

In witness whereof we have hereunto set our hands and Seals the——
day of——

L. S.

L. S.

L. S.

Signed, Sealed and Delivered, }
in presence of }

Party injured may
bring Action upon
the security given by
the Clerk or Bailiff.

XVII. *And be it further enacted by the authority aforesaid,* That any person or persons who may be injured, delayed or damaged by the negligent or wilful misconduct of any Clerk or Bailiff of any Court of Requests, shall and may sue upon such covenant in his own name, and the Commissioner or Commissioners of such Court are hereby authorised to give such Judgment thereon as to them shall seem just in Law and Equity, not exceeding in amount the sum to which their Jurisdiction is limited: *Provided always,* that nothing herein contained shall prevent the bringing any Action upon such covenant in a superior Court for a cause of Action beyond the Jurisdiction of the Court of Requests.

Bailiff to attend all
sittings of the Court.

XVIII. *And be it further enacted by the authority aforesaid,* That every Bailiff appointed by the Commissioners of any Court of Requests shall attend at the sittings of such Court at ten o'clock of the day on which any Process or Execution shall have been made returnable, and it shall and may be lawful for the said Commissioners to administer, and they are hereby authorised to administer, an Oath to such Bailiff, to the effect following, that is to say:—

Oath to be adminis-
tered to him touching
services.

“You A. B., Bailiff of Division number——of the Court of Requests, in the——District, shall truly answer all such questions as shall be put to you by the Court, touching the service or execution of any Writ or Process issued from this Court which may have been placed in your hands, and returnable here this day—So help you God.”

Plaintiff neglecting
to attend and sub-
stantiate his claim,
to pay costs, and a
compensation to
Defendant.

XIX. *And be it further enacted by the authority aforesaid,* That whenever any Plaintiff or Plaintiffs who may hereafter bring an Action in the Court of Requests shall fail to appear, or otherwise establish his, her, or their claim, either in his, her, or their own person or persons, or by Agent, at the time specified in the Summons, it shall be the duty of said Commissioners to give Judgment against such Plaintiff or Plaintiffs for all costs attending the same, as also such sum to compensate the Defendant or Defendants for loss of time in attending the said Court as the said Commissioners (unless they shall find such failure to have

occurred with the assent of, or upon a previous understanding with the Defendant) may deem just and equitable.

XX. *And be it further enacted by the authority aforesaid, That in all Actions which may hereafter be brought before the Commissioners of the Court of Requests, if it shall be proved to the satisfaction of the Court that the claim of the Defendant exceeds that of the Plaintiff, it shall be the duty of the said Commissioners, and they are hereby required, to enter Judgment in favor of the Defendant for such balance as may appear to be due to the said Defendant, together with costs: *Provided always*, that no sett off shall be allowed to be given in evidence before such Commissioners which shall exceed the amount of Ten Pounds: *And provided always*, that if the Plaintiff shall contest such sett off, it shall be incumbent on the Commissioners to suspend Judgment, and to admit both parties on the next or other subsequent Court day to produce evidence respecting the same, unless the Defendant shall satisfy the Commissioners, by evidence on oath, that he did, four days before the return of the Summons issued against him, serve the Plaintiff with a statement of the particulars of his sett off, signed by the Defendant, in which case the Commissioners may on the first day appointed for the trial hear and determine the same, confining the sett off to the items specified in such bill of particulars.*

Court may give Judgment in favor of Defendant for so much of his set off as shall exceed Plaintiff's demand.

No set off beyond £10 to be received.

Plaintiff entitled to four days notice of set off, or Court shall adjourn to consider same.

XXI. *And be it further enacted by the authority aforesaid, That if any Witness or Witnesses necessary in any trial live out of the Division where any case may be tried, but within the District in which such Division is situated, then, and in such case, he, she or they may be Subpœnaed in like manner as if he, she or they lived within such Division, but no costs shall be allowed for such Witness against the opposite party, unless the Commissioners shall find that his evidence was necessary to make out the case of the party calling him.*

Witnesses may be summoned out of Division, if within the District. Costs of such Witness in the discretion of the Court.

XXII. *And whereas it is customary among the people of this Province to contract for the payment of a certain specified amount, or of certain sums, in produce or labour, or in some manner otherwise than in money, and doubts may arise with the Commissioners acting under this Act whether they can adjudge such amount or sums to be paid in money: *Be it therefore further enacted by the authority aforesaid, That in any such case, after the day is passed in which the produce or goods should have been delivered, or other thing should have been done, it shall be in the power of the Court, if they find it just in other respects, to give Judgment for the amount in money, as if the debt or agreement had been for money.**

Judgment may be given for Stock Notes.

XXIII. *And be it further enacted by the authority aforesaid,* That all fines levied under the provisions of this Act shall be by the Commissioner or Commissioners of every Court of Requests, paid over to any Overseer or Overseers of Highways in the Division wherein such fine or fines shall have been levied, and such Overseer or Overseers are hereby authorised and required to expend the same in the same manner as other monies coming into their hands to be expended on the Highways, and shall render an account thereof within three months after the expenditure thereof, to the Commissioner or Commissioners from whom he shall have received the same, and such Commissioner or Commissioners are hereby required to make a return of such fines and expenditure to the ensuing Quarter Sessions.

Disposition Fines.

Disorderly persons may be imprisoned or fined by the Court

XXIV. *And be it further enacted by the authority aforesaid,* That if any person shall use contemptuous or insulting language to the Commissioners aforesaid, while discharging the duties imposed upon them by this Act, or shall in any manner disturb the proceedings of any Court of Requests, it shall and may be lawful for the said Commissioners to imprison such offender or offenders in the Common Gaol of the District, for a period not exceeding six days, or impose a fine not exceeding two pounds, at the discretion of the Commissioners, such fine to be levied and collected in a summary way, by Warrant of Distress, to be issued by the said Commissioners, directing the same to be made of the goods and chattels of the offender.

Execution may be levied out of Division in certain cases.

XXV. *And be it further enacted by the authority aforesaid,* That when any execution shall be issued out of the said court, against any defendant or defendants, or against any plaintiff or plaintiffs, and sufficient goods and chattels of the party or parties against whom such execution shall have been issued, shall not be found within the division where such cause shall have been tried, to satisfy the same, then and in such case it shall and may be lawful to levy the amount of such execution or the balance thereof, of the goods and chattels of such party or parties, in any other division within the same District, and the Clerk of the Court from whence the same issued, may direct another execution for the amount due, to the Bailiff of the same division, or the Bailiff of the division in which the execution is to be enforced; *Provided always,* that the Bailiff of the division in which judgment was entered, shall not be compelled to go out of his division, nor shall the cost of travelling from one division to another, be taxed against the person against whom the execution shall be issued.

No costs allowed for travelling out of Division.

XXVI. *And be it further enacted by the authority aforesaid,* That when any judgment in the said Court shall exceed the sum of Forty Shillings, it shall not be lawful for the said Commissioners to issue any execution thereon, until the expiration of forty days from the time of giving and recording such judgment, unless the party obtaining judgment shall make it appear by his own oath, or other testimony, to the satisfaction of the Commissioners, that he will be in danger of losing the debt in consequence of such delay, in which case, and also in the case of any Judgment against a Clerk or Bailiff, for monies received by him and not paid over, it shall be lawful for the said Commissioners, or any one of them, to order the issue of execution at such time as he may think fit.

No Execution on Judgments over 40s. to issue within forty days.

Unless in case of danger.

XXVII. *And be it further enacted by the authority aforesaid,* That no Bailiff shall proceed to the sale of any effects taken by virtue of any Writ of Execution issued by a Court of Requests, unless public notice in writing be given at least eight days before such sale, at the most public place in the Town or Township where such effects may have been taken in Execution, of the time and place where such effects are to be exposed to sale.

Eight days notice of Sale to be given, in all cases.

XXVIII. *And be it further enacted by the authority aforesaid,* That if any Action shall hereafter be brought in any of the Superior Courts, which might have been tried in the Court of Requests, no higher costs shall be taxed to the Plaintiff than would have been recoverable in the Court of Requests, unless it shall be shewn to the Court, or to a Judge thereof, in vacation, that from the nature of the Plaintiff's evidence, or the situation of his Witnesses, he could not have proved his case in the Court of Requests, or unless in the Action in the Superior Court, the Defendant shall have been arrested.

Costs on Actions in the Superior Courts cognizable in the Court of Requests, limited to Court of Requests costs.

Except in certain cases.

XXIX. *And be it further enacted by the authority aforesaid,* That whenever either of the parties to any cause shall apply for an adjournment, in consequence of the absence of some material Witness, or for other sufficient reasons shown upon oath to the satisfaction of the Court, it shall be the duty of the Commissioners to grant the Application upon the payment of reasonable costs by the party applying for such adjournment.

Court may adjourn any trial for sufficient reason.

XXX. *And be it further enacted by the authority aforesaid,* That the several fees and sums of money hereinafter limited and expressed, and no more shall be taken.

COMMISSIONER'S FEES.

For every final Judgment—Two Shillings.

CLERK'S FEES.

For recording Judgment—Sixpence.
 For every Summons or Subpœna—Sixpence.
 For every copy of Judgment (if demanded)—One Shilling.
 For every Execution—One Shilling.

BAILIFF'S FEES.

For serving every Summons or Subpœna within one mile of the Clerks House—One Shilling.
 For every mile in travelling to execute process, or execution, where the distance exceeds one mile—Four Pence.
 For serving a writ of Execution, seizing and selling effects, and making return, if the judgment does not exceed five pounds—Two Shillings and Sixpence.
 Ditto, do., if Judgment exceeds £5, in like proportion.

Witnesses Fees.

The allowance to be paid to all and every of the witnesses, to be left to the discretion of the Commissioners, but not to exceed 2s. 6d. per day, to each.

XXXI. *And be it further enacted by the authority aforesaid, That the following forms may be used by the Commissioners of the Court of Requests.*

IN THE COURT OF REQUESTS.

Divison, No. to wit.	}	District, Plaintiff, Defendant.
To		the Defendant.

Forms to be used in
the Court.

You are hereby summoned and required to be and appear before the Commissioners of His Majesty's Court of Requests, to be held at _____ in the Township of _____ by eleven o'clock in the forenoon, of Saturday the _____ day of _____ to answer the demand of _____ for _____ pounds _____ shillings and _____ pence of lawful money of this Province, which he claims from you, and a statement of which claim is hereunto annexed, herein fail not as Judgment will be given against you for default.

Witness _____ A. B. Clerk of said Court, this _____ day of

IN THE COURT OF REQUESTS.

District, } To
Division, No. }
to wit :

You are hereby summoned and required to be and appear before the Commissioners of His Majesty's Court of Requests to be held at _____ in the town of _____ on Saturday the _____ day of _____ at _____ o'clock in the forenoon, to testify the truth according to your knowledge in a certain cause then and there to be tried between _____ Plaintiff and _____ Defendant, on the part of the _____

Forms to be used in the Court.

Herein fail not at your peril.

Witness—A. B. Clerk of the said Court, this _____ day of _____ in the year of Our Lord One thousand Eight hundred and Thirty—

TO A. B. BAILIFF.

District } You are hereby authorised and required to make
Division, No. } of the goods and chattels of _____ in the said District
to wit : } the sum of _____ Provincial Currency, to satisfy a Judgment given by the Court of Requests held in division number _____ in the said District on Saturday the _____ day of _____ at the suit of _____ in the plea of debt heard against the said _____ together with the sum of _____ being the costs of the said suit; and should there be any overplus after deducting the legal expenses of the seizure and sale, you are to return the same to the said _____ and you are to certify to the said Court on Saturday the _____ day of _____ what you shall have done in the Execution hereof—Herein fail not.

Witness _____ A. B. Clerk of the said Court.

Debt }
Costs. }
Bailiff's Fees }

IN THE COURT OF REQUESTS.

I _____ of the Town of _____ in the _____ District do hereby acknowledge that I am justly indebted to _____ in the sum of _____ being the amount due to _____ on a note, account, or contract (as the case may be) and I do consent that Judgment be forthwith entered against me for the said sum with the Costs, but no Execution to be issued until the _____ day of _____ next

Witness

(Form of the Oath to be administered to a Witness.)

"The Evidence you shall give to this Court touching the matter in question, shall be the truth, the whole truth, and nothing but the truth, so help you God." Oath to Witness or Party.

CHAP. II.

AN ACT to provide for Partition of Real Estates.

[Royal Assent given by Message.]

Preamble.

WHEREAS in many cases much inconvenience is experienced from the want of some Court competent to order the Partition of Lands held in Joint Tenancy, Tenancy in Common, and Co-parcenary:—*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 all Joint Tenants, Tenants in Common, and Co-parceners of any Estate or Estates, in Lands, Tenements or Hereditaments, within this Province, may be compelled to make or suffer Partition of such Estate or Estates in manner hereinafter prescribed, and that when such Estate or Estates is or may be situated in two or more Districts, the proceedings under this Act shall be heard before the Court of King's Bench, and where such Estate or Estates is or may be situated in one District only, the proceedings may be had before the District Court or Court of King's Bench.

Proceedings for the Partition of Real Estate may be had before King's Bench or District Court.

Petition may be presented to King's Bench or District Court, praying that Partition be made.

II. *And be it further enacted by the authority aforesaid*, That any person being a Joint Tenant, Co-parcener, or Tenant in Common of any such Estate or Estates, or the Executor, Administrator, Guardian or Agent of any such person, may file his or her Petition in the Court of King's Bench or District Court, as the case may require, praying that Partition of such Estate or Estates may be made, which Petition shall set forth the nature of the Title or Claim of the Demandant, the Tract or Tracts of Land, the Tenements or Hereditaments of which Partition is demanded, and also the name and place of residence of each Joint Tenant, Co-parcener and Tenant in Common, with such Demandant, if they shall be known to such Demandant, and if on examination it shall appear that the Demandant has a good and legal right and title to any part or proportion of such Estate or Estates, then the Court shall proceed at the term in which such Petition may be filed, to order and direct a Partition to be had and made; in the manner prescribed by the provi-

sions of this Act: *Provided*, it shall appear, that the notice required by this Act hath been sufficiently and legally given, and no sufficient reason shall appear why the prayer of the Petitioner should not be granted, otherwise the Court shall order and direct notice of such demand of Partition to be given, either by publication in one or more Newspapers printed in this Province, when the parties concerned reside out of this Province, or by personal notice to be served at least forty days before the ensuing Term, if the party or parties concerned reside within this Province: *Provided always*, that when the person or persons of whom Partition is demanded, reside out of this Province, and have an Agent or Attorney residing within this Province, personal notice of such demand or Partition shall be given to such Agent or Attorney, as is required in the case of Resident Proprietors.

Notice of the Petition to be given to parties interested.

Notice on Agent sufficient when party resides out of the Province.

III. *And be it further enacted by the authority aforesaid*, That if at the first or succeeding Term (in case a continuance hath been granted) after the filing of such Petition, it shall appear to the Court that due notice hath been given, and if no sufficient reason shall appear why Partition should not be made, the Court shall proceed to order such Partition, and shall issue their Writ, directed to the Sheriff of the District in which the Estate or Estates shall or may lie, or to the Sheriff of either of the Districts in which the Estate or Estates shall or may lie, in case such Estate or Estates is or are in more than one District, commanding him by the Oaths of three judicious and disinterested Freeholders of the vicinity, to be appointed by said Court and named in said Writ, who are not of kin to any of the said parties concerned, to cause to be set off and divided to the Demandant in said Petition, such part or proportion of such Estate or Estates as the Court shall have ordered and directed; and in making such Partition, it shall be the duty of said Freeholders to view and examine such Estate or Estates, to set apart the same in such Lot or Lots as will be most advantageous and equitable, having due regard to the improvements, situation and quality of the different parts of such Estate or Estates, and if the bounds or title of any Tract or Tracts, or any part thereof shall be controverted, it shall be the duty of the said Freeholders to separate the same from the uncontroverted part, and to make Partition of the Estate or Estates in such manner, that a due proportion of the controverted as well as the uncontroverted part may be allotted to the Demandant.

After due notice hath been given, Court may order Partition.

Writ to be directed to the Sheriff of the District or Districts where the Lands lie, commanding him, by the oaths of three Freeholders, to make Partition.

How Freeholders to proceed.

IV. *And be it further enacted by the authority aforesaid*, That when the facts alleged in any Petition, for Partition hereafter to be preferred in consequence of this Act, are controverted by any of the Tenants in Com-

Disputed points to be decided as other Issues of Law or fact

by the Court or Jury, as the case may be.

mon, Co-parceners, or Joint Tenants, the answer or objection to the Petition shall be made in writing, in the form of a Plea, to which the Petitioner may reply or demur, to the end that the matter in dispute may be reduced to an issue in Law or fact, and receive a determination by the Court or a Jury in the manner other issues are determined; and in case the issue be determined in favor of the Petitioner, Judgment shall be entered by the Court, that Partition be made by disinterested Freeholders as aforesaid, and the Court shall proceed to appoint them accordingly: *And also*, that the Petitioner recover against the adverse party the Costs attending the Trial, and Execution may issue for said costs in the form prescribed by Law, as in other cases; but if on such pleading it shall be determined that the Petitioner holds a less share or proportion in the common and undivided property than he has in his Petition alleged, the adverse party shall recover against the Petitioner his reasonable costs; but notwithstanding, Judgment may be rendered in favor of the Petitioner, to have an assignment of such parts of the Real Estate in severalty, as he in fact held in common and undivided.

Costs to be awarded to the successful party.

Parties consenting to Partition may appoint Arbitrators to make Partition, and if they do not agree on the persons to be named, the Court may name them.

V. *And be it further enacted by the authority aforesaid*, That if at any time after the filing of a Petition as aforesaid, and before a Writ shall have issued to the Sheriff, the Person or Persons, Joint Tenants, Co-parceners or Tenants in Common, of whom Partition is demanded, shall appear by him or themselves, or by his or their Attorney, and shall pay their proportion of the Costs which have occurred on such Partition, and shall consent to a Partition of such Estate or Estates, then Partition shall be made of such Estate or Estates, by such person or persons as said Joint Tenants, Co-parceners, or Tenants in Common shall agree upon, and in case they do not agree upon any person or persons to make such Partition before the end of the Term, then a Writ shall issue to the Sheriff as is hereinbefore provided.

Course of proceeding when Partition cannot be made without spoiling the whole Estate.

VI. *And be it further enacted by the authority aforesaid*, That when any Writ of Partition shall issue as aforesaid, if the Freeholders who are directed to make such Partition shall be of opinion that the Estate or Estates cannot be divided according to the demand of the Writ, without prejudice to, or spoiling the whole; the Freeholders shall then make and return to the Court a true valuation and appraisement of such Estate or Estates, whereupon, if the said Court shall approve the said return, and if any one or more of the parties shall elect to take the said Estate or Estates at the appraised value, the same shall be adjudged to him or them, he or they paying or securing to be paid to the other parties their proportion of the appraised value, according to their respective rights, and the Sheriff shall, according to the order of the Court, make and execute

conveyances to the party or parties electing to take the same, subject nevertheless to a lien thereon, in favor of the others of the said parties, until payment be made to them of their respective shares of the money as aforesaid; and in case the said parties shall not agree who shall take the said Lands and Tenements on the terms aforesaid, then the said Court shall or may, at the instance of the Demandant in the said Partition, make an order for the Sale of the said Lands and Tenements at Public Auction by the Sheriff, who shall have holden the said inquisition, or his successors in office, after due and fair notice of the time and place of such Sale, by advertisements published and set up in the several Districts where the Lands lie; and also, in such public Newspaper as shall be most likely to give fair and full notice of such Sale to all parties concerned and others, which public notice shall be given at least twenty days before the time of Sale, in cases where the Lands all lie in the same District, and at least sixty days when the Lands lie in different Districts, and the said Sheriff is hereby authorised, empowered and ordered to execute Deeds to the purchasers of the Lands and Tenements so as aforesaid sold, on receiving payment of the consideration money, or taking sufficient security therefor to the satisfaction of the Court, which money or security shall be brought into Court before or at the time of the said Sheriff's acknowledging the Deed, in open Court to be distributed and paid by order of the said Court, amongst the several parties entitled to receive the same, in lieu of their respective parts and proportion of the said Lands and Tenements, according to their just rights and proportions.

Lands may be sold
in certain cases.

VII. *And be it further enacted by the authority aforesaid,* That when any Writ of Partition shall issue, or when the parties interested shall agree on some person or persons to make Partition, it shall be the duty of the inquest or persons so agreed on, to make a true and accurate plan or map, and field book of such Lands as may be so divided; and to describe particularly the metes and bounds of all Tenements so divided and aparted, which plan or map, field book and description, the persons or inquest shall sign, and send under seal to the next Court having cognizance of the same, and after the division and return thereof shall be made to the Court, it shall be examined by the Court, and if found justly and accurately made, the Clerk shall record such return, which record shall be deemed valid and effectual in Law for the Partition of such Lands, Tenements or Hereditaments, and thereupon the party or parties shall have and hold the Shares or Parcels to them respectively allotted in severalty.

When Partition made,
the same shall be
described by metes
and bounds, and a
Plan shall accompany
the return to the
Court having cogni-
zance thereof.

Partition, when ap-
proved of, to be re-
corded by the Clerk.

Record to be deemed
an effectual Partition.

VIII. *And be it further enacted by the authority aforesaid,* That the Court before whom any Partition shall be had, shall tax the costs and expences which may accrue on such proceedings, and shall issue Execu-

Costs to be taxed, and Execution to issue therefor on a final determination of the Partition.

New Partition may be awarded, if the ends of Justice shall seem to require it.

Guardians may act for infants.

Parties out of the Province may, within three years, apply to the Court for redress, if they conceive themselves aggrieved, and a new Partition may be awarded.

tion therefor against such Person or Persons, their Goods, Chattels, Lands, Tenements and Hereditaments, interested in such Partition, as shall not have paid their proportion of the costs and expenses so taxed: *Provided always nevertheless*, that it shall be in the power of the Court in which any such proceeding for Partition is depending, to award a new Partition by another Jury, when it shall appear necessary for the ends of Justice, in the same manner and for the same causes as new trials are now grantable by Law, but that no new Partition shall be granted when all the parties interested are resident within the Province, unless the same is applied for before the end of the Term next after that in which the former verdict has been rendered.

IX. *And be it further enacted by the authority aforesaid*, That the Guardians of all Minors are hereby respectively authorized and empowered on behalf of their Wards, to do and perform any act, matter or thing respecting the Partition of Land under this Act, and the same shall be deemed valid and effectual in Law, to every intent and purpose, as if the same had been done by such Minor after his arrival at full age.

X. *And be it further enacted by the authority aforesaid*, That if any Partner shall have a larger share set off than is such Partners true and real interest, or if any share set off should be more than equal in value to the proportion it was set off for, then and in every such case, upon complaint to the Court, which caused such Partition to be made, within three years of the making thereof, by any aggrieved Partner or Partners, who at the time of making such Partition were out of the Province, and not notified thereof agreeably to the Provisions of this Act, the said Court shall cause Partition thereof to be made anew, and in such new Partition, so much and no more shall be taken off from any, than as such share shall be adjudged more than the proportion of the whole it was designed for, estimating such Lands or Real Estate as in the state they were in when first divided, and in case any improvements shall be made on the part that may by such new Partition be taken off as aforesaid, the Partner or his Assigns who made such improvements, shall have reasonable satisfaction made him by the Partner or Partners to whose share the same shall be added by the estimation of the Freeholders employed in making such new Partition, or the major part of them; and the same Court who ordered Partition, are also empowered to issue Execution for such satisfaction, and for costs in such new Partition, the same being first taxed and allowed by the said Court.

CHAP. III.

AN ACT relating to the Bailing and Commitment, Removal and Trial of Prisoners in certain cases.

[Passed 13th February, 1833.]

WHEREAS it is expedient to define under what circumstances persons may be admitted to Bail in cases of Felony or Misdemeanor, and to make better provision for taking Examinations, Informations, Bailments, and Recognizances, and returning the same to the proper Tribunals; and also, for obtaining the evidence of Prisoners confined in any Prison upon the Limits thereof, without the necessity of suing out a Writ of Habeas Corpus.—*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 when any person shall be taken on a charge of Felony, or suspicion of Felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted shall in the opinion of the Justice or Justices raise a strong presumption of the guilt of the person charged, such person shall be committed to Prison by such Justice or Justices, in manner hereinafter mentioned; but if there shall be only one Justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt, nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody until he or they shall be taken before two Justices at the least; and where any person so taken, or any person in the first instance, taken before two Justices of the Peace, shall be charged with Felony, or on suspicion of Felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall, in their opinion, weaken the presumption of guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for Judicial inquiry into his or her guilt, the person

Preamble.

Duty of Justices before whom persons may be brought on charges of Felony.

charged should be admitted to Bail by such two Justices in the manner hereinafter mentioned: *Provided always*, that nothing herein contained shall be construed to require any Justice or Justices to hear evidence on behalf of any person or persons so charged as aforesaid, unless it shall appear to him or them to be meet, and conducive to the ends of Justice, to hear the same.

Justices to take the Examination of Witnesses, and reduce same to writing in presence of the accused.

II. *And be it further enacted by the authority aforesaid*, That the two Justices of the Peace, before they shall admit the Bail, and the Justice or Justices, before he or they shall commit to prison any person arrested for Felony, or on suspicion of Felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and the particular grounds of suspicion, in cases where direct proof is not adduced, and shall put the same into writing in the presence of the party accused, if he be in custody, who shall have full opportunity afforded him of cross-examining such witnesses, if he shall think proper so to do; and the two Justices shall thereupon certify such Bailment in writing, and every such Justice shall have authority to bind by Recognizance, all such persons as know, or declare any thing material touching any such Felony, or suspicion of Felony, to appear at the next Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace at which the trial thereof is intended to be had, then and there to prosecute or give evidence against the party accused; and such Justice or Justices respectively, shall subscribe all such Examinations, Informations, Bailments and Recognizances, and deliver, or cause the same to be delivered, to the public Prosecutor, before or at the opening of the said Court.

Witnesses to be bound in recognizance to give Evidence.

Duty of Justices when persons brought before them on charges of Misdemeanor.

III. *And be it further enacted by the authority aforesaid*, That every Justice of the Peace before whom any person shall be taken on a charge of Misdemeanor, or suspicion thereof, shall take the examination of the party charged, and the information, upon oath, of those who shall know the facts and circumstances of the case, and shall put the same, or so much thereof as shall be material, into writing, before he shall commit to prison, or require Bail from the person so charged; and in every case of Bailment, shall certify the Bailment in writing, and shall have authority to bind all persons by Recognizance to appear to prosecute or give evidence, as in cases of Felony, and shall subscribe all Examinations, Informations, Bailments and Recognizances, and deliver, or cause the same to be delivered, to the public Prosecutor, or Clerk of the Court in which the trial is to be, before or at the opening of the Court, as in cases of Felony; and that no traverse, or other postponement of any trial to be thereupon had, shall be allowed, except upon special cause shewn to

No traverse to be allowed in cases of Misdemeanor as of right.

the satisfaction of the said Court, or by consent of His Majesty's Attorney or Solicitor General conducting the Prosecution thereof.

IV. *And be it further enacted by the authority aforesaid,* That every Coroner, upon any Inquisition before him taken, whereby any person shall be indicted for Manslaughter or Murder, or as an accessory to Murder before the fact, shall, in presence of the party accused, if he can be apprehended, put in writing the evidence given to the Jury before him, or so much thereof as shall be material, giving the party accused full opportunity of cross-examination; and shall have authority to bind by Recognizance, all such persons as prove or declare any thing material touching the said Manslaughter or Murder, or the offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or General Gaol Delivery at which the trial is to be, then and there to give evidence against the party charged; and every such Coroner shall certify and subscribe the same evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the Court at which the trial is to be, before or at the opening of the Court next ensuing the taking the same.

Duty of Coroners in taking Inquests.

V. *And be it further enacted by the authority aforesaid,* That if any Justice or Coroner shall offend in any thing, contrary to the true intent and meaning of these provisions, the Court of Oyer and Terminer or General Gaol Delivery, or Sessions of the Peace respectively, holden within the District where any party accused shall be liable to be tried, shall, upon examination, and proof of the offence, in a summary way, set such fine upon every such Justice or Coroner, as the Court shall think meet.

Justices and Coroners neglecting their duty, may be fined by the Court Oyer and Terminer, Gaol Delivery, or Sessions of the Peace.

VI. *And be it further enacted by the authority aforesaid,* That when, and so often as any person shall be committed for trial by any Justice or Justices, or Coroner, as aforesaid, it shall and may be lawful for such Prisoner, his Counsel, Attorney or Agent, to notify the said committing Justice or Justices, or Coroner, that he will so soon as Counsel can be heard, move His Majesty's Court of King's Bench, or one of the Judges thereof, for an order to the Justices of the Peace, or Coroner, for the District where such Prisoner shall be confined, to admit such Prisoner to bail, whereupon it shall be the duty of such committing Justice or Justices, or Coroner, to transmit to the Office of the Clerk of the Crown, close under the Hand and Seal of one of them, a certified copy of all the informations, examinations, and other evidences touching the offence wherewith such prisoner shall be charged, together with a copy of the Warrant of Commitment and Inquest, if any such there be, and that the packet containing the same shall be handed to the person applying there-

Manner of procuring Prisoners to be bailed by Justices, under the direction of the Court of King's Bench, or the Judges thereof.

for, in order to such transmission, and shall be certified on the outside thereof to contain the information, touching the case in question.

Upon applications to King's Bench for the Bailment of any Prisoner under this Act, same order to be made as if Prisoner were brought up on a Writ of Habeas Corpus.

VII. *And be it further enacted by the authority aforesaid*, That upon any application to His Majesty's Court of King's Bench, or to any Judge thereof, the same order, touching the prisoner being bailed or continued in custody, shall be made as if the party were brought up upon a Habeas Corpus.

Prisoners confined in Gaol or on the Limits, may be brought up to give Evidence by order of the Court requiring such attendance.

VIII. *And be it further enacted by the authority aforesaid*, That when, and so often as the attendance of any person confined in any Gaol or Prison in this Province, or upon the limits thereof, shall be required in any Court of Assize and Nisi Prius, or Oyer and Terminer, or General Gaol Delivery, it shall and may be lawful for the Court before whom such Prisoners shall be required to attend, in its discretion, to make an order upon the Sheriff, Gaoler, or other person having the custody of such Prisoner, to deliver such Prisoner to the person named in such order to receive him, which person shall thereupon instantly convey such prisoner to the place where the Court issuing such order shall be sitting, there to receive and obey such further order as to the said Court shall seem meet: *Provided always*, that no prisoner confined for any debt or damages in any Civil Suit, shall be thereby removed out of the District where he shall be confined.

CHAP. IV.

AN ACT to reduce the number of cases in which Capital Punishment may be inflicted; to provide other punishment for offences which shall no longer be Capital after the passing of this Act; to abolish the privilege called benefit of Clergy; and to make other alterations in certain Criminal Proceedings, before and after conviction.

[Passed 13th February, 1833.]

Preamble.

WHEREAS it is fit that it should be plainly declared in the Statutes of this Province, for what crimes offenders shall be liable to be punished with death: *And whereas* it does not seem to be indispensable, for the security and well being of society, that the punishment of death should be inflicted in any other cases than those hereinafter mentioned.—*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 if a person do compass or imagine the Death of our Lord the King, or if a person do levy War against our Lord the King, in this Province, or be adherent to the King’s enemies in this Province, giving to them aid and comfort, in this Province, or elsewhere, and thereof be provably attainted of open deed by people of his condition, such person so attainted shall be deemed guilty of Treason, and shall suffer Death.

What Offences shall be Capital.

High Treason.

II. *And be it further enacted by the authority aforesaid,* That every person convicted of Murder, or of being an accessory before the fact to Murder, shall suffer Death as a Felon.

Murder.

III. *And be it further enacted by the authority aforesaid,* That every offence which, before the passing of this Act, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater or other offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in Murder.

Petit Treason to be treated in all respects as Murder.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall by force set at liberty or rescue, or attempt to rescue, or set at liberty, any person out of prison, who shall be committed for, or found guilty of Murder; or rescue, or attempt to rescue, any person convicted of Murder going to execution, or during execution, every person so offending shall be deemed, taken and adjudged to be guilty of Felony, and shall suffer Death.

Rescuing persons convicted of Murder or committed for Murder.

V. *And be it further enacted by the authority aforesaid,* That every person convicted of the crime of Rape, shall suffer Death as a Felon.

Rape.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall unlawfully carnally know, and abuse any Girl under the age of ten years, every such offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Carnal knowledge of a girl under ten years of age.

Sodomy.

VII. *And be it further enacted by the authority aforesaid,* That every person convicted of the abominable crime of Buggery, committed either with mankind or with any animal, shall suffer Death as a Felon.

Robbery.

VIII. *And be it further enacted by the authority aforesaid,* That if any person shall Rob any other person of any Chattel, Money, or valuable Security; or shall Rob any person carrying or conveying, or having charge of His Majesty's Mail, in any part of this Province, of any letter or letters, packet or packets, bag or mail of letters, every such offender, being convicted thereof, shall suffer Death as a Felon: and such offences shall and may be inquired of, tried and determined, either in the District in which the offence shall be committed, or in which the offender shall or may be apprehended.

Robbing the Mail.

Place of trial.

Burglary.

IX. *And be it further enacted by the authority aforesaid,* That every person convicted of Burglary, shall suffer Death as a Felon.

What shall be deemed to be part of the dwelling house.

X. *Provided always, And be it further enacted by the authority aforesaid,* That no Building, although within the same curtilage with the Dwelling-house, and occupied therewith, shall be deemed to be part of such Dwelling-house, for the purpose of Burglary, unless there shall be a communication between such Building and Dwelling-house, either immediate, or by means of a covered and enclosed passage leading from the one to the other.

Arson.

XI. *And be it further enacted by the authority aforesaid,* That if any person shall unlawfully and maliciously set fire to any Church or Chapel, or to any Building commonly used for Religious Worship, or to any House, Stable, Coach-house, Out-house, Ware-house, Office, Shop, Mill, Malt-house, Barn or Granary, or to any Building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same, or any of them respectively, shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, or any Body Corporate, or Company of persons, every such offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Accessories before the fact.

XII. *And be it further enacted by the authority aforesaid,* That every person convicted of being an accessory before the fact to any of the offences made Capital by this Act, shall suffer Death as in cases of Felony.

XIII. *And whereas*, for the preventing and suppressing of Riots and Tumults, and for the more speedy and effectual punishing the offenders therein, an Act was passed in the Parliament of Great Britain, in the first year of the Reign of King George the First, entitled "*An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters,*" whereby it is among other things enacted, that "if any persons to the number of twelve, or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the Public Peace, at any time after the last day of July, in the year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County, or his Under Sheriff, or by the Mayor, Bailiff or Bailiffs, or other Head Officer, or Justice of the Peace of any City, or Town Corporate, where such assembly shall be, by Proclamation, to be made in the King's name, in the form in the said Act directed, to disperse themselves and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, (notwithstanding such Proclamation made) unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by Proclamation, that then such continuing together to the number of twelve or more, after such command or request made by Proclamation, shall be adjudged Felony without benefit of Clergy, and the offenders therein shall be adjudged Felons, and shall suffer death as in case of Felony, without benefit of Clergy." And it is in the said Act further enacted, that the order and form of the Proclamation which shall be made by the authority of the said Act shall be as hereafter followeth, (that is to say):—That the Justice of the Peace, or other person authorised by the said Act to make the said Proclamation, shall, among the said Rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded silence to be, while Proclamation is making; and after that, shall openly and with a loud voice, make, or cause to be made Proclamation in these words, or like in effect:—

British Statute, 1 Geo. 1, chap 5. commonly called "The Riot Act," recited.

"OUR SOVEREIGN LORD THE KING Chargeth and Commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act made in the First year of King George, for preventing tumults and riotous assemblies.—GOD SAVE THE KING."

Proclamation for Rioters to disperse:

"And every such Justice, and Justices of the Peace, Sheriff, Under Sheriff, Mayor, Bailiff, and other Head Officer aforesaid, within the limits

“ of their respective Jurisdictions, are by the said Act authorized, em-
 “ powered, and required, on notice or knowledge of any such unlawful
 “ riotous and tumultuous assembly, to resort to the place where such
 “ unlawful, riotous and tumultuous assemblies shall be, of persons to the
 “ number of twelve or more, and there to make, or cause to be made,
 “ Proclamation in manner aforesaid.” And it is in the said Act further
 enacted, that “ if such persons so unlawfully, riotously and tumultuously
 “ assembled, or twelve or more of them, after Proclamation made in
 “ manner aforesaid, shall continue together, and not disperse themselves
 “ within one hour, that then it shall and may be lawful to and for every
 “ Justice of the Peace, Sheriff, or Under Sheriff of the County where
 “ such assemblies shall be, and also to and for every High and Petty
 “ Constable, and other Peace Officer within such County, and also to and
 “ for every Mayor, Justice of the Peace, Sheriff, Bailiff, and other Head
 “ Officer, High or Petty Constable, and other Peace Officer of any City
 “ or Town Corporate, where such assembly shall be, and to and for such
 “ other person and persons as shall be commanded, to be assisting unto
 “ any such Justice of the Peace, Sheriff or Under Sheriff, Mayor, Bailiff,
 “ or other Head Officer aforesaid, (who are thereby authorized and em-
 “ powered to command all His Majesty’s Subjects of age and ability, to
 “ be assisting to them therein) to seize and apprehend, and they are
 “ thereby required to seize and apprehend, such persons so unlawfully,
 “ riotously, and tumultuously continuing together, after Proclamation
 “ made as aforesaid, and forthwith to carry the persons so apprehended
 “ before one or more of His Majesty’s Justices of the Peace of the County
 “ or place where such persons shall be so apprehended, in order to their
 “ being proceeded against for such their offences according to Law ; and
 “ that if the persons so unlawfully, riotously, and tumultuously assembled,
 “ or any of them, shall happen to be killed, maimed or hurt, in the dis-
 “ persing, seizing or apprehending, or endeavouring to disperse, seize or
 “ apprehend them, by reason of their resisting the persons so dispers-
 “ ing, seizing or apprehending, or endeavouring to disperse, seize or
 “ apprehend them, that then every such Justice of the Peace, Sheriff,
 “ Under Sheriff, Mayor, Bailiff, Head Officer, High or Petty Constable,
 “ or other Peace Officer, and all and singular, persons being aiding and
 “ assisting to them, or any of them, shall be free, discharged and indem-
 “ nified, as well against the King’s Majesty, His Heirs and Sussessors,
 “ as against all and every other person and persons, of, for, or concernig
 “ the killing, maiming, or hurting of any such person or persons, so unlaw-
 “ fully, riotously, and tumultuously assembled, that shall happen to be so
 “ killed, maimed, or hurt as aforesaid.” And it is in the said Act further
 enacted, that “ if any persons unlawfully, riotously, and tumultuously
 “ assembled together, to the disturbance of the Public Peace, shall unlaw-

“fully, and with force, demolish or pull down, or begin to demolish or pull down, any Church, Chapel, or any Building for Religious Worship, certified and Registered according to the Statute made in the first year of the Reign of the late King William and Queen Mary, entitled “*An Act for exempting their Majesty’s Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws* ;” or any Dwelling-house, Barn, Stable, or other Out-house, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony, without benefit of Clergy, and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without benefit of Clergy.” And it is in the said Act further enacted, that “if any person or persons do, or shall with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt, any person or persons that shall begin to proclaim, or go to proclaim, according to the Proclamation thereby directed to be made, whereby such Proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such Proclamation, as aforesaid, shall be adjudged Felony without benefit of Clergy, and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without benefit of Clergy ; and that also every such person or persons so being unlawfully, riotously and tumultuously assembled, to the number of twelve as aforesaid, or more, to whom Proclamation should or ought to have been made, if the same had not been hindered, as aforesaid, shall likewise, in case they, or any of them to the number of twelve or more, shall continue together, and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, shall be adjudged Felons, and shall suffer death as in case of Felony, without benefit of Clergy.” And it is in the said Act further enacted, that “no person or persons shall be prosecuted by virtue of the said Act, for any offence or offences committed contrary to the same, unless such prosecution be commenced within twelve months after the offence committed :”

Be it enacted, by and with the authority aforesaid, That nothing in this Act contained shall affect or be construed to affect, or in any manner to repeal or vary any of the provisions in the said Act contained, but the same shall continue and remain, as if this Act had not been passed.—

The provisions of 1 Geo. 1, ch. 5, (Riot Act) not to be repealed, or affected by this Act.

Provided nevertheless, and it is hereby enacted by the authority aforesaid, That the provisions in the fourth clause of the same Act shall apply and extend to all Churches or Chapels, or Places for Religious Worship in this Province, notwithstanding the same, or any of them, shall not be certified or registered, as provided in the said Act..

Churches and places of worship to be within the Riot Act, though not registered.

XIV. *And whereas* by a certain Act of the Parliament of Great Britain, passed in the twelfth year of the Reign of King George the Third, entitled "*An Act for the better securing and preserving His Majesty's Dock Yards, Magazines, Ships, Amunition and Stores,*" it is enacted, That

"if any person or persons shall within the Realm, or in any of the Islands, Countries, Forts or Places thereunto belonging, wilfully and maliciously, set on fire, or burn, or otherwise destroy, or cause to be set on fire or burnt, or otherwise destroyed, or aid, procure, abet or assist in the setting on fire, or burning, or otherwise destroying, of any of His Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float or building, or begun to be built, in any of His Majesty's Dock Yards, or building or repairing by contract in any private yard, for the use of His Majesty, or any of His Majesty's Arsenal, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the buildings erected therein or belonging thereto, or any timber or materials there placed, for building, repairing or fitting out of Ships or Vessels, or any of His Majesty's Military, Naval, or Victualing Stores, or other Ammunition of War, or any place or places where any such Military, Naval or Victualing Stores, or other Ammunition of War is, are, or shall be kept, placed or deposited, that then the person or persons guilty of any such offence being thereof convicted, in due form of Law, shall be adjudged guilty of Felony, and shall suffer death, as in cases of Felony, without benefit of Clergy:" *And whereas also*, by a certain other Act of the Parliament of Great Britain, passed in the Second and Third Years of the Reign of Queen Anne, entitled "*An Act for punishing Mutiny, Desertion, and false Musters, and for better paying of the Army and Quarters, and for satisfying divers Arrears, and for a further continuance of the powers of the five Commissioners for the examining and determining the Accounts of the Army,*" it is enacted, That "if any Officer or Soldier in Her Majesty's Army, shall either upon land out of England, or upon the sea, hold correspondence with any rebel, or enemy of Her Majesty, or give them advice or intelligence, either by letters, messages, signs or tokens, or any manner of way whatsoever, or shall treat with such rebels or enemies, or enter into any condition with them without Her Majesty's Licence, or Licence of the General, Lieutenant General or Chief Commander, then every such person so offending shall be deemed and adjudged to be guilty of High Treason, and suffer such pains and penalties as in case of High Treason." *Be it therefore enacted*, That nothing in this Act contained shall be construed or taken to affect, in any manner, the provisions of the above in part recited Acts, or either of them.

British Statute,
12 Geo. 3. chap. 24,
respecting the burn-
ing His Majesty's
Ships, Naval Arsenal
See recited.

British Statute,
2d & 3d Anne, ch. 20,
making it High Treason
for an Officer or
Soldier to correspond
with the Enemy
beyond Sea, recited.

The above Acts of
12 Geo. 3, ch. 24, and
2 & 3 Anne, ch. 20,
not to be affected by
this Act.

XV. *And be it further enacted by the authority aforesaid,* That so much of an Act of the Parliament of this Province, passed in the Thirty-Sixth Year of the Reign of King George the Third, entitled "*An Act for the better regulation of certain Coins current in this Province.*"—And of an Act passed in the Parliament of this Province, in the Thirty-Eighth Year of the Reign of King George the Third, entitled "*An Act to establish on a permanent footing the boundary lines of the different Townships of this Province.*" And of an Act passed in the Parliament of this Province, in the Fortieth Year of the Reign of King George the Third, entitled "*An Act for the further introduction of the Criminal Law of England in this Province, and for the more effectual punishment of certain offenders,*" and of the several Acts of the Parliament of this Province, passed for authorising the issuing of Government Debentures, as provides that any offence in any of those Statutes respectively mentioned, shall be punishable with death, shall be, and the same is hereby repealed; and that such offences shall continue to be of the degree of Felony, and the persons convicted thereof shall be liable to the punishments, or any of them, which are by this Act provided in respect to Felonies generally, which are not punishable with death.

Statutes of Upper Canada, 36 Geo. 3, ch. 1; 38 Geo. 3, ch. 1; 40 Geo. 3, ch. 1, so far as they make any offence named in them Capital, repealed.

And also, so much of any Statute as makes it Capital to Forge any Government Debenture, or utter any Forged Debenture, &c.

XVI. *And be it further enacted by the authority aforesaid,* That if any person shall be indicted for any offence made Capital by this, or any other Statute made or to be made, such person shall be liable to the same punishment, whether he, or she shall be convicted by verdict or confession, or shall be outlawed, upon indictment; and this as well in the case of Accessories as of Principals.

Persons confessing, or outlawed, to be punished in the same manner as if convicted by verdict.

XVII. *And be it further enacted by the authority aforesaid,* That if any person being arraigned upon any indictment for Treason or Felony, shall plead thereto a plea of "Not Guilty," he shall by such plea without any further form be deemed to have put himself upon the Country for trial—and that if any person being arraigned upon any indictment for Treason or Felony, shall stand mute of malice, or will not answer directly to the indictment, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty," on behalf of such person, and the plea so entered, shall have the same force and effect, as if such person had actually pleaded the same.

Certain forms on arraignment dispensed with.

Standing mute.

XVIII. *And be it further enacted by the authority aforesaid,* That if any person indicted for any Treason or Felony, shall challenge peremptorily a greater number of the men returned to be of the Jury than such person is entitled by Law so to challenge, in any of the said cases, every preremptory challenge beyond the number allowed by Law, in any of the

Challenging peremptorily more of the Jury than the Law allows.

Such challenge to be disregarded.

said cases, shall be entirely void ; and the trial of such person shall proceed as if no such challenge had been made.

Sentence in certain cases of High Treason mitigated.

XIX. *And whereas* in certain cases of High Treason, as the Law now stands, the sentence or judgment required by Law to be pronounced or awarded against any persons convicted or adjudged guilty of the said crime, in such cases, is, that they should be drawn on a hurdle to the place of execution, and there be hanged by the neck, but not until they are dead, but that they should be taken down again, and that when they are yet alive their bowels should be taken out, and burnt before their faces; and that afterwards their heads should be severed from their bodies, and their bodies divided into four quarters, and their heads and quarters to be at the King's disposal: *And whereas* it is expedient in the said cases of High Treason to alter the sentence or judgment now required by Law—*Be it therefore enacted by the authority aforesaid*, That in all cases of High Treason in which, as the Law now stands, the sentence or judgment ordained by Law is as aforesaid, the sentence or judgment to be pronounced or awarded from and after the passing of this Act against any person convicted or adjudged guilty shall be, that such person shall be drawn on a hurdle to the place of execution, and be there hanged by the neck until such person be dead—and that afterwards the body of such person shall be dissected and anatomized.

Persons convicted of Murder.

To be Dissected.

XX. *And be it further enacted by the authority aforesaid*, That whenever any person shall be convicted of Murder and executed therefor, the body of such murderer shall be delivered by the Sheriff, or his Deputy, and his Officers, to a Surgeon, for the purpose of being dissected and anatomized.

Sentence when to be passed.

Terms of the Sentence.

XXI. *And be it further enacted by the authority aforesaid*, That sentence shall be pronounced in open Court immediately after the conviction of such Murderer, and before the Court shall proceed to any other business, unless the Court shall see reasonable cause for postponing the same; in which sentence shall be expressed, not only the usual judgment of death, but also the time appointed for the execution thereof, and the mark of infamy hereby directed for such offenders; in order to impress a just horror in the mind of the offender, and on the minds of such as shall be present of the heinous crime of murder.

In spite.

XXII. *Provided always, And be it enacted by the authority aforesaid*, That after such sentence pronounced as aforesaid, in case there shall appear reasonable cause, it shall and may be lawful to and for such Judge or Justice, before whom such criminal shall have been so tried, to stay the

execution of the sentence, at the discretion of such Judge or Justice, regard being always had to the true intent and purpose of this Act. *Provided also,* That it shall be in the power of any such Judge or Justice to appoint the body of any such criminal to be dissected and anatomized.

Judge may order the body to be dissected.

XXIII. *And be it further enacted by the authority aforesaid,* That from and after such conviction, and judgment given thereupon, the Gaoler or Keeper to whom such criminal shall be delivered for safe custody, shall confine such prisoner to some cell or other proper and safe place within the prison, separate and apart from the other prisoners; and that no person or persons whatsoever, except the Gaoler or Keeper, or his Servants shall have access to any such prisoner, without licence being first obtained for that purpose, under the hand of such Judge or Justice before whom such offender shall have been tried, or under the hand of the Sheriff, his Deputy or Under Sheriff: *Provided always,* That in case any such Judge or Justice shall see cause to respite the execution of such offender so condemned as aforesaid, such Judge or Justice may relax or release any or all of the restraints, or regulations hereinbefore or hereinafter directed to be observed by the Gaoler or Keeper of the Prison where such prisoner shall be confined, by any licence in writing, signed by such Judge or Justice for that purpose, for and during the time of such stay of execution, any thing hereinbefore contained to the contrary thereof notwithstanding.

How persons sentenced to be executed for Murder shall be kept after sentence.

In case of respite, regulations may be relaxed.

XXIV. *And be it further enacted by the authority aforesaid,* That after sentence passed, as aforesaid, and until the execution thereof, such offender shall be fed with bread and water only, except in case of any violent sickness, or wound, in which case some known Physician, Surgeon or Apothecary may be admitted by the Gaoler or Keeper of the said Prison, to administer necessaries, the Christian and Surname of such Physician, Surgeon or Apothecary, and his place of abode being first entered in the books of such Prison or Gaol, there to remain; and, in case such Gaoler or Prison Keeper shall offend against, or neglect to put in execution, any of the directions or regulations hereby enacted to be observed, such Gaoler or Prison Keeper shall for such offence forfeit his office, and be imprisoned for a time not exceeding three months, upon conviction thereof, by indictment.

Further Regulations.

Food of Convict.

Attendance of Physician or Surgeon.

Punishment of Gaoler for disregarding these regulations.

XXV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, benefit of Clergy in this Province shall be abolished, and that the same need not in any case be prayed, and shall

Benefit of Clergy abolished.

General provision for the punishment of offences not specified in this Act, which, before this Act were punishable with death, either with or without benefit of Clergy.

Banishment.
Transportation.

Imprisonment.

Hard Labor
Solitary Confinement.

Returning from
Transportation.

Manslaughter.

not in any case be allowed, any Law, Statute or Usage to the contrary notwithstanding; and that in all cases of crimes made punishable by this Act with death, the effect of such provision shall be the same as in the case of any offence which, before the passing of this Act, was made punishable with death without benefit of Clergy; and that all persons who may hereafter be duly convicted of any offence not specified in this Act, and which before the passing thereof was punishable in this Province with death, with or without benefit of Clergy, shall be liable to be banished, or to be transported beyond the seas for life, or for such term not less than seven years, as the Court before which such person shall be convicted shall adjudge, or shall be liable, in case such Court shall think fit, to be imprisoned only, or imprisoned and kept to hard labour, or in solitary confinement in the Common Gaol, or in any Penitentiary, or House of Correction, that may be provided for such purposes, for any term not exceeding fourteen years, except persons convicted of returning from transportation or from banishment, with respect to whom the term of imprisonment, with or without hard labour, or by solitary confinement, may, if the Court shall think fit, be extended to the term of his or her natural life: and that in case of Manslaughter, the offender shall be liable to be fined or imprisoned, or both, in the discretion of the Court, *Provided* that such imprisonment shall not exceed twelve calendar months: *And provided*, that the offence of Manslaughter shall be punishable by such fine and imprisonment only, and not by all or any of the other descriptions of punishment in this clause before mentioned.

For what Felonies offenders may be whipped or set in the pillory.

XXVI. *And be it further enacted by the authority aforesaid*, That if any person shall be convicted, after the passing of this Act, of Forgery, or of uttering any forged deed, will, instrument, note, bill or writing, or of falsely personating any person or persons, which forgery, or which uttering, or which false personating was, before the passing of this Act, punishable with death in this Province, the Court before which such person shall be convicted may, if they shall think fit, adjudge such person (unless in case of a female) to be set in the Pillory, once or oftener, or to be once or oftener publicly or privately whipped; at such time or times, and at such place or places as they may direct, which punishment shall either be in addition to any other punishment which the Court, according to Law, may award, or otherwise, as may to them appear proper.

CHAP. V.

AN ACT to take away Corruption of Blood, save in certain cases.

[Passed 13th Feb. 1833.]

WHEREAS it is expedient to mitigate the rigor of the Law in respect to Corruption of Blood upon Attainder for Felony:—*Be it therefore* 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, 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 no Attainder for Felony which shall take place from and after the passing of this Act, save and except in cases of the crime of High Treason, or of Abbetting, procuring, or Counselling the same, shall extend to the disinheriting of any Heir, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders during his, her, or their natural lives only; and that it shall be lawful for every person or persons to whom the right or interest to or in any Lands, Tenements or Hereditaments, after the death of any such offender or offenders should or might have appertained if no such Attainder had been, to enter into the same.

No attainder, except for High Treason, shall extend to the disinheriting of any heir.

CHAP.

CHAP. VI.

AN ACT to Revive and continue an Act passed in the Fifty-fifth year of the Reign of King George the Third, entitled "An Act to Repeal an Act passed in the Fifty-fourth year of His Majesty's Reign, entitled 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to Outlawry, in certain cases therein mentioned.'"

[Passed 13th February, 1833.]

Preamble.

WHEREAS an Act was passed in the Fifty-fifth year of the Reign of King George the Third, entitled "An Act to Repeal an Act passed in the Fifty-fourth year of His Majesty's Reign, entitled 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned'" ; *And whereas* the said Act having been passed for a limited time, has been continued by several Acts, and has lately been suffered to expire, and it is expedient to Revive and Continue 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, 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 said Act shall be, and the same is hereby Revived, and shall be and continue in force, any thing in the said Act, or in any other Act, to the contrary notwithstanding.

55 Geo. 3d, Chap. 2,
continued.

For six years.

II. *And be it further enacted by the authority aforesaid*, That this Act shall be and continue in force for the space of Six years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP. VII.

AN ACT to provide for the Apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice.

[Passed 13th February, 1833.]

WHEREAS it is expedient to provide by Law for the Apprehending and delivering up of Felons and other Malefactors, who having committed Crimes in Foreign Countries have sought, or may hereafter seek, an asylum in this Province:—*Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council any 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 Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall have power, and he is hereby authorized at his discretion, and by and with the advice of the Executive Council, on requisition being made by the Government of any Country, or its Ministers or Officers, authorized to make the same, within the jurisdiction of which Country the crimes hereinafter mentioned shall be charged to have been committed, to deliver up to Justice any person who may have fled to this Province, or who shall seek refuge therein, being charged with Murder, Forgery, Larceny or other crime, committed without the jurisdiction of this Province, which crimes if committed within this Province would by the Laws thereof be punishable by death, corporal punishment, by Pillory, or Whipping, or by confinement at hard labour, to the end that such person may be transported out of this Province to the place where such crime shall have been charged to have been committed; *Provided always*, that this shall only be done upon such evidence of criminality as, according to the Laws of this Province, would, in the opinion of the Governor, Lieutenant Governor, or Person Administering the Government, and of the Executive Council, warrant the apprehension and commitment for trial of such fugitive from Justice, or person so charged, if the offence had been committed within this Province.

Preamble.

Government authorized to deliver up to Justice persons who may have fled from other countries into this Province, charged with heinous offences.

II. *And be it further enacted by the authority aforesaid*, That for preventing the escape of any person so charged, before any order for his

Persons charged with offences committed in Foreign Countries, may be committed until an application can be made to the Government for delivering up such offender.

apprehension can be obtained from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, it shall be lawful for any Judge, or for any Justice of the Peace in this Province, acting within his jurisdiction, to issue his Warrant for the apprehension, and for the commitment of any such person charged as aforesaid, in order that he may be detained in secure custody until application can be made to the Governor, Lieutenant Governor, or Person Administering the Government, under the provisions of this Act, and until an order can be made thereon; which Warrant shall nevertheless only be granted upon such evidence on oath as shall satisfy such Judge or Justice that the person accused stands charged with some crime of the description hereinbefore specified, or that there is good ground to suspect him to have been guilty thereof.

This Act not to affect the Provisions of 37 Geo. 3, ch. 15, or to make it incumbent on the Government to deliver up persons charged as aforesaid, or to prevent their discharge on a Habeas Corpus, if too long detained in custody.

III. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to affect the provisions of a certain Act of the Parliament of this Province, passed in the thirty-seventh year of the Reign of King George the Third, entitled "An Act to authorize the apprehending of Felons and others escaping from any of His Majesty's Provinces, and Governments in North America into this Province," or to make, it incumbent upon the Governor and Council of this Province to deliver up any person charged, if for any reason they shall deem it inexpedient so to do, or to prevent the discharge of any person upon Habeas Corpus who, having been committed under this Act, shall be detained in custody beyond the time that may be reasonably required under the circumstances of the case, for carrying the provisions of this Act into effect.

CHAP. VIII.

AN ACT to Facilitate legal Remedies against Corporations.

[Passed 13th February, 1833.]

Preamble.

WHEREAS it is expedient to facilitate legal proceedings against Corporations:—*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 all Writs and Process at Law hereafter to be issued against any Body or Bodies Corporate, in the commencement of any Action, and all papers and proceedings, before final Judgment in any such Action, may be served on the President, Presiding Officer, Cashier, Secretary, or Treasurer thereof, in the same manner as upon any individual Defendant in his natural capacity, or on such other person, or in such manner, as the Court in which the Action shall be brought may direct.

Process in Suits instituted against Corporations, how to be served.

II. *And be it further enacted by the authority aforesaid,* That when any Writ or Process against a Body Corporate, in the commencement of a Suit, shall be returned duly served, and the service thereof duly proved as in other cases, the Plaintiff may enter an appearance for the Defendant of course, and that the Plaintiff in any Suit against a Body Corporate, in which an appearance shall be entered as aforesaid, or to which the Defendant shall appear, may after such appearance proceed in like manner as in cases of Actions against natural persons, or in such other manner as the Court by general rule shall direct.

Upon the service of Process, Plaintiff may enter an appearance for Defendant, and proceed thereon as in the cases of natural persons.

III. *And be it further enacted by the authority aforesaid,* That this Act shall be in force for two years, and from thence to the end of the next ensuing Session of Parliament, and no longer.

Continuation of this Act.

CHAP. IX.

AN ACT to make certain regulations relating to the Office of Sheriff in this Province, and to require the several Sheriffs of this Province to give Security for the due fulfilment of the duties of their Office.

[Passed 13th February, 1833.]

WHEREAS from the tenure of the Office of Sheriff in this Province, and the nature of the Security exacted for the due performance of its duties, sufficient indemnity is not afforded against damages that may arise from the misprisions or defaults of Sheriffs:—*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

Preamble.

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 Sheriff of each and every District of this Province shall, on or before the first day of August next after the passing of this Act, enter into a Bond to His Majesty, His Heirs and Successors, in the penal sum of One Thousand Pounds, together with two Sureties, to be approved of by the Inspector General of Public Accounts, in the sum of Five Hundred Pounds each, with a condition that he shall well and faithfully account for and pay over all such monies as he shall receive for His Majesty, His Heirs and Successors, which Bond and Condition shall be in the form given in the Schedule to this Act annexed marked A, or in words to the like effect.

On or before first August, all Sheriffs to enter into Bonds to the King, with two Sureties conditioned to account for all Public Monies received by them.

Sheriffs to give Security for the due performance of their Duty in private Suits, by entering into a Covenant with sufficient Sureties.

II. *And be it further enacted by the authority aforesaid,* That the Sheriff of each and every District of this Province, shall also, on or before the same first day of August, provide either two or four sufficient persons who, together with himself, shall enter into a Covenant under their Seals, joint and several, according to the form given in the Schedule to this Act annexed, marked B, or in words to the same effect, which Covenant shall be available to, and may be sued upon by any person suffering damages by the default or wilful misconduct of any such Sheriffs respectively.

Sureties to be approved of by Justices in Sessions.

III. *And be it further enacted by the authority aforesaid,* That such Sureties shall not be accepted as sufficient, unless a majority of the Justices of the Peace at a Court of General Quarter Sessions of the Peace for the District in which any such Sheriff is serving, shall ascertain and determine that they are good and sufficient, and unless a Certificate shall be given in pursuance of such determination, under the Hand and Seal of the Chairman of such Quarter Sessions, declaring that the Court are satisfied that the persons named in the Certificate are responsible persons to the full amount to which they are required to become Surety, which Certificate shall be produced and filed at the time of the delivering and filing of the said Covenant as hereinafter provided.

Bond to His Majesty to be deposited with Inspector General.

IV. *And be it further enacted by the authority aforesaid;* That the Bond to His Majesty, required by this Act, shall be deposited with the Inspector General of Public Accounts in this Province; and that the Covenant required by this Act shall be made in duplicate, each part of which

shall be marked duplicate, but shall be considered and received as original, one of which parts shall be filed in the Office of the Secretary of the Province, and the other part thereof shall be filed in the Office of the Clerk of the Peace of the District for which such Sheriff shall be appointed, for which filing the said Clerk of the Peace shall be entitled to demand and receive from the Sheriff, the sum of Two Shillings and Six Pence, and no more.

Covenants to be executed in duplicate, one part to be filed with the Secretary of the Province, and the other with the Clerk of the Peace.

Fee to Clerk of the Peace, Two Shillings and Six Pence.

V. *And be it further enacted by the authority aforesaid,* That all and every person or persons shall be authorized to search and examine any such Covenant, and shall and may demand and have from any Clerk of the Peace of any District of this Province, a copy of such Covenant as may be filed as aforesaid in pursuance of this Act, and it shall and may be lawful for such Clerk of the Peace to demand and receive for every such search and examination, One Shilling and Three Pence, and for every such copy, Five Shillings, and no more.

Any person may examine Covenant, and require a copy upon payment of One Shilling and Three Pence for the search, and Five Shillings for the copy.

VI. *And be it further enacted by the authority aforesaid,* That the Sheriff of every District of this Province, now appointed or hereafter to be appointed, shall at or before the expiration of every period of four years from the date of the Bond and Covenant given by him and his Sureties according to this Act, renew his Bond and Covenant in the same sums respectively, either with the same or with other Sureties, whose sufficiency shall be certified in the manner hereinbefore provided; and all the provisions of this Act, in respect to the Bond and the Covenant first required to be given, shall apply to such renewed Bond and Covenant.

Bonds and Covenants to be renewed every four years.

VII. *And be it further enacted by the authority aforesaid,* That at any time, and at all times hereafter, when the Office of Sheriff of any District of this Province shall become vacant, it shall not be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint any person to the said Office of Sheriff until such person shall have given and filed a Covenant with Sureties, and shall also have given a Bond with Sureties, in the same manner and to the same tenor and effect as are by this Act required from the several persons now holding Commissions, and executing the said Office of Sheriff.

No Sheriff to be appointed until Bonds and Covenants have been regularly given and filed according to this Act.

VIII. *And be it further enacted by the authority aforesaid,* That no person shall hereafter be appointed to the office of Sheriff in any District who shall not be possessed of Real Estate in this Province of the actual value of Seven Hundred and Fifty Pounds, above incumbrances, and

No person to be appointed Sheriff who shall not be possessed of Real Estate to the value of £750, ascertained by his own Affidavit.

who shall not before he receives his Commission file an affidavit to that effect in the Office of the Secretary of this Province, which affidavit shall be sworn before the Chairman of the Quarter Sessions of the District, in open Sessions, who is hereby authorized and required to take the same.

In case of the Death, Absence, or Insolvency of any Surety, new Sureties to be given.

IX. *And be it further enacted by the authority aforesaid*, That if any person who shall have become an Obligor in any such Bond, or Surety in any such Covenant, shall die, or shall become resident out of this Province, or shall become insolvent, the person holding such Office of Sheriff, for whom the person so dying, leaving this Province, or becoming insolvent, shall have become such Obligor or Surety, shall, within four months after such death or departure, or after such insolvency shall be certified in the manner herein provided, give anew the like Bond and Security, and in the same manner as hereinbefore required.—*Provided always*, that nothing herein contained shall extend or be construed to extend, to discharge all or any of the parties to such former Bond or Covenant from their liability, on account of any matter or thing which shall have been done or omitted before the renewal of the Security as herein directed.

New Security being given, not to avoid former liability.

Sureties apprehensive of the Insolvency of their Principal may notify the Government thereof, whereupon new Sureties may be required.

X. *And be it further enacted by the authority aforesaid*, That if during the period for which any such Covenant as aforesaid shall be given, the Sureties executing the same, or any of them, shall apprehend that the Sheriff for whom such Surety was given is insolvent, or has not property to the amount of seven hundred and fifty pounds, over and above all incumbrances and debts, and shall transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, an Affidavit made by him or them to that effect, and sworn to before a Commissioner for taking Affidavits in the Court of King's Bench, the Sheriff for whom the Security was given, shall be thereupon officially notified by the Secretary to His Excellency the Lieutenant Governor, or Person Administering the Government of this Province, that he must forthwith furnish new Security in the manner pointed out by this Act, or must on affidavit deny that he is insolvent, or that he is worth less than the sum of seven hundred and fifty pounds, over and above all incumbrances and debts, and that if such requisition is not complied with within one month after the sitting of the then ensuing Quarter Sessions of the District, he shall for that cause be removed from Office.

New Sureties being given not to discharge former defaults.

XI. *And be it further enacted by the authority aforesaid*, That when any new Surety or Sureties shall be given, either at the expiration of any stated period, or by way of substitution for any other Surety within the period, the former Surety shall only be discharged as to defaults or mis-

feasaunces suffered or committed after the perfecting of such new Security, and not as to any previous defaults or misfeasances,

XII. *And be it further enacted by the authority aforesaid,* That after the Covenant required to be entered into by this Act shall have been sued upon by any person having or alleging a claim upon the parties to the same, by reason of the default or misfeasance of the Sheriff, it shall notwithstanding be in the power of any person, or of the same person, to bring an Action upon the same Covenant for any other default or misfeasance, and such subsequent Action shall not be barred by reason of any prior recovery, or of any Judgment for the Defendant rendered in a former action, or of any other action being depending upon the same Covenant for any distinct cause of action.

Actions brought on Sheriffs Covenant not to discharge subsequent actions brought on the same Covenant for other causes.

XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons who shall or may have become such Surety, shall have paid, or shall be liable to pay any sum or sums equal to the sum for which he or they shall have become Security, the said Bond or Covenant shall as to such person or persons be taken and deemed to be discharged and satisfied as to any claim or demand thereon beyond the amount of such payment or liability; and such Sheriff shall, within four months after such person or persons shall have become so discharged, give anew such Securities as are required by the provisions of this Act.

Any Surety having paid the full amount for which he became liable, shall be thereby discharged, whereupon Sheriff shall procure other Surety instead of the one so discharged.

XIV. *And be it further enacted by the authority aforesaid,* That if the amount of any damages so recovered, which such Security has been obliged to pay, is not equal to the amount for which he shall have become Security as aforesaid, then the Court shall, after deducting such sums therefrom, render Judgment against such Security for any amount not exceeding the residue of the sum for which such Security shall have become responsible as aforesaid.

If damages recovered against any Surety and paid, shall not be equal to the amount for which he shall have become Surety, such amount so paid shall be deducted from the Covenant, and the Judge in any subsequent action thereon restrained to the residue.

XV. *And be it further enacted by the authority aforesaid,* That if it shall be made appear by Affidavit, or other sufficient proof, to the General Quarter Sessions of the Peace of any District, that any such Covenant has been or may be discharged as aforesaid, or that the Securities therein mentioned, or any or either of them, have become insolvent, it shall and may be lawful for the said Quarter Sessions to give notice thereof to the Sheriff of such District, and such Sheriff shall, and he is hereby required, to give anew the like Covenant as hereinbefore required by the provisions of this Act, within four months after such notice.

If Covenant shall have become discharged, or Sureties Insolvent, Quarter Sessions may notify Sheriffs to furnish new Sureties in lieu thereof.

Executions against Sheriffs and their Sureties, to be levied first on Sheriffs.

XVI. *And be it further enacted by the authority aforesaid,* That upon the issuing of any Writ of Execution upon any Judgment recovered on such Covenant, the Plaintiff in such suit, or his Attorney, shall, by an indorsement on such Writ, direct the Coroner to levy the amount thereof upon the Goods and Chattels of the Sheriff in the first place, and in default of Goods and Chattels of such Sheriff to satisfy the amount, then that the same, or the residue thereof, shall be made of the Goods and Chattels of the other Defendants in such suit, and so in like manner with any Writ which shall issue against the Lands and Tenements, in any Judgment upon such Covenant as is required by this Act.

Sheriffs liable to pay the Costs of all Rules upon them, unless Court shall otherwise order.

XVII. *And be it further enacted by the authority aforesaid,* That upon application for, or granting of, by any of the Courts of this Province, any rule or rules upon any Sheriff for the return of any Writ or Writs, or for the performance of any other duty or matter relating to the said office of Sheriff, such Sheriff shall be liable to, and pay to the party making such application or obtaining such rule or rules, all taxable costs thereon, unless the Court shall otherwise order: *Provided always,* that if such application shall be made, or any such rule granted, previous to the day next after which such return should have been made, or such duty or matter performed, the Sheriff against whom such application shall be made or such rule granted, shall not be liable for any costs or charges which may arise or occur upon the same: *And provided also,* that if upon such application for a rule or rules it shall appear to the said Judge or Judges of the said Courts respectively, that the same is frivolous or vexatious, the said Judge or Judges of the said Courts respectively, may, upon discharging such application, order that all taxable costs and expenses for opposing the same be paid to the said Sheriff.

In vexatious applications, Costs may be awarded to the Sheriffs.

Where Sheriffs not entitled to Fees on Writs placed in their hands fifteen days before the return.

XVIII. *And be it further enacted by the authority aforesaid,* That no Sheriff shall be entitled to any fees on any Writ placed in his hands fifteen days before the return day mentioned therein, if he does not return the same to the Attorney from whom he received it, within four days after the return thereof, or enclose the same by Post within that time to the Attorney, unless delayed by an order in writing from the Party, his Attorney or Agent, placing the same in his hands.

Sheriffs neglecting to give Security shall be removed from Office.

XIX. *And be it further enacted by the authority aforesaid,* That if any Sheriff now appointed, or hereafter to be appointed, shall neglect or omit to give and perfect such Security as this Act requires, within the period limited by this Act, in any case, then upon such neglect or omission being officially notified in writing to the Governor, Lieutenant-Governor, or Person Administering the Government of this Province,

either by the Inspector General, the Secretary of the Province, or the Chairman of the Quarter Sessions of the Peace in the District in which such Sheriff shall be serving: and they are hereby severally required officially to notify the same: such Sheriff shall for that cause be removed from his office, and a new Commission shall issue, with as little delay as possible, for supplying the vacancy: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to prevent the Governor, Lieutenant Governor, or Person Administering the Government of this Province, from re-appointing any person to the said office, upon his duly fulfilling the provisions of this Act.

Inspector General, Secretary of the Province, or Chairman of Quarter Sessions to report such neglect.

Sheriffs may be re-appointed.

XX. *And be it further enacted by the authority aforesaid*, That the Covenant to be entered into with the Sheriffs of the several Districts respectively, shall specify the following sums as the extent to which the several parties thereto shall be considered as Covenanting to afford indemnity, that is to say:—The Sheriff of the Home District, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the District of Niagara, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the District of Gore, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the District of London, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the Western District, Five Hundred Pounds; Two Sureties, Two Hundred and Fifty Pounds each, or four Sureties, One Hundred and Twenty-five Pounds each. The Sheriff of the District of Newcastle, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the Midland District, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the District of Johnstown, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. The Sheriff of the District of Bathurst, Five Hundred Pounds; two Sureties, Two Hundred and Fifty Pounds each, or four Sureties, One Hundred and Twenty-five Pounds each. The Sheriff of the District of Ottawa, Five Hundred Pounds; two Sureties, Two Hundred and Fifty Pounds each, or four Sureties, One Hundred and Twenty-five Pounds each. The Sheriff of the Eastern District, One Thousand Pounds; two Sureties, Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each. And that the Sheriff of any new District hereafter to be formed shall give such Se-

Sums to be specified in the different Covenants for the several Districts.

curity, himself in One Thousand Pounds, two Sureties Five Hundred Pounds each, or four Sureties, Two Hundred and Fifty Pounds each.

Nature of the liability of Sureties.

XXI. *And be it further enacted by the authority aforesaid,* That the persons entering into any such Covenant as Sureties, shall be held liable to indemnify against any omission or default of the Sheriff in not paying over monies received by him, and against damages sustained by the parties to any legal proceeding, in consequence of his wilful or negligent misconduct in his office; and that the Sheriff shall be joined in any Action to be brought on the Covenant against all or any of the Sureties.

Notwithstanding any forfeiture of Office, Sheriffs to continue in Office until Successor appointed.

XXII. *And be it further enacted by the authority aforesaid,* That notwithstanding the Sheriff of any District may forfeit his office and become liable to be removed therefrom by reason of his failing to comply with the provisions of this Act, he shall nevertheless be continued in his office to all intents and purposes, and the liability of himself and of his Securities shall remain until a new Sheriff shall be appointed and sworn in his stead.

Upon the Death of any Sheriff, his Deputy shall continue to execute the Office in his name, until the appointment of a Successor.

XXIII. *And be it further enacted by the authority aforesaid,* That when any Sheriff in this Province shall die, the Under Sheriff or Deputy Sheriff by him appointed, shall nevertheless continue in his office, and shall execute the same, and all things belonging therunto, in the name of such deceased Sheriff, until another Sheriff be appointed for the same District, and sworn into office; and the said Under Sheriff or Deputy Sheriff shall be answerable for the execution of the said office, in all things, and to all respects, intents and purposes whatsoever, during such interval, as the Sheriff so deceased would by Law have been if he had been living; and the Security given to the Sheriff so deceased by the said Under Sheriff, and his pledges, shall stand, remain, and be a Security to the King, His Heirs and Successors, and to all persons whatsoever, for such Under Sheriff's due performance of his office during such interval.

Deputy Sheriff and his Sureties to be responsible for the execution of the Office in the interval.

SCHEDULE A.

Form of Bond to the King.

Know all Men by these Presents, that we, A. B., Sheriff of the District of——, C. D. of——, in the District of——, Esquire, and E. F. of——, in the District of——, are held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the several sums following, that is to say:—The said A. B. in the sum of One Thousand Pounds; the said C. D. in the sum of Five Hundred Pounds; and the said E. F. in the sum of Five Hundred Pounds: to be paid to

our Sovereign Lord the King, His Heirs and Successors, for which payments to be well and truly made, we bind ourselves severally and respectively, and each of us, His Heirs, Executors and Administrators, firmly by these Presents, Sealed with our Seals, and dated this——day of——, in the Year of our Lord——.

The condition of this Obligation is such, that if the above bounden A. B., his Executors or Administrators, shall well and faithfully account for, and pay over to His Majesty's Receiver General of this Province, or to such person as may be authorized to receive the same, all such sum and sums of money as he shall receive as such Sheriff as aforesaid, for our said Lord the King, His Heirs or Successors, from the date of this Obligation until the——day of——, in the Year of our Lord——(four years), then this Obligation to be void, otherwise to remain in full force and virtue.

[L. S.]
 [L. S.]
 [L. S.]

Signed and Delivered }
 in presence of }

SCHEDULE B.

Know all Men by these Presents, that we, A. B., Sheriff of the District of——, C. D. of——, in the District of——, and E. F. of——, in the District of——, (when four Sureties are given, the names of the other two to be inserted in like manner) do hereby jointly and severally, for ourselves, and for each of our Heirs, Executors and Administrators, covenant and promise, that A. B., as Sheriff of the said District, shall well and duly pay over to the person or persons entitled to the same, all such monies as he shall receive by virtue of his said office of Sheriff, from the date of this Covenant to the expiration of four years thence next ensuing, and that neither he nor his Deputy shall, within that period, wilfully misconduct himself in his said office, to the damage of any person being a party in any legal proceeding: nevertheless, it is hereby declared, that no greater sum shall be recovered under this Covenant, against the several parties thereto, than as follows, that is to say:—

Form of Covenant.

- Against the said A. B., in the whole——.
- Against the said C. D.——
- Against the said E. F.——.

(If other Sureties, add them in like manner.)

In witness whereof, we have to these Presents set our Hands and Seals,
this——day of——, in the Year of our Lord——.

[L. S.]
[L. S.]
[L. S.]
[L. S.]

Signed, Sealed and Delivered, }
in presence of }

CHAP. X.

AN ACT to afford greater facility in barring the right of Dower.

[Passed 13th February, 1833.]

Preamble.

WHEREAS it is expedient to afford greater facilities to married women to bar their claim to Dower of and in any Lands, Tenements, or Hereditaments which their husbands may be about to depart with: *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, it shall and may be lawful for any person or persons, resident within this Province, entitled to Dower of and in any Lands, Tenements, or Hereditaments, to appear before any two of His Majesty's Justices of the Peace, of the District wherein such person or persons may be resident, and acknowledge her consent to be barred of her right of Dower, of, in and to any Lands, Tenements, or Hereditaments within this Province, which two Justices shall have power and authority to grant a Certificate to the following effect:

Dower may be barred
before two Justices.

Form of Certificate.

We, A. B. and C. D. of the District of ——, in the Province of Upper Canada, Esquires, two of His Majesty's Justices of the Peace, in and for the said District, do certify that E. F. wife of G. F. personally, ap-

peared before us, and being duly examined by us, touching her consent to be barred of her right of Dower, of and in the Lands in the within Deed mentioned, it did appear to us that the said E. F. did give her consent thereto, freely and voluntarily, without coercion, or fear of coercion on the part of her husband or any other person whomsoever. Dated at ———.

A. B. C. D., J. P.

Which Certificate shall have the same force and be as valid as if the same had been made and certified under the provisions of an Act passed in the Thirty-seventh year of the Reign of His late Majesty King George the Third, entitled “An Act for the more easy barring of Dower.”

II. *And be it further enacted by the authority aforesaid,* That the said Justices shall be entitled to receive the sum of Two Shillings and Six Pence, for granting the Certificate authorised by this Act.

Justices Fee, Two
Shillings and Six
Pence.

CHAP. XI.

AN ACT to revive and continue a certain Act passed in the Fourth Year of His late Majesty's Reign, entitled “An Act to repeal an Act passed in the Forty-fifth year of His late Majesty's Reign, entitled ‘An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such Trials:’” and also, a certain other Act passed in the Eighth year of His late Majesty's Reign, entitled “An Act to continue and amend the Law now in force for the Trial of Controverted Elections.

[Passed 13th February, 1833.]

WHEREAS an Act passed in the Fourth year of the Reign of His late Majesty, entitled “An Act to repeal an Act passed in the Forty-fifth year of His late Majesty's Reign, entitled ‘An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such Trials?’” and also, an Act passed in the Eighth year of His late Majesty's Reign, entitled “An Act to continue and amend the Law now in force for the Trial of Controverted Elections” have been allowed to expire: *And whereas* it would greatly facilitate the proceedings on such Trials, if these Laws were revived:—*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 the said above mentioned Acts shall be and continue in force for the space of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

4th Geo. 4, ch. 4, &
8 Geo. 4, ch. 5.
Continued for four
years.

CHAP. XII.

AN ACT to make perpetual an Act passed in the thirty-third year of the Reign of His Majesty King George the Third, entitled "An Act to provide for the appointment of Returning Officers of the several Counties of this Province," and to make provisions respecting the duties of Returning Officers, and expenses attending Elections.

[Passed 13th February, 1833.]

Preamble.

WHEREAS an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled "An Act for the appointment of Returning Officers of the several Counties within this Province," unless continued will shortly expire:—*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 the said first recited Act shall be and is hereby made perpetual.

33 Geo. 3, chap. 12,
made perpetual.

Fees to be taken by
Returning Officers.

II. *And be it further enacted by the authority aforesaid*, That the Returning Officer for any Riding, County or Town in this Province, shall be entitled to receive from the Treasurer of the District in which such

Riding, County or Town may be situated, the following fees and expenses, and no more :—

For each days attendance in taking the Poll—One Pound, Five Shillings.

For a Poll Clerk, (per diem)—One Pound.

For Hustings, (when necessary)—Five Pounds.

For two Constables, (each per diem)—Ten Shillings.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Returning Officer, in all cases where a Poll shall be demanded, to keep a Book in which a true and correct state of the Poll shall be inserted and contained in the following form :—

Manner of keeping Poll Book.

NUMBER OF VOTES.	NAMES OF VOTERS.	TOWNSHIP.	LOT.	CONCES- SION.	NAMES OF CANDI- DATES.		REMARKS.
					A. B.	C. D.	

of which Poll Book the Returning Officer shall keep a correct copy, and shall transmit the original, with the Writ of Election and return, to the Clerk of the Crown in Chancery, within ten days after the closing of the Election for which the same shall be taken, and the Returning Officer shall attach the following oath to such Poll Book at the time of transmitting of the same :—

Poll Book to be re-
turned with Writ of
Election.

“I, A. B. Returning Officer for the——(Riding, County or Town,) of——, do solemnly swear, that the Poll Book hereto annexed was truly and correctly taken under my direction, to the best of my knowledge and belief, and that the same contains a true and correct statement of the votes taken at the Election for the (Riding, County or Town,) of——;”

which oath may be administered by any of His Majesty's Justices of the Peace, or by a Commissioner of the Court of King's Bench.

Returning Officer wilfully forswearing himself, subject to the penalties of Perjury.

Poll Book to be received in evidence.

IV. *And be it further enacted by the authority aforesaid,* That any Returning Officer who shall wilfully and corruptly forswear himself in taking the said oath shall be subject to the penalties of wilful and corrupt perjury; and that such Poll Book proved as aforesaid shall be received and taken as *prima facie* evidence on the trial of any contested Election.

CHAP. XIII.

AN ACT to dispense with the necessity of taking certain Oaths, and making certain Declarations in the cases therein mentioned; and also to render it unnecessary to receive the Sacrament of the Lords Supper as a qualification for Offices, or for other temporal purposes.

[Passed 13th Feb. 1833.]

Preamble.

WHEREAS it is inexpedient to impose upon persons admitted to Offices in this Province, or persons called to the Bar, or admitted as Attornies, or becoming Officers or Members of any Corporation, the necessity of taking certain Oaths and making certain Declarations which have been heretofore usually required in such cases:—*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 it shall not be necessary for any person appointed or to be appointed to any office in this Province, Civil or Military, or who is or may be a Mayor, or other Officer or Member of any Corporation therein, or for any person admitted, called or received, or hereafter to be admitted, called or received, as a Barrister or Attorney, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

Persons appointed to Office not required to take or subscribe any other Oath or declaration than that hereinafter set forth.

Form of Oath.

"I, A. B. do sincerely promise and swear that I will be faithful and bear true Allegiance to His Majesty King William, (or the Reigning Sovereign for the time being,) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province dependant on, and

belonging to the said Kingdom, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which shall be made against His Person, Crown or Dignity; and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Him or any of them; and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any person or power whatsoever to the contrary.—So help me God.”

And also, such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling as hath been heretofore required, or shall be hereafter required in any Act to be passed in that behalf.

II. *And be it further enacted by the authority aforesaid*, That the Oath of Allegiance herein prescribed and set forth shall, in case of a Queen succeeding to the Crown of the United Kingdom of Great Britain and Ireland, be taken in the following words, that is to say:—

“I, A. B., do sincerely promise and swear, that I will be faithful, and bear true Allegiance to Her Majesty Queen ——— (the Queen who shall be then Reigning), as Lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province dependant on, and belonging to the said Kingdom; and that I will defend Her to the utmost of my power against all Traitorous Conspiracies or attempts whatsoever which shall be made against Her Person, Crown and Dignity; and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and Traitorous Conspiracies and attempts which I shall know to be against Her, or any of them: and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any Person or Power whatsoever to the contrary—So help me God.”

Form of Oath when a Queen shall succeed to the Throne.

III. *And be it further enacted by the authority aforesaid*, That the Oath of Allegiance herein prescribed and set forth, together with the Oath of Office, or Oath for the due exercise of any profession or calling respectively, shall be, and is hereby required to be taken within the same period, and in the same manner, and subject to the like disabilities and penalties for the omission thereof, as is now by Law provided with respect to the Oaths heretofore required to be taken in any case respectively.

Period within which Oath required to be taken.

No person to be required to take the Sacrament for the purpose of qualifying such person for any Office.

IV. *And whereas* it is expedient to dispense with the necessity of taking the Sacrament of the Lord's Supper, according to the Rites or Usage of the Church of England, for the purpose of qualifying any person to hold Office in this Province, or for any other temporal purpose, privilege or advantage whatsoever: *Be it therefore further enacted by the authority aforesaid*, That notwithstanding any thing contained in any Law or Statute to the contrary, it shall not be necessary, from and after the passing of this Act, for any person within this Province, for any such purpose as aforesaid, to take or receive the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of England, or to deliver a Certificate, or make proof of his having received the said Sacrament in manner aforesaid; and that no person shall hereafter, within this Province, be subject to any penalty, forfeiture, incapacity or disability whatsoever, for or by reason of any neglect or omission to take or receive the said Sacrament.

CHAP. XIV.

AN ACT to continue an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled "An Act to revive and continue, with certain modifications, an Act passed in the Fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the Laws now in force for granting Licences to Inn-Keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences.'"

[Passed 13th February, 1833.]

Preamble.

WHEREAS an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled "An Act to revive and continue, with certain modifications, an Act passed in the Fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the Laws now in force for granting Licences to Inn-Keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences,'" will expire at the close of the present Session of Parliament, if not continued: and it is expedient to continue 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, 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 said recited Act shall be and continue in force for four years from the passing of this Act, and from thence to the end of the next ensuing Session of Parliament, and no longer.

11 Geo. 4, chap.
continued for four
years.

CHAP. XV.

AN ACT to make further provision for carrying into effect, an Act passed in the Fifty-sixth year of the Reign of King George the Third, entitled “An Act to afford relief to persons holding or possessing Lands, Tenements, or Hereditaments in the District of Niagara.”

[Passed 13th February, 1833.]

WHEREAS an Act was passed in the Fifty-sixth year of the Reign of His late Majesty King George the Third, entitled “An Act to afford relief to persons holding or possessing Lands, Tenements, or Hereditaments in the District of Niagara,” by which Act it was directed, that five Commissioners should be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the purposes in the said Act set forth: *And whereas* three of the five Commissioners who were appointed under the authority of the said Act have departed this life, and inasmuch as the purposes contemplated by the said Act have not yet been fully answered, and the authority to appoint Commissioners for carrying the same into effect was limited to two years after the passing thereof, it is necessary to make provision for the appointment of additional Commissioners for the purposes in the said Act mentioned:—*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

Preamble.

Period extended during which the Governor may appoint Commissioners for carrying into effect the provisions of 56. Geo. 3. Chap.

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 time to time, and at any time after the passing of this Act, and so long as it may continue necessary to afford persons holding or possessing Real Estate in the District of Niagara, and so much of the District of Gore as was formerly comprised within the Niagara District, the relief provided by the said Act, passed in the Fifty-sixth year of the Reign of His said late Majesty King George the Third, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue one or more Commission or Commissions, under the Great Seal of this Province, directed to any five fit and discreet persons, which said Commissioners, or any three of them, shall have full power and authority to do and execute all such things as are by the said Act authorized and directed to be done by the Commissioners to be appointed under the power given in the first clause of the said Act.

CHAP. XVI.

AN ACT to alter the manner of holding the Elections for Members to represent the Counties of York and Lincoln, in the House of Assembly: more equally to divide the County of York into Ridings, and to increase the Representation of the said County of York.

[Passed 13th February, 1833.]

Preamble.

WHEREAS it is expedient to alter the manner of holding the Elections for Members to represent the Counties of York and Lincoln in the House of Assembly in this Province, and also to make a new division of the County of York, in order that the same may be more equally represented in the said Assembly, and that Elections for that purpose may be more conveniently held:—*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 the twenty-first and twenty-second clauses of an Act of the

Parliament of this Province passed in the thirty-eighth year of the Reign of His late Majesty King George the Third, entitled "An Act for the better division of this Province," and also the second clause of an Act passed in the fifty-sixth year of the Reign of King George the Third, entitled "An Act to erect and form a new District out of certain parts of the Home and Niagara Districts, to be called the District of Gore;" and also so much of the seventh clause of an Act passed in the second year of His late Majesty King George the Fourth, entitled, "An Act to repeal part of an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled 'An Act for the better division of this Province, and to make further provision for the division of the same into Counties and Districts,'" as relates to the East and West Ridings of the County of York, be, and the same are hereby repealed; and that from and after the passing of this Act, the County of York shall be divided into Four Ridings, to be called the First, Second, Third and Fourth Ridings, respectively; and that the Townships of York, including its Peninsula, Etobicoke, Vaughan and King, do form the First Riding: the Townships of Caledon, Chingua-cousy, Toronto, Gore of Toronto and Albion, the Second Riding: the Townships of Scarborough, Markham, Pickering and Whitby, the Third Riding: and the Townships of East Gwillimbury, North Gwillimbury, Scott, Georgina, Brock, Reach, Whitechurch and Uxbridge, the Fourth Riding of the said County.

38 Geo. 3rd, ch. 5,
sec. 21 & 22.

56 Geo. 3rd, ch. 19,
sec. 2.

And also part of
2nd Geo. 4, chap. 3,
sec. 7, repealed.

County of York
divided into four
Ridings.

II. *And be it further enacted by the authority aforesaid,* That the Election for Members to Represent each of the said Counties of York and Lincoln in the Assembly of this Province shall be by Ridings, and shall be held at such place in each of the said Ridings as shall be appointed for that purpose.

Elections in York
and Lincoln to be
by Ridings.

III. *And be it further enacted by the authority aforesaid,* That each of the said Ridings in the County of Lincoln shall, after the present Parliament, be Represented in the House of Assmebly by one Member; and that each of the said Ridings in the County of York shall be Represented in the House of Assembly by one Member.

Each Riding to be
represented by one
Member.

CHAP. XVII.

AN ACT to define the Limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein.

[Passed 13th February, 1833.]

Preamble.

WHEREAS from the great increase of Population of the Town of Hamilton, in the District of Gore, it is necessary to make further provision than by Law exists for the internal regulation thereof:—*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 there shall be in the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be, and is hereby declared to be, a Body Corporate and Politic in fact and in law, by the name of "the President and Board of Police of Hamilton," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts, and in all actions, causes, and complaints whatsoever, and may have a common seal, and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying, any Estate, real or personal, for the uses of the said Town.

Board of Police constituted.

Limits of Hamilton defined.

II. *And be it further enacted by the authority aforesaid*, That the said Town of Hamilton shall be comprised within the following limits or boundaries, that is to say:—Commencing at the North East corner of Broken Lot number Thirteen, in the First Concession of the Township of Barton, at the water's edge of Burlington Bay; thence along the shore of the said Bay to the North West corner of Lot number Sixteen; thence Southerly along the allowance for road between Lots number Sixteen and Seventeen, to the allowance for road in rear of the Third Concession; thence Easterly along the said allowance, to the allowance for road between Lots number Thirteen and Twelve; thence along the said allowance to Burlington Bay, to the place of beginning, including the

whole of the said allowance for roads and that part of the Harbour lying in front of the said Town.

III. *And be it further enacted by the authority aforesaid,* That for the purpose of Electing the Members of the said Corporation the said Town shall be divided into Four Wards in the following manner, that is to say:—The Street heretofore called the Mountain Street or Ancaster Road, and which shall hereafter be called Johns' Street, and the Street leading from the Eastern part of the District, in the direction towards Dundas, hereafter to be called Kings' Street, and all that part of the Town lying West of Johns' Street and South of Kings' Street shall comprise the First Ward; and all that part of the said Town lying North of Kings' Street and West of Johns' Street shall comprise the Second Ward; and all that part East of Johns' Street and North of Kings' Street shall comprise the Third Ward; and that part of said Town lying North of Kings' Street and East of Johns's Street shall comprise the Fourth Ward.

Town divided into four Wards.

IV. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall Elect annually one person to be a Member of the said Corporation from among the Inhabitant Householders of the said Town, who being a Subject of His Majesty shall be a Freeholder therein to the assessed value of Sixty Pounds; and that the persons entitled to vote at the election for either of the said Wards shall be Subjects of His Majesty and the male Inhabitant Householders resident within such Ward, who shall severally be possessed for their own use and benefit of a dwelling house and lot of ground within the Ward in which they shall so vote, such dwelling house and lot of ground being by them held in Freehold, or who, being Subjects of His Majesty and male Inhabitant Householders within the said Ward at the time of such election, shall *bona fide* have paid within one year next before the election one years rent for the dwelling house, or dwelling houses, if they shall within one year have changed their place of residence within the said Ward in which they shall have resided, at the rate or Five Pounds per annum, or upwards.

Each Ward to elect a member of the Corporation.

Qualification of voters.

V. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation shall be holden on the first Monday in the month of March next, at some place within each Ward respectively, to be appointed by the Sheriff of the District of Gore, who shall give public notice thereof at least six days before the said election, and who shall preside at the election for one of the said Wards, and the Deputy Sheriff, High Constable, and a Bailiff or Constable, or other person appointed for that purpose by the Sheriff of the said District, shall

First election when to be holden.

Manner of holding elections.

severally preside at the first election for each of the other three Wards, that is to say, each respectively shall preside at the first election for such Ward as the Sheriff shall direct, and shall declare the person in each of the said Wards who shall have the greatest number of votes to be duly elected a Member of the said Corporation, and shall give notice thereof to the person so elected in the said Ward as a Member of the said Corporation, within six days after such election.

Time and manner of holding all future elections.

VI. *And be it further enacted by the authority aforesaid,* That the members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in March in every year an election shall be holden in each of the Wards of the said Town, for choosing a member of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said election and shall give notice thereof, and proceed in all respects as the Sheriff is hereby required to do at and after the first election to be holden as aforesaid.

Person holding an election to take an Oath.

VII. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act he shall take the following oath, which any Justice of the Peace for the District of Gore shall have authority to administer, that is to say:—

Form of Oath.

I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for a Member of the Board of Police in the Town of Hamilton.—So help me God.

Candidates and voters may be required to take an oath of qualification.

VIII. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed to affirm) any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office; and shall also have authority, and is hereby required upon such request as aforesaid, to examine on oath or affirmation (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the form following:—

Form of oath.

“You shall true answer make to all such questions as the Officer presiding at this election shall put to you respecting your qualification to be

electd at this election, (or respecting your qualification to vote at this election, as the case may be)—So help you God." and the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

IX. *And be it further enacted by the authority aforesaid,* That if any person being examined upon oath or affirmation under this Act in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt Perjury, and on conviction thereof, shall suffer as in other cases of wilful and corrupt Perjury. False oath declared Perjury.

X. *And be it further enacted by the authority aforesaid,* That if the election of any member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the Sheriff, after the first elections to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition, signed by any three Inhabitants of the Town having a right to vote at such election, to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the election, and the Sheriff shall have power to summon Witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence, and in case an election shall be declared void, but it shall not appear proper to the Sheriff for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then he shall, after giving eight days notice thereof, hold a new election of a Member to serve according to this Act; and that if after any election to be holden after a Board of Police under this Act shall have been completely organized a requisition signed as aforesaid shall, within forty eight hours after the termination of such election, be served upon the President or any other Member of the Corporation, it shall be lawful for the said Corporation, and they are hereby required, to appoint a time for entering upon a scrutiny of the matters complained of, at any place within the said Town, which time shall be within six days after the election, and the Corporation, or such Member or Members thereof as shall not be individually concerned in the questions to be determined, shall have power to summon Witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the Time and manner of determining any controverted election.

election or return as shall appear to be right according to the evidence, and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their Precept for a new election as in other cases under this Act.

Oath to be taken by the officer trying any contested election.

XI. *And be it further enacted by the authority aforesaid,* That before the Sheriff, or any Member of the said Corporation, shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following form, before some one of the Justices of the Peace for the District of Gore, that is to say:—

I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B.—So help me God.

Penalty for witnesses refusing to attend.

XII. *And be it further enacted by the authority aforesaid,* That any Witness who being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend shall, on conviction before any one of His Majesty's Justices of the Peace for the District of Gore, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice in the Common Gaol of the District, for a time not exceeding one month; and if any Witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Time and place to be declared for the first meeting of the Police.

Any three members of the Board may choose a fifth

In case of disagreement, the fifth member to be elected by the qualified inhabitants.

XIII. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice, immediately upon declaring the result of the election, of the time and place at which the Members of the Corporation so chosen are first to meet, which meeting shall be at such time and place within the said Town as the Sheriff of the said District shall appoint, being within ten days after the election; and that at such meeting a Fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as this Act provides with respect to the other Members to be chosen; and in case they cannot agree in the election or appointment of such fifth Member they shall issue a Precept to the Sheriff of the District after the first election, and to any one of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the

Electors of the Town generally, at which election the said Sheriff shall preside after the first election of Members, and the said Bailiff so to be appointed as aforesaid (to whom the said Precept shall be directed after every subsequent election,) and the Sheriff or Bailiff (as the case may be) shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within six days after such election.

XIV. *And be it further enacted by the authority aforesaid,* That the said five Members elected as aforesaid shall, within ten days after the appointment or election of the fifth Member of the said Corporation as aforesaid, appoint one of their number President, and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of the new Board.

President to be elected by the Board.

XV. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal, forfeit the sum of Ten Pounds, to be recovered with costs, by information before any Justice of the Peace who is authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty, for the transgression of any order or regulation of the said Corporation: *Provided*, that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the Officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Penalty for neglecting to take the oath of office.

XVI. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said Corporation, by neglect or refusal to take the oath of office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward, for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving notice of the time or place of holding the said election, and the member so elected shall hold his office until the next annual election, and until another is chosen in his place; and that if the vacancy shall occur in the office of the member appointed by the four

How vacancies to be filled.

Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation, or a majority of them, and in case they cannot agree, then in the same manner as provided for the election of the fifth Member by the electors of the Town generally; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation, by one of the Members neglecting or refusing to take the oath of office as aforesaid, or in case it shall happen that the Member appointed by the Member elected respectively after the first election, or the Members elected by the town generally after the first election, shall neglect or refuse to take the oath of office as aforesaid, then the Precept shall issue to the Sheriff of the District, as is hereinbefore provided.

Corporation not dissolved by non-election of Officers on day appointed.

XVII. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election or appointment of Members, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Corporation may make Ordinances and By-Laws.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation, from time to time, to establish such ordinances, by-laws and regulations, as they may think reasonable in the said Town, to regulate and license victualling houses and ordinaries, where fruit, victuals and liquors not distilled shall be sold to be eaten or drunk in such houses or groceries, to regulate wharves and quays, to regulate the weighing of hay and measuring of wood, to regulate carts and cartmen, to regulate slaughter-houses, to prevent the firing of any guns, muskets, pistols, squibs, and fire balls, or injuring or destroying trees planted or growing for shade or ornament in the said Town, to prevent the pulling down or defacing of sign boards, or inscribing or drawing any indecent words, or figures, or pictures on any building, wall, fence, or other public place, and generally to prevent vice and preserve good order in the said Town, to enter into and examine all dwelling-houses, warehouses, shops, yards, and out-houses, to ascertain whether any such places are in a dangerous state with respect to fires, and to direct them to be put in a safe and secure condition, to appoint fire Wardens and fire Engineers, to appoint and remove firemen, to make such rules and by-laws as may be thought expedient for the conduct of such fire companies as may be raised with the sanction of the said Corpora-

tion, to compel any person to aid in the extinguishment of any fire, to require the Inhabitants to provide and keep fire-buckets and scuttles and ladders to their houses, to stop or authorise any other person to stop any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence, to regulate the assize of bread, to prevent and abate and remove any nuisances, to restrain and prevent any horses, cattle or swine from running at large, to prevent and remove encroachments in any streets, and to make such rules and regulations for the improvement, good order and government of the said Town, as the said Corporation may deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any by-law or ordinance of the said Corporation, not exceeding One Pound Ten Shillings, and to fix upon and to appoint such days and hours for the purpose of selling butchers meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

XIX. *And be it further enacted by the authority aforesaid,* That for the purpose of raising a fund to provide for the purchasing any real estate for the use of the said Town, to procure fire-engines, aqueducts, and a supply of pure and wholesome water, for lighting, paving, flagging and repairing the streets, and for all other purposes deemed expedient and necessary by the said Corporation, for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an assessment annually upon the persons rated or liable to be rated upon any assessments for property in the said Town, not exceeding Four Pence on the pound, exclusive of the sum such persons may be rated for in and upon any other assessments of this Province, and it shall be the duty of the Clerk of the Peace of the said District, to select from a general assessment of the Township of Barton, a list or assessment of the ratable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

Annual Assessment may be levied, not exceeding four pence in the pound.

XX. *And be it further enacted by the authority aforesaid,* That every Town lot in the said Town of Hamilton, shall be rated upon the assessment roll at Twenty-five Pounds, and that every lot or portion of a lot on which a house shall be built, shall be deemed and taken to be a Town lot.

What shall be considered a Town Lot, and the rate thereof.

Assessments may be levied by distress.

XXI. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Corporation may appoint and remove Officers.

XXII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of Streets for the said Town, a Clerk and Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other officers as they may require, and assign the duty or services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant as they shall think proper.

May take Security for due performance of duties.

No new Streets to be less than 66 feet in width.

XXIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person holding lands within the boundaries of the said Town, to lay out any new streets, or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

Rules to be published.

XXIV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the Newspapers of the said Town, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended and for what purpose.

Penalty for breach of By-Laws.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders or regulations made by the said Corporation under the authority of this Act, such person shall for every such offence forfeit the sum which in every such order, rule or regulation

shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation before whom such offender shall have been convicted, and that no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Hamilton: *Provided always*, that the information and complaint for a breach of any orders or regulations of the said Corporation must be made within fifteen days of the time of the offence committed.

How levied.

XXVI. *And be it further enacted by the authority aforesaid*, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Application of penalties.

XXVII. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may in the said Town of Hamilton, perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their divisions, with respect to making or amending any street or highway or road within the said Town.

Corporation to have the power of Justices of the Peace in certain cases.

XXVIII. *And be it further enacted by the authority aforesaid*, That the market for the said Town of Hamilton shall be established in such place within the said Town, as a majority of the Justices of the Peace for the District of Gore shall determine at any Court of General Quarter Sessions of the Peace to be holden after the passing of this Act: *Provided always nevertheless*, that such determination shall be made on the second day of the sitting of the Court at the Sessions in which it shall be made, and when not less than ten Magistrates shall be present: *And provided also*, that the plot or piece of ground required for a Market as aforesaid shall not be of less extent than one Acre, and shall be either such ground, if any there be, which has been hitherto reserved for the site of a Market, or such ground as any proprietor or proprietors shall voluntarily convey for that purpose to the said Corporation, either gratuitously, or for a consideration to be paid by the said Corporation.

Market where and how to be established.

XXIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Corporation of the said Town to borrow the sum of One Thousand Pounds of and from any person or persons, Body Politic or Corporate, willing to lend the same, for the

Corporation may borrow £1000 for certain purposes.

purpose of building a Market House, and for purchasing one or more Fire Engine or Engines as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

Loan to be redeemed
in ten years.

XXX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall set apart so much of the Assessments authorized by this Act to be raised for the use of the said Town as may be sufficient to pay the yearly interest of the said sum of one Thousand Pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

In case of equality
of votes, person pre-
siding at Election to
have a casting vote.

XXXI. *And be it further enacted by the authority aforesaid,* That in case an equality of votes shall happen at any election for the Members of the said Corporation in either of the said Wards, or in case of an election of a fifth Member, it shall and may be lawful for the person Presiding at the said election to give a casting vote, whether he shall be otherwise duly qualified to vote in such Ward or not, and that except in case of the votes being equal it shall not be lawful for the persons Presiding at any election under this Act to vote at such election.

Suits to be brought
within six months
for any thing done
under this Act, and
General Issue
pleaded.

XXXII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within Six Calendar Months next after the fact committed and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Public Act.

XXXIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and is hereby declared to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

FORM OF OATH:

I, A. B. do swear that I will faithfully discharge the duties of a Member of the "Board of Police of the Town of Hamilton," to the best of my skill and knowledge.

CHAP. XVIII.

AN ACT granting to His Majesty a sum of Money, to be raised by Debenture, for the Improvement of the Navigation of the River Saint Lawrence.

[Passed 13th February, 1833.]

WHEREAS it is highly important to the Agricultural and Commercial interests of this Province that the Navigation of the River Saint Lawrence should be improved; *and whereas* it is expedient to raise a sum of Money by way of loan for that purpose:—*Be it therefore enacted*, by the King's Preamble. 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 it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorize and direct His Majesty's Receiver General of this Province to raise by £70,000 to be raised by Debenture. loan, from any person or persons, Bodies Corporate or Politic, who may be willing to advance the same upon the Credit of the Government Bills or Debentures authorized to be issued under this Act, a sum of Money not exceeding Seventy Thousand Pounds, at a rate of Interest not exceeding Five per Cent per annum payable half yearly in this Province, or Four per Cent per annum payable half yearly in London, or at as much lower rate of Interest as the same can be obtained for.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver General for the time being, to cause Receiver General to issue Debentures. or direct any number of Debentures to be made out for any such sum or sums of Money, not exceeding in the whole the said sum of Seventy Thousand Pounds, as any person or persons, Body Politic or Corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance three separate Debentures shall issue at the same time, bearing date on the day on which the same shall actually

be issued, and being each for the payment of one third of the sum so advanced, at the expiration of Eight, nine, and ten years respectively, with interest at the rate aforesaid, from the date of each Debenture until the same shall be discharged, and every such Debenture shall and may be signed by the said Receiver General of this Province for the time being.

Punishment for
forging Debentures.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall Forge or Counterfeit any such Debenture as aforesaid which shall be issued under the authority of this Act and uncanceled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein exchanged for ready Money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer as in case of Felony.

Receiver General
to transmit to the
Governor, before
each Session of the
Legislature, an ac-
count of the Deben-
tures issued.

IV. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province for the time being shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a correct account of the numbers, amounts, and dates of the different Debentures which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him and the interest paid thereon respectively, and also of the amount of the said Debentures out-standing and unredeemed at the periods aforesaid, and of the expenses attending the issuing of the same, to be laid before the Legislature of this Province.

Interest on Deben-
tures when and how
to be paid.

V. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures, shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each Debenture at the time of the payment thereof, expressing the period

up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, after the Thirtieth day of June, and the Thirty-first day of December in each year, issue Warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be taken by him as aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, for the payment of each Debenture, as the same may become due, and be presented in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

Debentures how to be paid off and cancelled.

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment according to this Act; and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures after the expiration of the said six months shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Interest on Debentures outstanding when to cease.

VIII. *And be it further enacted by the authority aforesaid,* That the Honorable Thomas Clark, the Honorable John Hamilton, Philip Van Koughnett, Jonas Jones, Hiram Norton, George Langley, and Peter Shaver, Esquires, shall be Commissioners, (who may appoint a President and one or more acting Commissioner or Commissioners from among themselves,) whose duty it shall be to cause a survey or surveys, and a plan or plans of improvements to be made in the Navigation of the Saint Lawrence, between Prescott and the eastern extremity of this Province, by Canals, Locks, or otherwise, with estimates of the expense of such improvements, and who shall or may contract with such person or persons as shall undertake the said improvements, and all works therewith connected, or any part thereof, and who shall do and perform all and

Commissioners appointed.
President to be named.
Duty of Commissioners to Survey St. Lawrence between Prescott and eastern boundary of the Province;
To prepare Estimates of the expense of improvements;
To make contracts;

To fix Tolls on any finished part of improvements;

To make report of their proceedings.

whatsoever act and acts, thing and things necessary and proper to carry the intention of this act into full effect; and shall and may from time to time, after the completion of any part of the said improvements, fix such rates and tolls as to them may seem just, and shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the information of the Legislature, on or before the first day of November in each and every year, all matters by them done or performed by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

Governor to appoint Commissioners in case of vacancies.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to nominate and appoint under his hand and seal, such person or persons as he shall think fit to fill any vacancy or vacancies which from time to time shall or may happen in the said Board of Commissioners, by death, resignation or otherwise.

Commissioners to appoint Engineers and other Officers and Servants necessary for carrying on the work:

to fix Salaries and take Security for the discharge of duty.

X. And be it further enacted by the authority aforesaid, That the said Commissioners may from time to time appoint such Engineers, Agents, Officers, Workmen, and Servants, as they may think fit, and pay them such salaries as they may deem just and reasonable to carry into effect the provisions of this Act, taking when necessary, good security for the faithful discharge of the trust imposed.

Commissioners to have no interest in contracts.

XI. And be it further enacted by the authority aforesaid, That no Commissioner or Secretary appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested in any contract or agreement, for the performance of any work which may be necessary under the authority of this Act.

Commissioners to explore the country along the line of intended improvements, and to take and hold the line and boundary of Canal, with the necessary ground for Basins, &c.

XII. And be it further enacted by the authority aforesaid, That the said Commissioners shall have full power and authority to explore the country lying between Prescott and the eastern extremity of this Province, and to designate and establish, take, appropriate, have and hold, to and for the use of this Province, the line and boundary of a Canal, with its necessary Locks, Towing Paths, Basins, and all other necessary erections; and it shall and may be lawful for the said Commissioners to contract with such person or persons as they may think necessary, to do, perform, and undertake all and whatsoever act or thing, work or works which may be thought necessary to carry the intention of this Act into full effect.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised and empowered by themselves, their agents or workmen, contractors or servants, to enter into or upon the lands or grounds of or belonging to any person or persons, bodies politic or corporate, and to survey and to take levels of the same, or any part thereof, and set out, and ascertain such parts thereof as they shall think necessary and proper for making the said Canals, Locks, Reservoirs, Aqueducts, and Tunnels, and all such other improvements, matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using in the said navigation; and also, to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making the said Canals, Locks, Tunnels, Aqueducts or other improvements, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said Canals, or other the said works or improvements, or which may obstruct the constructing or maintaining the same; and also, to make, build, and erect and set up, in and upon the said Canal, or upon the land adjoining or near to the same, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for water, Tanks, Reservoirs, Drains, Wharves, Quays, Landing Places, and other works, ways, roads and conveniencies, as the said Commissioners shall think requisite and convenient for the purposes of the said navigation; and also, from time to time to alter the route of the said Canal, and to amend, repair, widen or enlarge the same, or any other of the conveniencies above mentioned, as well for carrying or removing goods, commodities, timber, and other things, to and from the said Canals, as for the carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works, of and belonging to the said navigation; and also, place, lay, work, and manufacture the said materials, on the ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected repaired, or done; and to build and construct the several Locks, Bridges, Works, and erections belonging thereto; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canals or the Reservoirs and Tunnels, Aqueducts, Passages, and Gutters, Water-courses and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint Towing Paths, for drawing Boats, Barges, Vessels, or Rafts passing in, through, along, or upon the said Canals, as the said Commissioners shall think convenient; and to construct, erect, and keep in repair any Piers, Arches, or other

Commissioners or workmen may enter upon ground of individuals and make surveys.

And set out what land shall be required for the use of the works.

General powers in taking and laying materials on private property.

Altering route and repairing works.

works in, upon, and across any Rivers or Brooks, for making, using, maintaining, and repairing the said Canals and the Towing Paths on the sides thereof, or along or under the bank of the River; and also, to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Canals in pursuance and within the meaning of this act, they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted: *Provided always*, that the improvements by this Act authorized to be made shall be commenced and finished between the Head of the Long Sault and Cornwall, in the Eastern District, before any money be laid out in the purchase of any Lands or making improvements on any other part of the River Saint Lawrence, hereby intended to be explored.

Navigation between the head of the Long Sault and Cornwall to be first completed.

Commissioners to agree with the owners of Land for the purchase of what may be required, and for damages done in the progress of the works.

XIV. *And be it further enacted by the authority aforesaid*, That after any Land or Ground shall be set out and ascertained to be necessary for making and completing the said Canals, and other purposes and conveniences hereinbefore mentioned, the said Commissioners be hereby empowered to contract, compound, compromise, and agree with all bodies politic, communities, corporations, aggregate or sole guardians, and all other person or persons for themselves or as Trustees, not only for and on behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femme coverts, or other person or persons who shall occupy, be possessed of, or interested in any Lands or Grounds which shall be set out or ascertained as aforesaid, for the absolute surrender of so much of the said Land as shall be required, or for the damages which he, she, or they may be entitled to receive from the said Commissioners in consequence of the said intended Canals, Locks, Towing-paths, Rail Ways, or other constructions and erections being cut and constructed in or upon his, her, or their respective Lands; and that all such contracts, agreements, and surrenders, shall be valid and effectual in Law to all intents and purposes whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

When no agreements have been made, Arbitrators to be appointed to settle claims.

XV. *And be it further enacted by the authority aforesaid*, That if before the completion of the Canals through the Lands of any person or persons no voluntary agreement shall have been made as to the amount of compensation to be paid for damages, according to this Act, the Commissioners superintending the said work, shall at any time after the completion of such portion of the Canal, upon the notice or request in writing of the proprietor of such Lands, or his agent legally authorized, appoint one of their number as an Arbitrator, who, at the day to be named in such notice, shall attend upon the premises in question to meet

the Arbitrator to be appointed by such claimant, and such two Arbitrators shall and may before proceeding to consider the claim, appoint a third Arbitrator; which three Arbitrators shall first make an oath or affirmation before some one of His Majesty's Justices of the Peace, then there present (which oath or affirmation the said Justices of the Peace are hereby authorized to administer) to give a just and true award upon the claim submitted to them; and shall upon the statements of the parties and owner of the premises, and upon the testimony of witnesses to be examined upon oath or affirmation, (if either party shall require it,) which oath or affirmation any one of the said Arbitrators is hereby authorized to administer, make their award in writing under their hands of the amount of damages to be paid to such claimant.

XVI. *And be it further enacted by the authority aforesaid,* That if either of the Commissioners superintending the said works, or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expence of the party refusing to abide by such award.

Parties declining to abide by award, may have damages assessed by a Jury at their own expence.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases in which awards shall be made, to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party dissenting from such award to serve on the other party a notice in writing, appointing a day, not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation according to this Act assessed in the manner hereinafter provided; and that the party giving such notice, shall also specify some day therein, which shall be at least six days before the day appointed for such assessment; and not less than ten days from the time of serving such notice, at which he will attend at the office of the Sheriff of the District in which the Lands lie, for the purpose of striking a Jury to assess the damages so claimed as aforesaid.

Mode of proceeding when award dissented from.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed as last aforesaid, the Parties, their Attornies, or Agents, shall attend at the Sheriff's Office, and that the Sheriff shall, at the hour of one of the clock in the afternoon proceed in the presence of the Parties, or such of them, their Attornies, or Agents, as may be present, to select the names of forty-one persons from among those qualified to serve on Special Juries, and in the manner directed by Law for selecting Special Juries; and that the names of such forty-one persons so

Mode of striking Jury.

drawn, being fairly written out by such Sheriff, each Party, or his Attorney, or Agent attending for that purpose shall alternately strike off one; that party beginning at whose instance such Jury is struck, until the whole number is reduced to seven; and that such seven persons shall be a Jury for assessing damages to be paid to such Claimant as aforesaid: *Provided always*, That in case either party shall omit to attend Personally, or by Agent at the time appointed, the Sheriff or Deputy shall strike in behalf of such party not attending.

Jury to attend upon the Premises in question, and assess damages.

Juryman's Oath.

XIX. *And be it further enacted by the authority aforesaid*, That the seven persons so struck to serve as aforesaid, shall be summoned by the Sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than six days notice of such attendance; and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order in which they shall stand upon the original list, the oath following, that is to say: "I, A. B. do swear that I will well and truly assess the damages upon the claim of C. D. according to the Act in that behalf;" and thereupon the said Jury, having viewed the Premises and received the testimony upon oath or affirmation of such witnesses as shall be brought before them, which oath or affirmation the said Sheriff or his Deputy is hereby authorized to administer, shall deliver their verdict by the opinion of the majority of such Jury of the amount of damages to be paid to such Claimant.

Expenses of Jury, what and how paid.

XX. *And be it further enacted by the authority aforesaid*, That the party desiring such Jury to be summoned, shall pay to the Sheriff for summoning the same, six pence per mile for the whole distance he shall be compelled to travel in order to summon such Jury; and the like sum of six pence per mile for the distance he shall travel to attend and take the verdict; and for taking the verdict the sum of twenty-five shillings; and to each Juryman attending in pursuance of such summons, the sum of ten shillings for every day he shall be necessarily absent from his place of residence.

Advantages of any improvements to be considered in estimating damages.

XXI. *And be it further enacted by the authority aforesaid*, That in estimating the claim of any person or persons to compensation for property taken, or for damages done under the authority of this Act, the Arbitrators or Jury assessing such damages, shall take into their consideration the benefit which will probably accrue to such person or persons from the construction of the said Canal, by its enhancing the value of his property or producing other advantages: *Provided always nevertheless*, That it shall not be competent to any Arbitrators or Jury to di-

rect any person or persons claiming as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such persons shall be estimated.

XXII. *And be it further enacted by the authority aforesaid,* That any award or awards to be made under the provisions of this Act, shall and may be made a rule or order of His Majesty's Court of King's Bench in this Province, which Court shall have full power and authority to make such order, touching the performance of such award as shall to such Court seem just.

Award may be made a rule of Court.

XXIII. *And whereas,* it may hereafter happen from floods, or from some unexpected accident, that Weirs, Flood-gates, Dams, Banks, Reservoirs, Trenches, or other Works of the said navigation may be damaged or destroyed, and the adjacent Lands, or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further damages: *be it therefore enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Commissioners from time to time, or for their agents or workmen without any delay or interruption from any person or persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal or Canals, Branches, Reservoirs, or Trenches, or any of them, not being an Orchard, Garden, or Yard, and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other materials as may be necessary and proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in such Lands, Grounds, Property, or Hereditaments within the space of six calendar months next after the same shall have been demanded; for all damages which shall or may be done by means of such accident, and by means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined by the ways and means hereinbefore described, with respect to other damage done by the making and completing the said navigation.

Materials may be taken from any adjacent Lands for the reparation of any unexpected damages to the works.

Recompense to occupiers, when and how determined and liquidated.

XXIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall and may in such parts of the said navigation as shall not be of sufficient breadth for admitting a Boat, Vessel, or Raft

Spaces to be left in banks of Canal for Boats to pass each other.

to turn about or lie, or for two Boats or other Vessels or Rafts to pass each other, to open or cut proper spaces or places in the Lands adjoining to the said Canals at convenient distances from each other, for the turning, lying, and passing of any such Boats, Vessels, or Rafts; and that the said Boats, Vessels, or Rafts being hauled or navigated upon the said Canal, shall upon meeting any other Boat or Vessel, stop at, or go back to and lie in the said spaces or places, in such manner as the said Commissioners under their hands shall direct and appoint.

Improvement to admit of vessels drawing nine feet water.

XXV. *And be it further enacted by the authority aforesaid,* That the improvement hereby authorized to be made between the head of the Longue Sault Rapids and Cornwall, shall be constructed so as to admit of the passage or navigation by Vessels drawing nine feet water; and that all Locks, which may be erected or constructed in the course of such improvement, shall be not less than one hundred and fifty feet in length, fifty-five feet in breadth, and with Nine Feet water above the Mitre Sill.

Commissioners may let water privileges.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners to grant or to lease, for any time not exceeding twenty-one years, by an instrument under their hands and seals, the use of any water which they may permit to be taken and drawn from the said Canal or Canals for hydraulic purposes, giving to the owners of the Lands through which such Canal or Canals shall pass, the option of using such water at the price fixed by the said Commissioners, paying the proceeds of such Sale or Lease into the hands of the said Receiver General, in the same manner as is provided respecting the Tolls or Dues arising from the use of such Canals; which said sums shall be applied in the same manner as the said Tolls and Dues are hereinafter directed to be applied.

Commissioners to fix the rates and dues to be taken, and to alter the same as they shall see occasion.

XXVII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, at their first General Meeting, held after any of the said Canals shall be finished, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and that it shall and may be lawful for the said Commissioners to alter the said Rates and Dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a Schedule of Rates and Dues shall be affixed on the different public places on the route of the said navigation.

Schedule of rates and dues to be affixed on public plans on the route of the Canal.

Rates to whom to be paid and manner of enforcing payment.

XXVIII. *And be it further enacted by the authority aforesaid,* That the said several dues shall be paid to such person or persons, at such place or places near to the said Canals, in such manner and under such regulations as the said Commissioners shall direct or appoint; and in

case of denial or neglect of payment of any such Rates or Dues, or any part thereof, on demand to the person or persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said Rates or Dues ought to be paid, may, and he is, and they are hereby authorized and empowered to seize and detain such Boat, Vessel, Barge, or Raft, for or in respect whereof such Rates and Dues ought to be paid, and detain the same until payment thereof.

XXIX. *And be it further enacted by the authority aforesaid;* That an account of all Dues and Tolls received by the Commissioners under the authority of this act, shall be rendered to the Inspector General of the Province on the thirtieth day of June, and the thirty-first day of December in each year, and the amount thereof, deducting any necessary expenditure on account of the said Canal, shall within ten days thereafter be transmitted to His Majesty's Receiver General of this Province, to be applied towards the payment of the Principal and Interest of any loan contracted in pursuance of this Act, and after the Interest and the whole of the Principal sum loaned under the provisions of this Act shall be paid and discharged, the proceeds of the said dues and tolls after deducting the expenses of the collection thereof, and defraying the necessary expenses of repairs, shall be subject to the disposal of the Legislature of this Province.

Account of Tolls to be rendered half yearly to Inspector General, on 30th June and 31st December.

Tolls to be paid into the hands of the Receiver General, to be applied to the liquidation of the principal and interest of the debt contracted under the authority of this Act.

XXX. And to prevent disputes touching the Tonnage of any Boat, Barge or other Vessel navigating upon the said Canals, *be it further enacted by the authority aforesaid,* That the Owner or Master of every such Boat, Barge or Vessel, shall permit and suffer every such Boat, Barge or Vessel, to be gauged or measured; and refusing so to permit and suffer, shall forfeit and pay the sum of Forty Shillings; and it shall be lawful for the Commissioners, or their Agent or Agents, or such other person or persons as shall be appointed by them for that purpose, to proceed with such Owner or Master, or such other person or persons as shall be chosen or appointed by such Owner or Master, to measure and ascertain such Tonnage, and to mark the same on such Boat, Barge or other Vessel, which mark shall always be evidence of the Tonnage in all questions respecting the payment of the aforesaid Rates or Dues; and if such Master or Owner shall refuse or decline to choose a person on his behalf as aforesaid, then the person appointed by the Commissioners, or their Agent or Agents, shall alone have the power of ascertaining such Tonnage.

Manner of ascertaining tonnage of vessels.

Commissioners to
construct Bridges
where Highways are
intersected by Canal.

XXXI. *And be it further enacted by the authority aforesaid,* That when it shall be necessary to cut into any High-way in order to conduct any of the said Canal or Canals through the same, the said Commissioners shall cause to be constructed within one month, a secure, sufficient, and commodious Bridge for the passing of Carriages, in order to re-establish the communication between the several parts of such High-ways.

Penalty for wilfully
damaging the works.

XXXII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break down, damage, or destroy any Bank, Lock, Gate, Sluice, or any Works, Machine, or Device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent, the carrying into execution or completing, supporting or maintaining the said Canal or Canals, improvement or improvements, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Penalty for throwing
rubbish into the Canal
or Locks.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person shall throw any Ballast, Gravel, Stones or Rubbish, into any part of such Canals or Locks, every such person shall, for every such offence, forfeit a sum not exceeding five pounds Currency.

Penalty for obstruct-
ing navigation with
vessels and not re-
moving the same
when required.

XXXIV. *And be it further enacted by the authority aforesaid,* That if any Boat, Vessel, Timber, or Raft, shall be placed in any part of the said Canal or Canals, so as to obstruct the navigation thereof, and the person having the care of such Boat, Vessel, Timber, or Raft, shall not immediately upon the request of any of the persons employed by the said Commissioners, made for that purpose remove the same, he shall for every such offence forfeit a penalty of ten shillings for every hour such obstruction shall continue; and it shall be lawful for the Agents, Toll-gatherers, or others employed by the said Commissioners, to cause any such Boat, Vessel, Timber or Raft, to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such Boat, Vessel, Timber, or Raft, and the loading thereof, or any part of such loading until the charges occasioned by such unloading or removal shall be paid; and if any Boat or Vessel shall be sunk in the said Canal or Canals, and the owner or owners, or person or persons having the care of such Boat or Vessel, shall not without loss of time weigh or draw up the same, it shall and may be lawful for the Agents, Toll-gatherers, or persons employed by the said Commissioners, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expences necessarily occasioned thereby.

XXXV. *And be it further enacted by the authority aforesaid,* That Owners of Land adjoining Canal may pass along the same for purposes of husbandry, it shall and may be lawful to and for the owners or occupiers of any Land adjoining to the said Canals, to use any boats thereon for the purposes of husbandry, or for conveying cattle from one farm, or part of a farm or lands, to another farm or lands of the same owner or occupier, not passing through any Lock without the consent of the said Commissioners, or their principal Agent for the time being, without interruption from the said Commissioners, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares or merchandize to market, or for sale, or for any person or persons for hire; and shall not obstruct or prejudice the navigation of the said Canal or Canals, or the Towing-Paths thereof. excepting through the Locks free, of Toll.

XXXVI. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have liberty to use with horses, cattle and carriages, the Roads and Ways to be made as aforesaid, except the Towing-Paths, for the purpose of conveying any goods, wares, merchandize, timber, and commodities whatsoever, to and from the said Canals; and also to navigate on the said Canals with any Boats, Barges, Vessels or Rafts, and to use the Wharves and Quays appertaining to the same, for loading and unloading any goods, wares, merchandize, lumber and commodities; and also to use the said Towing-Paths with horses for drawing and hauling such Boats and Vessels, upon payment of such rates and dues as shall be established by the said Commissioners. All persons may use the towing paths for the purpose of coming to the Canal or works, and navigate the same on payment of the Tolls fixed by the Commissioners.

XXXVII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the said Commissioners, to be made in pursuance hereof, shall, upon proof of the offences respectively before any two Justices of the Peace for the Johnstown or Eastern Districts, either by confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the Goods and Chattels of the parties offending, by Warrant under the hand and seal of such Justices, and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner or owners of such Goods and Chattels; and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by Warrant under their hands and seals, to cause such offender or offenders to be committed to the common Gaol of either of the said Districts, there to remain without bail or mainprise, for such time as such Justices may Penalties how recovered.

direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

Penalties when recovered how appropriated

XXXVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order or by-law of the Commissioners to be made in pursuance thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, to be by them with other monies transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

All suits for any thing done under this Act to be commenced within six months.

XXXIX. *And be it further enacted by the authority aforesaid,* That if any Plaintiff shall be brought or commenced against any person or persons for any thing done, or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages, shall cease, and not afterwards; and the Defendant or Defendants in such Action or Suit may plead the general issue, and give this Act, and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act; and if it shall appear to be done so, or if any Action or Suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

General issue may be pleaded.

Construction of term "Commissioners."

XL. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners, and that the said Commissioners shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper touching the management and disposition of the Monies coming into their hands, and touching the duty and conduct of the Officers, Clerks and Servants employed by them, and all such other matters as appertain to the conduct of the said Commissioners in carrying into effect the Provisions of this Act.

Commissioners may make rules and by-laws.

Acting Commissioner to be appointed.

XLI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to appoint one of their own number, or some other person, to act in all matters relating to

the management and control of the Works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners or a majority of them shall think proper and expedient to impose, and the said Commissioners shall meet at least once in each month for the purposes of inspecting and investigating all matters relating to the said Works, at such place as a majority of them shall appoint, and shall have power, at such meetings, to allow to the person appointed by them as aforesaid for his services, out of the Monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper, not exceeding three hundred Pounds per annum, and to each of the said Commissioners the sum of twenty Shillings for each days actual attendance in and about the affairs of the said Improvements to be carried on under this Act.

Commissioners to meet once a month.

Acting Commissioner to receive compensation not exceeding £300 per annum. Each Commissioner entitled to 20s. per diem when actually employed.

XLII. And be it further enacted by the authority aforesaid, That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint.

First meeting when to be held.

XLIII. And be it further enacted by the authority aforesaid, That all Monies which shall be raised by Debenture under the provisions of this Act shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, in favour of such Commissioners; and shall be accounted for through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Monies raised under this Act, how to be paid and accounted for.

CHAP. XIX.

AN ACT to Incorporate a Company under the style and title of the British America Fire and Life Assurance Company.

[Passed 13th Feb. 1833.]

WHEREAS William Maxwell, James Meyers, John G. Culverwell, David Browne, Richard Northcote, Richard Crispin, William Ware, Alexander Dixon, Thomas Wallis, Richard H. Oates, William Stennett, Alexander Erskine, George Monro, William Proudfoot, James King, Alexander Wood, John Strachan, Thomas Mercer Jones, James Cull,

Preamble.

R. B. Sullivan, A. W. Hart, Gamble and Birchall, Christopher A. Hagerman, William B. Jarvis, John Rolph, R. A. Parker, Samuel P. Jarvis, Watkins and Harris, R. C. Ferrier, S. Washburn, John Ross, J. Baby, J. M. Strange, John Kitson, S. Cockburn, S. P. Hurd, J. G. Chewett, B. W. Bonycastle, G. W. Haughton, Thomas Bell, M. McNamara, James Such, George A. Barber, John H. Dunn, Alexander Hamilton, Peter Deihl, John Bishop Sen'r. Henry J. Boulton, C. J. Baldwin and John Elmsley, have Petitioned the Legislature praying that an Association under the style and title of the British America Fire and Life Assurance Company may be Incorporated, the better to enable such Institution to conduct and extend the business of Fire and Life Assurance, and for granting Annuities and sums of Money payable at future periods within His Majesty's Dominions in North America and other parts abroad; *and whereas* it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: *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 all such persons as now are or hereafter shall become Stockholders of the said Company shall be hereby ordained, constituted and declared to be, from time to time, and until the Third day of November, One Thousand Eight Hundred and Eighty-two, a Body Corporate and Politic in Law, in fact and in name, by the style and title of the "British America Fire and Life Assurance Company," and by that name, style and title, they and their successors, until the said third day of November One Thousand Eight Hundred and Eighty-two, shall and may have continued succession, and shall be capable in Law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever in all manner of Actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common Seal, and may change and alter the same at pleasure; *and also*, that they and their successors, by and under the name, style and title, of the British America Fire and Life Assurance Company, shall be capable in Law of purchasing, holding and conveying, any Estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

II. *And be it further enacted by the authority aforesaid,* That a Share in the Stock of the said Corporation shall be twelve Pounds ten Shillings or the equivalent thereof in specie, and the number of Shares shall not exceed Eight Thousand, and that Books of Subscription shall be opened at the same time in the Towns of Kingston, Niagara, York, Cobourg, Brockville, Prescott, Amherstburgh, Hamilton and Cornwall, within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners shall direct.

Capital Stock
8,000 Shares, of
£12 10s. each.

Subscription Books
where to be opened.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, as soon as two thousand out of the aforesaid eight thousand Shares shall have been taken up, or twenty-five thousand Pounds out of the aforesaid Capital Stock of one hundred thousand Pounds shall have been subscribed, for the Shareholders or Subscribers to proceed to the Election of Seventeen Directors, at such time and place as the majority of such Subscribers shall appoint, giving thirty days notice thereof in six or more of the Public Newspapers of this Province, which Directors shall be Subjects of His Majesty, and Stockholders at the time of their Election, and during their continuance in office, to the amount of twenty Shares, and shall have power to choose from among themselves a Governor, a Deputy Governor, and three Trustees.

When £25,000 have
been subscribed,
Directors to be
elected.

Governor, Deputy
Governor, and three
Trustees to be selected
from among the
Directors.

IV. *And be it further enacted by the authority aforesaid,* That the Directors so chosen shall serve till the first Monday in August next after their Election, and that of the said Seventeen Directors three shall go out of office yearly, and three others from and among the Stockholders shall be Elected in their stead by the proprietors at their annual general Court, to be holden as hereinafter directed at their House of business at York Upper Canada on the first Monday in August in each year, and the three Directors who shall go out of office shall be those who had the fewest votes at the time of their Election.

Time and manner of
electing Directors.

V. *And be it further enacted by the authority aforesaid,* That there shall also be appointed by the Directors, and from among the Stockholders, a Managing Director, who shall reside at the house of business of the said Corporation, serve the Office of Actuary, and devote himself wholly to the business of the said Corporation; such Managing Director is to hold his office at the will and pleasure of the majority of the Directors.

Directors to appoint
one Managing
Director.

VI. *And be it further enacted by the authority aforesaid,* That Stockholders may vote by proxy or in person; and all elections shall be by

Method of voting
at Elections.

ballot, and each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratio, that is to say :—at the rate of one vote for each share, not exceeding four ; five votes for six shares ; six votes for eight shares ; seven votes for ten shares ; and one vote for every five shares above ten ; and no proxies admitted of any person living out of the Province of Upper Canada.

Who may be elected
Directors.

Vacancies how filled.

VII. *And be it further enacted by the authority aforesaid, That no person shall be eligible to be Elected, or to be allowed to continue in the office of Director, unless he shall be a Subject of His Majesty, and hold in his own name and right at least twenty Shares in the Capital Stock of the said Corporation, and in case of the death, or resignation, or inability to serve the office of Director, the vacancy or vacancies thereby occurring shall be filled up for the remainder of the year in which they may happen by the Election of some one or more (if necessary) of the Stockholders, by the remaining Directors.*

Corporation not dis-
solved by a neglect to
elect Directors at the
day appointed.

VIII. *And be it further enacted by the authority aforesaid, That in case it shall so happen that an Election of Directors shall not be made on the day when pursuant to this Act it ought to have been made, the said Corporation shall not therefore and for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the By Laws and Ordinances of the said Corporation.*

Directors may make
By Laws;

Appoint Clerks, and
their salaries.

IX. *And be it further enacted by the authority aforesaid, That the Directors, or three-fourths of them, at their weekly Board assembled, shall and may have power to make, prescribe and alter such By-laws, Rules, Regulations and Ordinances, as shall appear to them proper and needful touching the well ordering of the said Corporation, the management and disposition of its Stock, Property, Estate and effects ; they also shall and may have power to appoint Clerks and such other persons as may to them appear necessary for the carrying on the business of Fire and Life Assurance, with such salaries and allowances to each as shall seem meet and advisable : *Provided always*, that such By-laws, Rules, Regulations and Ordinances, shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers hereby granted, nor repugnant to the Laws of this Province.*

X. *And be it further enacted by the authority aforesaid, That the major part of the Directors of the aforesaid Corporation shall constitute*

a Board of Directors, and to them it shall be competent to transact all the business of the said Corporation, and all questions before them shall be decided by a majority of voices or votes, each Director to have one vote, and in case of an equality of votes the Presiding Officer shall give the casting vote, over and above his proper vote as a Director.

Majority of Directors
to constitute a Board.

XI. *And be it further enacted by the authority aforesaid,* That the Corporation hereby created shall have power and authority to make and effect Contracts of Assurance with any person or persons, Body Politic or Corporate, against loss or damage by fire, on any Houses, Stores, Shipping, or other Buildings whatsoever, and on any Goods, Chattels, or Personal Estate whatsoever; it shall also have power and legal authority to make or effect Assurances on life or lives, or in any manner dependant on life or lives, and to grant Annuities for such time or times, and for such premium or consideration, and under such modifications and restrictions as may be bargained or agreed upon, or set forth by and between the said Corporation and the person or persons agreeing with them for such Assurance.

General business
which the Corpora-
tion may transact.

XII. *And be it further enacted by the authority aforesaid,* That the Managing Director, together with any three Directors, shall have full power and authority to make or grant Assurances in the name and on behalf of the Corporation; and all Policies of Assurance so made or granted by the said Managing Director and three other Directors, and under the Seal of the said Corporation, shall be binding and obligatory upon the whole Corporation, in the same manner, and with like force as if under the hand and seal of each individual member of the said Corporation: *Provided always,* that it shall not be competent to the Managing Director, or any other Officer of the Corporation, or person whatsoever, to draw any Checque, accept any Bill, grant any Assurance, vest any Money, pay any claim, or in any way incur any cost or expense to the said Corporation, unless specially commanded so to do in each and every single instance by a Board of Directors, such command being registered in a book to be kept for that and other purposes, and counter-signed by at least three of the Directors at their weekly Board assembled.

Managing Director
and three others, may
grant Policies;

But not to draw Bills
or incur other
responsibilities.

XIII. *And be it further enacted by the authority aforesaid,* That there shall be holden a weekly Board of Directors, on a day to be appointed by the Board of Directors, and also an annual Court of Proprietors, to be holden on the first Monday in the month of August, at the house of business of the Corporation, in York; and before the Proprietors so assembled, the Board of Directors shall exhibit a full and most unreserved statement of the affairs of the Corporation; of the funds, property-

Board to be held
weekly.

and securities; shewing the amount in real estate, in bonds and mortgages; in notes, and the securities thereof; in public debt or other stock; and the amount of debt due to and from the said Company; which said statement shall be certified by the Managing Director and three other Directors, and under the hand and seal of each; and after such exhibition statement, it shall require the sense of three-fourths of the Directors then and there assembled, to declare a Dividend on the Joint Stock of the Corporation.

No Director or Officer to hold office in any other Assurance Company.

XIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any Director or Officer of this Corporation to hold Office in any other Assurance Company or Assurance Institution.

Not more than 80 shares may be subscribed in the first instance by any one person.

Shares payable by instalments.

No instalment to exceed ten per cent.

Shares forfeited upon non-payment of instalments.

XV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons, His Majesty's Subjects or Foreigners, to subscribe for such and so many Shares as he, she or they may think fit, not however exceeding, in the first instance, eighty; and ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors appointed by virtue of this Act as soon as they may deem expedient, and the remainder shall be payable in such Instalments as a majority of the Stockholders at a meeting to be expressly convened for that purpose, shall agree upon: *Provided always,* that no Instalment shall exceed ten per centum upon the Capital Stock, nor be called for, nor become payable in less than sixty days after public notice shall have been given in at least two newspapers at the Seat of Government: if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay to the said Directors the Instalment due upon any Share or Shares held by him, her or them, at the time required by law so to do, such Stockholder or Stockholders as aforesaid shall forfeit such Shares as aforesaid, together with the amount previously paid thereon; and the said Share or Shares so forfeited it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the amount previously paid thereon, shall be accounted for and divided in like manner as the other monies of this Corporation.

If shares not taken up in two months, subscriptions may be increased.

XVI. *Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed for within two months after the said Books of Subscription shall be opened, then, and in such case it shall be lawful for any former subscriber or subscribers to increase his, her or their subscriptions: *And provided further,* that if the total amount of subscriptions within the period aforesaid shall exceed the Capital Stock limited by this Act to One Hundred Thousand Pounds, then, and in such case the Shares of each subscriber or sub-

scribers above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of Shares be brought down to the limits above said: *And provided, nevertheless*, that the said limitation in respect to persons subscribing to the said Capital Stock, shall not extend, or be construed to extend to prevent the acquisition of a greater number of Shares by purchase, after the said Corporation shall have commenced its operations.

XVII. *And be it further enacted by the authority aforesaid*, That the Stock of the said Corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations as the Board of Directors shall from time to time make and establish, and shall be considered as personal property; but in case the said Corporation shall have any claim or demand against any Stockholder thereof, whether such claim or demand is due, or to become due at any future period, such Stockholder shall not be entitled to make any transfer for conveyance or sale of his Stock in the said Corporation, or to receive Dividend thereon, until such claim or demand shall be paid, or secured to be paid to the said Corporation; and unless such claim or demand shall be paid, or secured to be paid in the manner aforesaid, within three months after the same shall become due, then and in that case such Stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be Sold by the said Corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Stock how to be transferred.

XVIII. *And be it further enacted by the authority aforesaid*, That the Lands, Tenements and Hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon Judgments which shall have been obtained for such debts: *And further*, the said Corporation shall not directly or indirectly deal or trade in buying or selling any Goods, Wares, or Merchandize, or Commodities whatsoever, or in any Banking operations, or in the purchase and sale of any funded debt, created under the Law of this Province: but it shall nevertheless be lawful for the said Corporation to purchase and hold any such Stock or Funded Debt, created or to be created, for the purpose of investing therein any part of their Capital Stock, Funds or Money, and also to sell and transfer the same, and again to renew such investments when and as often as the exigencies or a due regard to the

Corporation may hold Land for its own use only.

interests of the said Corporation shall require ; and also to make loan of the Capital Stock, proceeds or monies, on Bonds and Mortgages, and the same to call in and re-loan as occasion may render expedient ; *and provided further*, that the said Corporation shall be bound to sell or dispose of any Real Estate that may be purchased by virtue of this Act, except such as may be necessary as aforesaid for their accommodation in the transaction of their business, within seven years after acquiring the same, and shall not be capable of holding the same after the expiration of the said seven years, but the same shall, immediately after the expiration of the said seven years, be forfeited to and vested in the King's most Excellent Majesty.

No transfer to entitle person to vote under ninety days.

XIX. *And be it further enacted by the authority aforesaid*, That no transferred Share shall entitle the person to whom it is transferred to a vote until the expiration of ninety days after such transfer.

Policies not valid until entered in the Books of the Company.

XX. *And be it further enacted by the authority aforesaid*, That no transfer of any Policy of Assurance, or of any Share of the said Corporation, shall be valid until entered in the Books of the said Corporation and certified to by the Managing Director.

Debts contracted before 1832, how recovered.

XXI. *And be it further enacted by the authority aforesaid*, That in respect to all Debts contracted by the said Corporation before the third day of November, which will be in the year of our Lord One Thousand Eight Hundred and Eighty-two, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual or private capacity to the extent of their respective Shares and no further in any Suit or Action brought or to be brought after the dissolution of the said Corporation.

Company not to commence business until 10 per cent. on the Capital be paid in.

XXII. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for the said Corporation to commence Insuring until the amount of ten per Cent upon the Capital be paid into the hands of the Treasurer of the said Institution.

Public Act.

XXIII. *And be it further enacted by the authority aforesaid*, That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

Legislature may repeal, alter, or amend this Act.

XXIV. *And be it further enacted by the authority aforesaid*, That it shall at all times hereafter be lawful for the Legislature of this Province to Repeal, alter or amend this Act.

XXV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Company to make a Return, under the oath of the Governor and Trustees of the said Company, to the Provincial Parliament once in each year, which Return shall contain a full and true account of the Funds and Property of the said Company, the amount of Capital subscribed and paid in, the amount Insured during the previous year, the amount of Insurance charged upon the several kinds of Property, or on Lives Insured, and the amount which the Company have paid, or are liable to pay, for Losses or otherwise during such year.

Return to be made to Parliament.

XXVI. *And be it further enacted by the authority aforesaid,* That this present Act of Incorporation shall in nowise be forfeited for non user at any time before the first day of January in the year of our Lord One Thousand Eight Hundred and Thirty-five.

This Act of Incorporation not to be forfeited for non-user before 1835.

CHAP. XX.

AN ACT to Incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company.

[Passed 13th February, 1833.]

WHEREAS Charles C. Clark, Ebenezer Perry, Benjamin Throop, J. G. Bethune, Rufus Holden, John C. Boswell, George Ham, John D. Smith, William Burnham and divers others, have Petitioned the Legislature praying that an Association under the style and title of "the Saint Lawrence Inland Marine Assurance Company" may be Incorporated, the better to enable such Institution to conduct and extend the business of Inland Navigation Assurance within His Majesty's Dominions in North America: *and whereas,* it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: *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 all such persons

Preamble.

The Saint Lawrence
Inland Marine
Assurance Company
Incorporated.

as now are, or hereafter shall be Stockholders of the said Company, shall be hereby ordained, constituted, and declared to be from time to time, and until the first day of January, One Thousand Eight Hundred and Sixty, a Body Corporate and Politic, in law, in fact, and in name, by the style and title of "The Saint Lawrence Inland Marine Assurance Company"; and by that name, style and title, they and their successors, until the said first day of January, One Thousand Eight Hundred and Sixty, shall and may have continued succession, and shall be capable in Law of suing or being sued; pleading, and being impleaded; answering and being answered unto; defending, and being defended in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which the said Corporation is hereby created; and that they and their successors may have a common Seal, and may change and alter the same at pleasure; and also that they and their successors by and under the name, style and title, of the Saint Lawrence Inland Marine Assurance Company, shall be capable in Law of purchasing, holding and conveying, any Estate Real and Personal for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

Power and objects
of the Company.

II. *And be it further enacted by the authority aforesaid*, That the said Corporation is hereby created for the purpose, and shall have power and authority to make Contracts of Assurance with any person or persons, Body Politic or Corporate, against losses or damage of or to Vessels, Boats or other Craft, Navigating upon the Lakes or Rivers of this Province, or elsewhere, upon the waters of the Saint Lawrence or of the Lakes Superior, Huron, Erie or Ontario, or upon any of the waters or Rivers connected with said Lakes, or any of them; and against any loss or damage of or to the Cargoes or Property conveyed in or upon any such Vessels, Boats or other Craft, or to Timber, or other Property of every description conveyed in any manner upon the said waters, and generally to do all matters and things relating to the said objects; and all Policies shall be subscribed by the President, or in his absence by a Vice President if any be appointed, or by a President *pro tempore*, and countersigned by the Secretary, and shall be binding and obligatory upon the said Corporation, though not subscribed in the presence of a Board of Trustees, if done in conformity to a By-law of the Directors which may be made and ordained for that purpose.

Policies to be sub-
scribed by the
President.

Capital Stock
£100,000.

Shares £12 10s. each.

III. *And be it further enacted by the authority aforesaid*, That the Capital of the said Corporation shall be One Hundred Thousand Pounds, that each Share in the said Corporation shall be Twelve Pounds Ten

Shillings, and that no person be allowed to hold more than Fifty Shares of the said Stock in the first instance, and that the Shares respectively subscribed shall be paid in the following manner, that is to say:—ten per Centum to be ready as a deposit at the time of Subscribing, to be called for by the Directors hereafter to be appointed by virtue of this Act as soon as they may deem expedient, and the remainder shall be paid in such instalments as the Directors for the time being may in like manner deem expedient; *Provided*, no instalment shall exceed ten per Centum upon the Capital Stock, or be called for or become payable in less than thirty days after public notice shall have been given in one or more of the several Newspapers published in every District where such Stock may be held to that effect, and if any Stockholder or Stockholders shall refuse or neglect to pay to the said Directors the instalment due upon any Share or Shares held by him, her or them, at the time required by Law so to do, they shall forfeit their Shares with the amount previously paid thereon, and said Share or Shares may be Sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Company.

Shares how subscribed, and instalments how called in.

Shares forfeited on non-payment of instalments, and to be sold by Directors.

IV. *And be it further enacted by the authority aforesaid*, That the Real Estate which it shall be lawful for the said Corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been or may be *bona fide* Mortgaged to the said Company by way of Security, or which may be conveyed to it in satisfaction of Debts previously contracted in the course of its dealings, and with regard to all such Real Estates so to be held by the said Corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of Mortgage and whereof the actual possession shall remain in the Mortgagors, their Heirs or Assigns, the said Corporation shall be bound to Sell and dispose of the same respectively within seven years after it acquires the same, and shall not be capable of holding the same after the expiration of the said seven years, but the same shall immediately at the expiration of the said seven years be forfeited to and vested in His Majesty, His Heirs and Successors.

Real Estate, for what purposes may be held by the Corporation.

V. *And be it further enacted by the authority aforesaid*, That the said Corporation shall not directly or indirectly deal or trade in buying or selling any Goods, Wares, Merchandize or Commodities whatsoever, or in buying any Stock of any Joint Stock Company, or Stock created by any Act of the Legislature of this Province, unless in buying the same in order to invest its Capital Stock, or any part or parts thereof, by way of

Corporation not to trade in Merchandize or traffic in stocks:

Or carry on any
Banking business.

securing the said Capital Stock, or in selling the same for the payment of its debts, or to re-invest in other Stock, or when truly pledged to it by way of security for debts due to the said Corporation; nor shall the said Corporation engage in or carry on any Banking operation whatever; and further, it shall not be lawful for the said Corporation to issue or emit any Notes or Bills, or make any contracts for the payment of Money, except the same be under the Seal of the said Corporation; and all such notes, bills and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at Common Law.

Upon the dissolution
of the Corporation,
Stockholders to be
responsible to the
amount of their
shares.

VI. *And be it further enacted by the authority aforesaid,* That in respect to all Debts which shall be contracted by the said Corporation, or obligations incurred before the said first day of January One Thousand Eight Hundred and Sixty, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective Shares, and no further, in any Suit or Action to be brought or prosecuted after the dissolution of the said Corporation.

Stock transferable.

Stockholder indebted
to the Company not
at liberty to transfer
his stock.

VII. *And be it further enacted by the authority aforesaid,* That the Stock of the said Corporation shall be assigned and transferable, according to such rules as the President and Directors shall make and establish, and no Stockholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt be paid, or secured to be paid, to the satisfaction of the President and Directors.

Eleven Directors to
be elected annually.

Qualification of
Directors.

A President, Vice-
President, Secretary,
and two Trustees to
be chosen by the
Directors from
among themselves.

VIII. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs of the said Corporation, there shall be chosen annually, by ballot, eleven Directors, who shall be Stockholders at the time of their election, and during their continuance in office to the amount of twenty shares, and be subjects of His Majesty; and so soon as twenty-five thousand pounds shall have been subscribed, it shall be lawful for the Shareholders or Subscribers to proceed to the election of eleven Directors, qualified as aforesaid, at such time and place as the majority of such Subscribers shall appoint, giving thirty days notice thereof in six or more of the Public Newspapers of the Province, which Directors shall serve until the first Monday in May One Thousand Eight Hundred and Thirty-four, and shall after their election, choose from among their number, five persons, viz. a President, Vice President, Secretary, and two Trustees, who shall be considered Directors, to all intents and purposes whatsoever.

IX. And be it further enacted by the authority aforesaid, That the Stock, property, affairs and concerns of the said Corporation, shall be managed and conducted by the said eleven Directors.

Affairs to be managed by Directors.

X. And be it further enacted by the authority aforesaid, That the election of the Directors of the said Corporation shall take place on the first Monday in May, in each and every year, at their House of business in Prescott, at the hour of Two o'clock, Post Meridian, and Stockholders may vote in person or by proxy, and such Stockholders shall be entitled to a number of votes, proportioned to the number of Shares which he, she or they shall have held in his, her or their name, at least three months prior to the time of voting, according to the following ratios, that is to say, at the rate of one vote for each Share not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten; and in case of the death or refusal or inability of any officer chosen to serve, then the remaining officers shall have full power to conduct and manage the affairs of the said Corporation, until the expiration of the year for which they were elected to serve.

Time and manner of holding the annual Election of Directors.

XI. And be it further enacted by the authority aforesaid, That if at any time it should happen that an election of Directors should not be made, on the first Monday in May, the said Corporation shall not for that cause be deemed to be dissolved; and it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as may be directed and required by the By-laws of this Corporation.

Corporation not dissolved by reason of the non-election of Directors.

XII. And be it further enacted by the authority aforesaid, That the Directors for the time being, or the majority of them, shall have power to make, prescribe and alter such By-laws, Rules and Regulations as shall to them appear proper and needful, touching the well ordering of the said Corporation, the management and disposition of its Stock, property, estate and effects, to appoint Agents, Clerks, and such other persons as the business of the Corporation may require, to regulate the salaries and allowances of said Agents, Clerks and other persons, provided such By-laws are not contrary to the true intent and meaning of this Charter, and the powers hereby granted.

Directors to make By-Laws;

Appoint Clerks and Servants, and fix their salaries.

XIII. And be it further enacted by the authority aforesaid; That the said Directors shall meet together at least once a week, at such time and place as may be designated in the By-laws, to be called a Weekly Board, for the purpose of transacting the business of the Corporation.

Directors to meet once a week.

Shares to be held
ninety days to entitle
holder to vote.

XIV. *And be it further enacted by the authority aforesaid,* That no transferred Share shall entitle the holder thereof to a vote, until the expiration of ninety days after such transfer, and that no Director or officer in the said Corporation shall hold any office in any other Assurance Institution.

Directors to make
Dividends.

XV. *And be it further enacted by the authority aforesaid,* That the Directors shall, from time to time, make such dividends of their profits, as in their discretion they may deem expedient and consistent with the outstanding risks of claims for losses.

Stockholders entitled
to the names of
all Stockholders.

XVI. *And be it further enacted by the authority aforesaid,* That during the hours of business, every Stockholder of said Corporation shall have power to ask and receive from the President or Secretary, the names of all the Stockholders of the said Corporation.

Stockholders liable
in their individual
capacity to the
amount of their
shares.

XVII. *And be it further enacted by the authority aforesaid,* That the Stockholders of the said Corporation shall be liable and responsible, in their individual and private capacity, to the amount of their respective Shares, and no more.

This a public Act.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

Return to be made
to Parliament once a
year.

XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Company to make a Return, under the oath of the President and Secretary of the said Company, to the Provincial Parliament, once a year, which Return shall contain a full and true account of the Funds and Property of the said Company; the amount of Capital subscribed and paid in; the amount of Property Insured during the previous year; the amount of Insurance charged upon the several kinds of Property Insured, and the amount which the Company have paid or are liable to pay, for losses during such year; a copy of which Return shall be laid before the Stockholders at their next meeting.

Business not to be
commenced until
10 per cent paid in.

XX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for this Company to commence Insuring, until the amount of ten per cent upon the Capital be paid into the hands of the Treasurer of said Institution.

XXI. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened, at the same time, in the Towns of Kingston, Niagara, York, Brockville, Perth, Sandwich, London, Cobourg, Cornwall, and Hamilton, in the Gore District, by such person or persons as a majority of the Petitioners shall direct: *Provided always,* that such Books shall not be opened at any earlier period than ten days, not at a later period than three months after the passing of this Act.

Subscription Books
where to be opened.

XXII. *Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed within two months after the said Books of Subscription shall be opened, then and in such case it shall and may be lawful for any former Subscriber or Subscribers to increase his, her, or their Subscriptions: *And provided further,* that if the total amount of subscriptions within the period aforesaid shall exceed the Capital Stock limited by this Act, then and in such case the Shares of each Subscriber or Subscribers above ten Shares shall, as nearly as may be, be proportionably reduced until the total number of Shares be brought down to the limits above mentioned: *And provided nevertheless,* that the said limitation in respect to persons subscribing to the said Capital Stock shall not extend, or be construed to extend, to prevent the acquisition of a greater number of Shares by purchase after the said Company shall have commenced its operations.

When subscriptions
may be increased.

XXIII. *And be it further enacted by the authority aforesaid,* That the present Act shall in nowise be forfeited for non-user at any time before the first day of January one thousand eight hundred and thirty-five.

Act not forfeited for
non-user before 1835

XXIV. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may at any time hereafter make such additions to this Act, or such alterations in any of its provisions as they may think proper, should the public interest require it.

This Act may be
altered by the
Legislature.

CHAP. XXI.

AN ACT to Incorporate a Joint Stock Company for the Manufacture of Salt, at Saint Catharines, in the Niagara District.

[Passed 13th February, 1833.]

WHEREAS the establishment of Salt Works in the Province of Upper Canada would greatly conduce to the advantage of the Inhabitants thereof;

Preamble.

and whereas, William Hamilton Merritt, George Adams, Horatio N. Monson, William C. Chace, John Donaldson, Alexander Boles, William B. De Forest, Thomas J. Cushman, Elisha Hayward, and Robert E. Burns, by their Petition presented to the Legislature have prayed for the privilege of being Incorporated for the promotion of that object: *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 the said William Hamilton Merritt, George Adams, Horatio N. Monson, William C. Chace John Donaldson, Alexander Boles, William B. De Forest, Thomas J. Cushman, Elisha Hayward, and Robert E. Burns, and all such other persons as hereafter shall become Stockholders of the said Salt Works, shall be, and are hereby ordained, constituted and declared, to be a Body Corporate and Politic in fact, by the name of "The Saint Catharines Salt Company," and that by this name they and their Successors shall and may have perpetual succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, and that they and their Successors may and shall have a common Seal, and may change and alter the same at their will and pleasure: and also, that they and their Successors, by the same name of "the Saint Catharines Salt Company," shall be in Law capable of purchasing, having and holding, to them and their Successors, any Estate real, personal or mixed, to and for the use of the said Company: *Provided always*, that the said Corporation shall not have power to hold any more or other Real Estate than may be required by them for the Site of their Works, or for any Machinery connected therewith, or for such Stores, Warehouses or other Buildings, as may be requisite for carrying on the proper business of the said Corporation: *and provided also*, that it shall not be lawful for the said Corporation to carry on the business of Banking.

The St. Catharines
Salt Works Company
Incorporated.

Shares £25 each,
not to exceed 1,000.

II. *And be it further enacted by the authority aforesaid*, That a Share in the said Stock of the said Salt Company shall be Twenty-five Pounds, and the number of Shares not exceed one thousand, and that the whole amount of the Stock, Estate and Property, which the said Corporation

shall be authorized to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value twenty-five thousand Pounds. Capital £25,000.

III. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her name, at least three months prior to the time of voting, according to the following ratios, that is to say:—at the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. Ratio of voting for Directors.

IV. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company shall be managed and conducted by three Directors, one of whom to be the President, who shall hold their offices for one year, which Directors shall be Stockholders to the amount of at least ten Shares, and be Elected on the first Monday in May in each and every year, public notice of which shall be given in one Newspaper published in the District of Niagara not less than thirty days previous to the Election, and all Elections of Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any Election of Directors, except as hereinafter directed, shall be Directors; and if it should happen at any Election that two or more persons have an equal number of votes in such manner that a greater number of persons than three shall by plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorized to hold such Election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors so as to complete the whole number of three, and in case any vacancy or vacancies shall at any time happen among the Directors by death, resignation or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the remaining Directors or Director may appoint. Three Directors to be chosen annually.

Manner of election.

V. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the officers, Clerks and servants employed therein, and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet; *Provided,* that such rules and regulations be not repugnant to the Laws of this Province. Directors may make By-Laws.

Directors to make yearly dividends.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make yearly dividends of so much of the profits of the said Corporation, as to them or a majority of them, shall appear adviseable.

Shares transferable.

VII. *And be it further enacted by the authority aforesaid,* That the Shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing the same : *Provided always,* that such transfer be entered or registered in a Book or Books to be kept for that purpose by the Directors.

Instalments when and how to be called in.

VIII. *And be it further enacted by the authority aforesaid,* That the Directors to be hereafter appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in Instalments upon the Capital Stock as they shall deem expedient ; *Provided* no Instalment shall be called for or become payable in less than thirty days after public notice shall have been given in some Paper published in the District of Niagara : *Provided always,* that if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay to the said Directors the Instalment due upon any Share or Shares held by him, her or them, at any time when he shall be required by Law so to do, such Stockholder or Stockholders as aforesaid shall forfeit such Shares as aforesaid, with the amount previously paid thereon; and such Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Corporation.

Shares forfeited for non-payment of instalments.

Corporation not dissolved by non-election of Directors.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

First election.

X. *And be it further enacted by the authority aforesaid,* That the first Election of Directors shall take place within one month after the passing of this Act.

Public Act.

XI. *And be it further enacted by the authority aforesaid,* That this Act be, and is hereby declared to be a Public Act, and that the same may be construed as such in all His Majesty's Courts in this Province.

CHAP. XXII.

AN ACT to repeal part of, and amend an Act passed in the second year of His present Majesty's Reign, entitled, "An Act to Incorporate a Joint Stock Company to improve the Navigation of the Grand River."

[Passed 13th Feb. 1833.]

WHEREAS it is necessary to repeal part of, and to amend an Act passed in the second year of His present Majesty's Reign, entitled "An Preamble. Act to Incorporate a Joint Stock Company to improve the Navigation of the Grand River": *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 the thirty-fifth clause of the said Act entitled "An Act to 2nd Wm. 4, ch. 13. sec. 35, repealed. Incorporate a Joint Stock Company to improve the Navigation of the Grand River," be, and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid*, That the said Company shall forfeit and lose all the benefits of their Charter, and the privileges and powers thereby conferred, unless the said improvement contemplated up to the Indian Village, or Mohawk Castle, shall be completed within five years from the passing of this Act, so as to afford a navigable channel for Boats and Vessels drawing not less than Three Feet water. Period for completing Canal extended.

CHAP. XXIII.

AN ACT to Incorporate a Joint Stock Company, for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario.

[Passed 13th February, 1833.]

Preamble.

WHEREAS the construction of a safe and commodious Harbour at the mouth of the Twenty Mile Creek, in the Niagara District, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Ontario: *And whereas* James William Osgoode Clark, George Henry Kerr, James Secord, Peter Ware, John Weismer, Cyrus Culp, Isaac Overholt, and others, have petitioned to be by Law Incorporated, for the construction of such Harbour, by means of a Joint Stock Company:—*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 the said James William Osgoode Clark, George Henry Kerr, James Secord, Peter Ware, John Weismer, Cyrus Culp, Isaac Overholt, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and they are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact and in Law, by and under the name and style of "The President, Directors and Company of the Louth Harbour," and that by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting, and being contracted with; of suing, and being sued; pleading, and being impleaded; answering, and being answered unto in all Courts or places whatsoever, in all manner of suits, actions and complaints, matters and causes whatsoever; and that they and their successors may and shall have a Common Seal, and change and alter the same at their will and pleasure; and also, that they and their successors, by the name of the President, Directors and Company of the Louth Harbour, shall be in Law capable of purchasing, having and holding, to them and their suc-

The Louth Harbour
Company Incorporated.

May have a common
Seal.

cessors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing there-with, for the benefit, and on the account of the said Company, from time to time, as they shall deem necessary and expedient : *Provided always*, that nothing herein contained shall extend, or be construed to extend to allow the said Company to carry on the bussiness of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company be, and they are hereby authorized and empowered, at their own costs and charge, to construct a Harbour at the mouth of the Twenty Mile Creek, in the Township of Louth, in the Niagara District aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and number of Vessels as commonly navigate the said Lake ; and also to erect and build all such needful Moles, Piers, Wharves, Buildings and Erections whatsoever, as shall be useful and proper for the protection of the said Harbour, and for the accommodation and convenience of Vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Company may construct a Harbour at the mouth of the Twenty Mile Creek.

III. *And be it further enacted by the authority aforesaid*, That the Directors of the Company shall be, and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any Land through or upon which they may determine to cut and construct the said intended Harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they shall or may be entitled to recover from the said Company in consequence of the said Harbour, Roads and Streets, and Approaches thereto being cut and made, and constructed in and upon his, her or their respective Lands, other than the pond of the said Twenty Mile Creek, which is hereby vested in the said Company ; and in case of any disagreement between the said Directors and the owners or occupiers aforesaid, it shall and may be lawful for the Directors from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be the Arbitrators to award, determine, adjudge and

Company may agree with the occupiers of ground for Land taken, or damages done in the construction of the Harbor.

Arbitrators may be appointed to determine disputes.

order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall, and are hereby required, to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days previous notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to Arbitrators, as hereinbefore provided, and that the said Company shall in no case take possession of any Land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested, and shall not in any manner obstruct or interfere with the Highway now passing the mouth of the said Twenty Mile Creek; and shall construct and maintain a good and sufficient Bridge across the same, without any charge to the public.

Award may be made a rule of Court.

When Tolls may be exacted.

Extent of Harbor.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering Vessels, the said Company shall have full power and authority to ask for, demand and receive, recover and take as Toll, to and for their own proper use and benefit and behoof, on all Goods and Merchandize shipped on board, or landed out of any Vessel or Boat, or other Craft, from or upon any part of the Lake Shore between one half Mile East and one half Mile West of the mouth of the said Creek, in the Township of Louth, in the said Niagara District, and upon all Vessels and Boats entering the said Harbour, according to the rates following; that is to say:

Rates of Tolls.

Pot and Pearl Ashes, per Barrel, Six Pence.
 Pork, Whiskey, Salt Beef and Lard, per Barrel, Four Pence half penny.
 Flour, per Barrel, Two Pence.
 Lard and Butter, in Barrels, Three Pence.
 Lard and Butter, in Kegs, One Penny.
 Wheat, per sixty pounds, and all other Grain for Exportation, One Penny.
 Merchandize, per Barrel Bulk, Six Pence.

Merchandize, per Hundred weight, Two Pence.

Boards and Lumber, per thousand feet, board measure, One Shilling and Three Pence.

Pipe Staves, per M., Seven Shillings and Six Pence.

West India Staves, per M., Two Shillings and Six Pence.

Boats, under Twelve Tons, One Shilling and Three Pence.

Boats and Vesels, over Twelve Tons and under Fifty Tons, Five Shillings.

Boats and Vessels, from Fifty Tons and upwards, Seven Shillings and Six Pence.

And all articles not enumerated, to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: *Provided nevertheless*, that the said Directors shall have power to reduce the said rates of tolls should they see fit.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, Moles, Piers, Wharves, Buildings, Erections, and all Materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls on Goods, Wares and Merchandize, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company, and their successors for ever. Harbor, &c. vested in the Company.

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant duly appointed, to seize and detain the Goods, Vessels, Boats, or other Craft on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant aforesaid, may sell or dispose of the said Goods, Vessels, Boats, or other Craft, or such parts thereof as may be necessary, to pay the said Tolls, by Public Auction, giving ten days notice thereof, and to return the overplus, if any, to the owner or owners thereof. Goods or Vessels may be seized for non-payment of Tolls.

VII. *And be it further enacted by the authority aforesaid*, That the Property, affairs and concerns, of the said Company shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least four Shares, as well as Inhabi- Seven Directors to be elected. Directors, qualification of.

Time and manner
of Election.

tants of this Province, and be Elected on the second Monday in May in every year at or near the said Harbour, at such time of the day as a majority of the Directors for the time being shall appoint, and Public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said Niagara District, and in not less than three conspicuous places in the neighbourhood of said Harbour, at least thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons, or by proxy, and all Elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any Election shall be Directors, and if it shall happen at any such Election that two or more have an equal number of votes in such manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such Election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be a Director or Directors so as to complete the whole number of seven, and the said Directors so chosen, as soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their own number to be President; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Vacancies how
filled up.

Ratio of voting.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he, she, or they as aforesaid shall have held in his, her or their own name, at least one month prior to the time of voting, according to the following rate, viz: one vote for every Share not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten.

Corporation not dis-
solved by non-election
of Directors.

IX. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to make and hold an Election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or the major part of them, shall have power to make and prescribe such Rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties of the officers, Clerks and servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem fit.

Directors may make by-Laws.

XI. *And be it further enacted by the authority aforesaid,* That on the second Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at or near the said Harbour, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their Election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if Shares to the amount of Two Thousand Pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice given in any Newspaper or Newspapers that may be published in the said Niagara District, and notices posted up in three conspicuous places in the neighbourhood of the said Harbour, as before directed by this Act.

First meeting of Stockholders when and where to be held.

No meeting to be held until £2,000 subscribed.

XII. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock of the said Company, inclusive of any Real Estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Five Thousand Pounds, to be held in Eight Hundred Shares of Six Pounds Five Shillings each, and that the Shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons holding the same, to other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital Stock £5,000.

Number of shares 800.

Shares when and how transferable.

XIII. *And be it further enacted by the authority aforesaid,* That as soon as the Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in the manner before mentioned, for an Instalment of Ten per Cent. upon each Share which they or any of them may subscribe, and that the residue of the sum or Shares of the

Instalments when and how called in.

Stockholders shall be payable by Instalments, at such time and in such proportion as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as that no such Instalment shall exceed Ten per Cent, nor become payable in less than thirty days after public notice as aforesaid: *Provided always*, that the said Directors shall not commence the construction of the said Harbour until the first Instalment shall be paid in.

Shares forfeited on non-payment of Instalments.

Forfeited, to be sold.

XIV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any such Instalment or Instalments as shall be lawfully required by the Directors, as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said Share or Shares shall be sold by the Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the Instalment required, over and above the purchase money of the Share or Shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such Share or Shares so purchased as aforesaid: *Provided also*, that thirty days notice of the sale of such forfeited Share or Shares shall be given, in the manner hereinbefore directed, and that the Instalment due may be received in redemption of any such forfeited Share or Shares at any time before the day appointed for the sale thereof.

Directors to make Dividends.

XV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make annual Dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement, in detail, shall be rendered, of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder or Stockholders, at his, her, or their reasonable request.

His Majesty may assume the possession of the Harbor within fifty years.

XVI. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Share or Shares.

or of the sums furnished and advanced by each Subscriber towards the making and completing the said Harbour, together with such further sum as will amount to twenty-five per cent. upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions, and subject to any Act of the Legislature of this Province that may be passed for or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of Twelve Pounds, Ten Shillings, for every One Hundred Pounds they shall be possessed of in the said Company.

XVII. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property in and to the said Harbour, shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorized, all Tolls and profits arising therefrom, shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within three years, and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease, and be utterly null and void.

Tolls, &c. how to be appropriated after the Harbor shall have been assumed by His Majesty.

And accounted for

XVIII. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall give the said Company, or be construed to give to the said Company the exclusive right of fishing within the said Harbour or Lake shore, within the limits hereinbefore mentioned; and that it shall not be lawful for any person or persons to take, catch or kill, or to attempt to take, catch or kill any Fish by torch or fire-light, within one hundred yards of any work erected by the said Company.

Company to enjoy the exclusive right of fishing.

XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall be duly convicted by the oath of one or more

Penalty for catching fish near the Harbor.

credible Witness or Witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill any Fish in manner aforesaid, such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings, for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment to be committed to the common Gaol of such District, as aforesaid, for a term of not more than thirty days, nor less than two days, unless the fine and costs are sooner paid.

CHAP. XXIV.

AN ACT to explain and repeal part of an Act passed in the first year of His present Majesty's Reign, entitled "An Act to erect the County of Prince Edward into a Separate District."

[Passed 13th February, 1833.]

Preamble.

WHEREAS by an Act of the Legislature of this Province passed in the first year of His present Majesty's Reign, entitled "An Act to erect the County of Prince Edward into a Separate District," it is amongst other things enacted, that so soon after the passing of the said Act as the said County of Prince Edward shall have paid into the Midland District Treasury, out of the Assessed Rates and Taxes now or hereafter raised within said County, the full sum of Six Hundred Pounds, it shall be and be taken to be in full satisfaction for all arrears of said loan and interest thereon to be contributed and paid by the said County towards the said Midland District Debt: *and whereas* the sum of Six Hundred and twenty-four Pounds, twelve Shillings and ten Pence, was paid by the said County into the said Midland District Treasury up to the time of holding the General Quarter Sessions in said District in the month of April next after the passing of the said Act, out of the Assessed Rates and Taxes of the said County for the year one thousand eight hundred and thirty: *and whereas* doubts have arisen whether the said Rates of the said County for the year one thousand eight hundred and thirty were applicable towards the payment of the said Six Hundred Pounds mentioned in the said Act, or whether the same should be considered as belonging to the Midland District Funds:—*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 Six Hundred Pounds of the aforesaid sum of Six Hundred and twenty-four Pounds, twelve Shillings and ten Pence, so paid by the said County at the time aforesaid after the passing of the said Act shall be, and be taken to be, in full satisfaction of the proportion so to be contributed and paid by the said County of Prince Edward towards the said Midland District Debt, any Law, usage, or custom to the contrary in anywise notwithstanding.

£600 to be received by the Midland District in lieu of all claims on Prince Edward.

II. *And be it further enacted by the authority aforesaid,* That the Seventh Section of the said Act shall be, and the same is hereby Repealed.

1 William 4, ch. sec. 7, repealed.

CHAP. XXV.

AN ACT to authorise the Magistrates of the Eastern District to borrow a further sum of Money for the completion of the Gaol and Court House in the said District, and for inclosing the same; and also to empower the said Magistrates to continue the Assessments already imposed for building the said Gaol and Court House, until the Money so borrowed shall be repaid, with the Interest thereon.

[Passed 13th February, 1833.]

WHEREAS it is expedient to enable the Magistrates of the Eastern District to borrow a further sum of money for the completion of the Gaol and Court House at Cornwall, in and for the said District, and for inclosing the same, and also to empower the said Magistrates to continue the Assessments already imposed upon the Inhabitant Household-ers of said District by the fifth clause of an Act passed in the Eighth year of His late Majesty's Reign, entitled "An Act to provide for the erection of a Gaol and Court House in the Eastern District," until the

Preamble.