entertainment, or for retailing wine, brandy, rum, or other spirituous liquors, within the said province." And whereas it is necessary that the said revenue should be increased for the purposes of paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expences thereof :

Preamble

We your majesty's most dutiful and loyal subjects, representatives of the people of the province of Upper-Canada, in assembly met, do most humbly beseech your majesty, that it may be enacted, and 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," That in addition to the said sum of one pound sixteen shillings sterling as aforesaid, which shall still be and continue to be levied, collected and paid as it hitherto has been levied, collected and paid by virtue of the act aforesaid, there shall be raised and levied, collected and paid, under the same restrictions and penalties, in the said act contained, unto his majesty's receiver general to and for the use of his majesty, his heirs and successors, and to and for the use of this province, and towards the support of the civil government thereof, the further sum of twenty shillings currency, upon every licence that shall be granted by virtue of this act in manner following : that is to say, that from and after the fifth day of April, which will be in the year of our lord one thousand seven hundred and ninety four, it shall and may be lawful for the governor, lieutenant governor or person administering the government, by or through the secretary of the province, or other person empowered to issue licences for the vending of wine, brandy, rum or other spirituous liquors, to ask for, demand and receive over and above the sum of one pound

An additional duty of twenty shillings to be levied on all licences for the retail of wines or spirituous liquors, after the 5th day of April 1794

sixteen shillings sterling as aforesaid, the further sum of twenty shillings currency, for every licence that shall or may be granted to any person for keeping a house or any other place of public entertainment, or for the retailing of wine, brandy, rum or other spirituous liquors within this province.

Time & manner of giving public notice annually to the persons, liable to the provisions of this act to comply therewith.

II. *And be it further enacted by the authority aforesaid,* That in every district throughout the said province, one month at least before the fifth day of April in every year, being the day whereon the said sum of one pound sixteen shillings sterling, and twenty shillings currency, shall be due and payable as aforesaid, the secretary of the province or other person empowered to issue the said licence, shall and is hereby required to give public notice in the Upper-Canada Gazette, or otherwise, to every person selling wine, brandy, rum or other spirituous liquors as aforesaid, to pay the said sum of one pound sixteen shillings sterling, and twenty shillings currency, and to receive or take out a licence for the same, and by such public notice to warn every person who shall neglect, omit or refuse to take out a licence and still continue to retail any wine, brandy, rum, or other spirituous liquors in less quantities at any one time than three gallons, of the pains and penalties that they are thereby likely to incur and hereafter to be inflicted by this act.

Words to be written, painted or printed over the door of every house of public entertainment.

III. *And be it further enacted by the authority aforesaid,* That every person who shall keep a house or other place of public entertainment for retailing wine, brandy, rum or other spirituous liquors, shall cause to be written, painted, or printed over the door of such house of entertainment, in legible characters, the following words; "Licenced to sell wine and other spirituous liquors;" and every person neglecting to have the aforesaid words, written, painted or printed as aforesaid, and continue to keep such a house of entertainment, shall for every such offence forfeit and pay the sum of five shillings currency, to be recovered before any one of his majesty's justices of the peace, upon the oath of one credible witness; one half of which said sum shall be given to the person informing, and the other half paid into his majesty's receiver general, to and for the use of his majesty, his heirs and successors, and to and for the use of this province, and towards the support of the civil government thereof.

penalty for neglecting.

Persons licenced shall enter into bonds to keep a decent and orderly house.

IV. And whereas by a certain ordinance, passed in the twenty eighth year of his present majesty's reign, it was declared and enacted, that every person taking out a licence for the purpose of retailing wine, brandy, rum or other spirituous liquors, should be obliged to enter into a bond with sufficient sureties to keep an orderly and decent house; Be it therefore enacted by the authority aforesaid, That every person taking out a licence by virtue of this act, shall upon receiving such licence from the secretary of the province or his agent or other person for that purpose appointed, enter into a bond in the penal sum of ten pounds, to his majesty, his heirs and successors, well and truly to keep a decent and orderly house during the continuance of said licence to him granted as aforesaid.

Fees of the secretary, or his agents on licences.

V. *And be it further enacted by the authority aforesaid,* That the secretary of the province or his agent or other person appointed to grant such licence, shall receive from each person to whom a licence may be granted over and above the duty herein before specified, the further sum of two shillings and six pence for his trouble in making out and issuing the same, and no more; and the clerk of the peace or other person who shall draw out such bond as aforesaid, shall receive and take the sum of two shillings and sixpence for his trouble therein, and no more, any thing contained in any ordinance of the province of Quebec, to the contrary notwithstanding.

fee for drawing bond.

Retailers not keeping a house of entertainment, exempted from the additional duty after the expiration of two years.

VI. *And be it further enacted by the authority aforesaid,* That the additional duty imposed by this act, shall not extend nor be construed to extend to any person not keeping a house of public entertainment for a longer space of time than two years next after the fifth day of April, which will be in the year of our lord one thousand seven hundred and ninety-four, but that at and after the expiration of the said term of two years, no person other than such as shall keep a house of public entertainment, shall be obliged to pay for any licence to him granted a greater sum than one pound sixteen shillings sterling as imposed by the above recited act.

VII. *And be it further enacted by the authority aforesaid,* That the said receiver general do pay and apply the monies by him received under and by virtue of this act, in the manner and for the purposes as set forth in a certain act, entitled, "An act to establish a fund for paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expences thereof," and that it shall and may be lawful, for the receiver general of the province to deduct from and out of the several sums of money by him received, the sum of three pounds for every hundred pounds that may be raised, levied, collected and paid by virtue of this act.

Application of the monies arising by this act.

poundage of the receiver general.

# L A W S

OF HIS MAJESTY'S PROVINCE OF

U P P E R - C A N A D A :

PASSED IN THE THIRD SESSION OF THE PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK, ON THE SECOND DAY OF JUNE, IN THE THIRTY-FOURTH 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 Regulation of Juries.*

**F**OR the regulation of juries, 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 clerk of the peace of each and every district in this province, shall yearly and every year make up from the returns of the several assessors of each parish, township reputed township or place, which shall have been transmitted to him, a true and complete list or transcript of the names of the several inhabitant householders, living in each of the said parishes, townships, reputed townships or places, classed and divided in such manner as by the said returns shall appear, which list or transcript, shall be transmitted or delivered by the clerk of the peace to the sheriff of each respective district, or his under sheriff, in order for his returning juries out of the said list from time to time as he shall be commanded, and that each and every person whose name shall be returned in either of the said lists, shall be held and taken as qualified to serve on juries, and that no sheriff or coroner shall return any person to serve on any jury, whose name shall not appear in the said list, and that every clerk of the peace neglecting his duty therein, shall forfeit the sum of five pounds to such person or persons as shall inform or prosecute for the same, until the party be thereof convicted, by indictment, before the justices

Preamble.

The clerks of the peace to deliver yearly to the sheriffs a list of jurors, duly classed.

persons included in such lists qualified alone to serve on juries.

penalty for neglect in the clerks of the peace.