

APPENDIX, No II

Anno tricesimo primo Geo. III.

CHAP. I.

AN ACT to explain and amend the Act intituled "An Act or Ordinance for promoting the
"Inland Navigation," and to promote the Trade to the Western Country.

WHEREAS it is expedient to the prosperity of the Commerce which it was the intention of the said Ordinance to encourage, that it be unclogged with any unnecessary impediments, be it therefore enacted by His Excellency the Governor and the Legislative Council, and it is hereby enacted by the authority of the same, that the Oath to the Manifest of the Cargo of such vessels, trading to the Western Countries, which by the said Act are required to have Registers, shall suffice as to such Articles as are not shipped upon the private Account of the Chief Navigator, if he shall swear that the quantities and qualities are in his Manifest stated according to his Bills of Lading, and that the Manifest doth express the whole thereof, according to the best of his knowledge and belief, and likewise every article of trade on his private account or on account of any person whatsoever.

II. And be it further enacted by the same Authority, that, as often as the vessel may be seized for not being documented as by the Act is required, it shall not expose to confiscation either the Vessel or her Apparel and Furniture, or the Property therein, of any of the shippers not being privy thereto or concerned therein, provided they shall respectively be His Majesty's good and faithful Subjects residing within His Dominions; but for the prevention of Frauds in the Navigation and Commerce aforesaid, be further enacted by the same Authority, that, as often as any Vessel shall be found sailing on the interior Lakes or Rivers, from any part of His Majesty's Territories, not documented as by Law directed, the Captain or Chief Navigator shall not only be answerable to all and every Person and Persons who may receive Loss and Damage thereby, but shall incur a Penalty of Two Hundred Pounds to His Majesty, to be sued for and recovered in any Court of Justice within this Province, one third of which forfeiture shall belong to the Person or Persons suing for the same; and for the more secure recovery thereof, such Captain or Chief Navigator shall be detained and imprisoned until he shall have entered into recognizance in double the said Penalty, with two sufficient Sureties in the Judgment of one of the Judges of the Common Pleas of the District of the Port, Post or Place to which he may be brought, personally to appear in the Court of King's Bench, within one Year of the date of such Recognizance, there to answer to any Suit to be brought against him for the said Penalty, and to abide the Judgment of the said Court.

III. And be it also enacted by the same authority, that whenever the Court, before which any proceedings may be had for any such Seizure or Penalty, shall give Judgment for the acquittal of the property seized, or the discharge of the Party prosecuted, but shall at the same time cause to be entered in the Minutes of the Court, that the Prosecutor had reasonable cause for making the Seizure or commencing the same Suit, the Owner or Defendant shall not recover any Damages or Costs against any Persons concerned in such Seizure or Prosecution; and to the end that the Trade to the Western Districts and Indian Countries may be free and open to all His Majesty's faithful Subjects in every Part of His Majesty's Inland Dominions and Territories whatsoever, be it enacted by the same authority, that from and after the publication of this Act, it shall not be necessary for any of His Majesty's Subjects, carrying on Trade or other stated Residents of this Province, to take out any where or from any Person or Persons any Licence, Pass, Permit or other Writing whatsoever, for going into or trading with the Indians or other inhabitants of the Western Countries, Districts or Counties of this Province, or Territories whatsoever, or for the carrying or conveying thither or elsewhere, in Boats, Battoes or Canoes, any Goods, Wares or Merchandize, or Provisions or other effects not specifically prohibited, or for returning with the same or any Part thereof, or with the Produce in Beaver Furs or Skins, or such other effects as may be legally carried, transported or imported, nor to subject Traders to take Licences for the sale of Strong Liquors to Indians, except at a fixed Residence in a settled Part of the Province for keeping a House of Public Entertainment, as is required by an Act of Parliament passed in the fourteenth Year of His Majesty's Reign, intituled "An Act to establish a Fund towards further defraying the Charges of the administration of Justice and support of the Civil Government within the Province of Quebec in America," any Law, Ordinance or Regulation of this Province; heretofore made or passed, to the contrary notwithstanding.

IV. Provided always nevertheless, and be it enacted by the same authority, that it shall and may be lawful for His Excellency the Governor or Commander in Chief for the time being, by and with the Advice and Consent of His Majesty's Council, to restrain the Trade and Commerce to any Part or Place of the said Western Countries and Inland Territories, and regulate the same with any of the Indian Tribes or Nations, or other Inhabitants thereof, and likewise to restrain and regulate the sale and distribution of Spirituous Liquors in all Forts and Garrisons, and other Places where Indians resort, and of Arms, Ammunition, or other warlike or Naval Stores, when and so often as the Public Safety and Peace may require, declaring the same from time to time by Proclamation under the Great Seal.