

**CUSTOMS, EXCISE**  
AND  
**COMMERCIAL LAWS**  
OF  
**CANADA.**

**ACTS**

RELATING TO THE

**REVENUE, FINANCE, DUTIES OF CUSTOMS, EXCISE & LICENSES,**

AND TO

THE REGISTRATION OF VESSELS, NAVIGATION, INSPECTION OF STEAMERS,  
STANDARD WEIGHTS AND BOUNTIES FOR FISHERIES, &c.

Being Caps. 14, 15, 16, 17, 18, 19, 20, 21, 41, 44, 45, 53, 61 and 62 of  
the Consolidated Statutes of Canada, declared to be in force  
by Proclamation of His Excellency the Governor General,  
under the authority of the Act 22 Vict., (1859,) c. 30.

AND OTHER

**ACTS IN FORCE AFFECTING UPPER CANADA AND LOWER CANADA.**



**Toronto:**

**PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,**  
LAW-PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

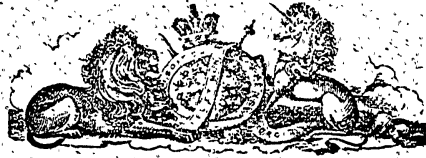
1859.

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PROVINCE OF }  
CANADA. }

W. F. WILLIAMS.

**VICTORIA**, by the Grace of God, of the United Kingdom of Great Britain and Ireland, **QUEEN**, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come or whom the same may concern—**GREETING** :

**GEO. FT. CARTIER**, *Atty. Genl.* **W**HEREAS in and by an Act of the Legislature of Our Province of Canada, made and passed in the Twenty-third year of Our Reign, intituled: "An Act respecting Free Ports of Entry," it is amongst other things enacted, that, "Our Governor in Council may, whenever he deems it expedient, constitute, by Proclamation, a Free Port at some place on the Gulf of St. Lawrence,—and may, in like manner, by another Proclamation, and when he deems it expedient, constitute a Free Port at Sault Ste. Marie," and that, "The limits and privileges of each of the said Free Ports respectively, and of any district to be attached thereto, shall be defined by the Proclamation by which such Free Port is constituted, which may also contain such Regulations and provisions as Our Governor in Council may deem it expedient to make for the protection of the Revenue and for preventing any abuse of the privileges conferred on such Free Port; Provided that the said regulations and provisions may from time to time be altered by Our Governor in Council;" And whereas it has been deemed by Us, by and with the advice of Our Executive Council for the said Province, expedient to constitute on the Gulf of St. Lawrence a Free Port with the limits and privileges and under the Regulations and provisions hereinafter defined; Now Know YE, that under the authority in Us vested by the said Act, and by and with the advice aforesaid, We do proclaim, declare and constitute the Harbour commonly known as Gaspé Basin, in the County and District of Gaspé, to be on, from and after the FIRST day of JANUARY next, a Free Port, and do hereby define the limits of the said Free Port, to be as follows: and do further make the regulations hereinafter mentioned for the protection of the Revenue and for preventing any abuse of the privileges conferred on the said Free Port, that is to say: The limits of the Free Port of the Harbour commonly called Gaspé Basin, and the district to be attached thereto, shall extend three miles inland from low water mark, around the shores of the said Gaspé Basin; within the limits of the Free Port of Gaspé Basin so constituted, goods, wares and merchandize of every description, except articles prohibited by Law to be imported, may be imported without being liable to the payment of any duties of Customs, and landed at the said Port for consumption or exportation, provided always that the said goods, wares and merchandize shall, upon arrival, be duly reported and entered at the Custom House at the said Port, and that the

*Proclamation—Free Port of Gaspé Basin.*

importers conform in all respects to the existing Customs and Navigation Laws of the said Province, save and except the payment of duties attached to such importations into other Ports of Entry of the said Province, from the payment of which duties they are hereby relieved; All goods, wares and merchandize that shall have been first duly imported and entered at the said Free Port of Gaspé Basin, may be considered free of duty within the following limits, to viz: within all that part of the District of Gaspé to the Eastward of the Boundary hereinafter described, that is to say: the North-Eastern Bank of the River Nouvelle, from the mouth of that river in the Bay of Chaleurs, in ascending to the point where the said river meets the rear or Northern Boundary of the Township of Nouvelle; thence from the said point by a direct line Northward to the head waters of the River Chatte, thence down the Eastern bank of the said River Chatte to the River St. Lawrence, comprising within the said limits that part of the Coast of the said District of Gaspé, on the River and Gulf of St. Lawrence and of the Bay of Chaleurs, extending from the mouth of the said River Chatte to the mouth of the said River Nouvelle; and the privileges thus conferred upon the said section of the District of Gaspé shall extend to the Magdalen Islands and the Island of Anticosti, and also to the Coast of the River and Gulf of St. Lawrence, on the North Shore extending from Point des Monts Eastward to *Anse aux Blancs Sablons*, the Eastern limits of the Province on the Coast of Labrador, in so far that Vessels clearing from the said Free Port of Gaspé Basin shall be allowed to carry to and land the said goods on the said Islands and the said North Shore, within the Boundaries above mentioned, without such goods being subject to any duties of Customs; provided, however, that the Owner, Importers or Carriers of the said goods, shall conform to all and every the Regulations made or which may be made by competent authority, with reference to the said Free Port or to the District provisionally attached to it. All goods, wares and merchandize of any description whatsoever, which shall be found within the limits of the places hereinbefore described, and which shall not have been duly entered at the Custom House of the said Free Port of Gaspé Basin, or have been duly customed at some other Port of Entry in Our said Province, shall be deemed to have been imported contrary to the Customs Laws of this Province, and be liable to confiscation and forfeiture under the said Laws as if imported without report and entry into any other part of the Province; upon which the aforesaid Free Port privileges have not been conferred; and in order to facilitate the intercourse between other Canadian Ports of Entry and the said Free Port and the Districts hereinbefore described, Vessels and goods that have been duly reported and entered either for duty or for the Warehouse, at any of the said other Canadian Ports of Entry, may be taken direct from any such other Canadian Port of Entry to New Carlisle or Paspébiac and to Percé, in the said District of Gaspé or to Amherst, in the said Magdalen Islands, and there reported, entered and landed free of duty as if the said goods were reported, entered, landed at the said Free Port of Gaspé Basin or have been there first reported, entered and landed; and provision shall be made under proper Regulations for the Entry of goods at the said places in the manner aforesaid; As regards the exportation of Fish, Fish-oil or any other of the products of the Fisheries of the River and Gulf of St. Lawrence, and of the Bay of Chaleurs, such exportation may be made direct from New Carlisle, or from Percé or from Amherst aforesaid, as well as from the Free Port of Gaspé Basin, subject to

*Proclamation—Free Port of Gaspé Basin.*

such further Regulations as may hereafter be made by competent authority in reference to such exportation and the clearing of the said goods and the Vessels on board of which the same may be shipped; Of all which all Our loving subjects, and all others whom these presents may concern, are hereby required to take notice, and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: WITNESS Our Trusty and Well-Beloved SIR WILLIAM FENWICK WILLIAMS; Baronet, of Kars, K. C. B., Administrator of the Government of the Province of Canada, and Lieutenant-General Commanding Our Forces therein, &c., &c., &c: At Our Government House, in Our CITY of QUEBEC; in Our said Province, this THIRTIETH day of NOVEMBER, in the year of Our Lord, one thousand eight hundred and sixty, and in the Twenty-fourth year of Our Reign.

By Command,

CHARLES ALLEYN, *Secretary.*

PROVINCE OF }  
CANADA. }

W. F. WILLIAMS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come—GREETING:

JOHN A. MACDONALD, *Atty. Genl.* WHEREAS it is in and by an Act of the Parliament of Our Province of Canada, passed in the Twenty-third year of Our Reign, and intituled: "An Act respecting Free Ports of Entry," amongst other things enacted, That Our Governor in Council may, whenever he deems it expedient, constitute by Proclamation a Free Port at some place on the Gulf of St. Lawrence, and may, in like manner, by another Proclamation, and when he deems it expedient constitute a Free Port at Sault Sainte Marie; And further that the limits and privileges of each of the said Free Ports respectively, and of any District to be attached thereto, shall be defined by the Proclamation by which such Free Port is constituted, which may also contain such Regulations and provisions as Our Governor in Council may deem it expedient to make for the protection of the Revenue, and for preventing any abuse of the privileges conferred on such Free Port: Provided that the said Regulations and provisions may, from time to time, be altered by Our Governor in Council. And whereas it is deemed expedient by Our Governor in Council to constitute a Free Port at Sault Ste. Marie, in Our said Province, upon from and after the First day of January next hereafter ensuing, and to define the limits and privileges of the said Free Port, and of the District to be attached thereto, and subject to such regulations and provisions as Our Governor in Council has thought it expedient to make for the protection of the Revenue and for preventing any abuse of the privileges to be conferred on such Free

*Proclamation—Free Port of Sault Ste. Marie.*

Port. Now Know YE, that under and in virtue of the authority in Us vested by the said recited Act, as also of Our Royal Prerogative or otherwise howsoever, We do proclaim, declare and constitute, that upon, from and after the FIRST day of JANUARY, which will be in the year one thousand eight hundred and sixty-one, the existing Port of Entry of Sault Ste. Marie, situate on the straits of the same name between Lakes Huron and Superior, and in Our Province of Canada, shall be a Free Port, and that the said Free Port in its limits shall consist of and be co-extensive with the Town Plot of St. Mary at the Sault Ste. Marie, as surveyed by Provincial Land Surveyor, Alexander Vidal, in the year one thousand eight hundred and forty-six, under instructions from the Honorable the Commissioner of Crown Lands, of Our said Province, and a plan whereof is of record in the Department of Crown Lands of Our said Province. AND WE DO, in further pursuance of the authority aforesaid, proclaim, declare and define that within the limits of the said Free Port of Sault Ste. Marie, goods, wares and merchandize of every description, (except articles prohibited by law to be imported,) may be freely imported without being liable to the payment of any duties of Customs, and may be landed at the said Port for consumption or exportation, provided always that the said goods, wares and merchandize shall upon arrival be duly reported and entered at the Custom House of the said Port, and that the Importers conform in all respects to the existing Customs and Navigation Laws and other Laws of the Province in the premises, save and except the payment of duties attached to such importations into other Ports of Entry of Our Province, from the payment of which duties they are hereby relieved. And We do further proclaim, ordain and declare that the District, the limits whereof are next hereinafter defined, shall upon, from and after the said first day of January, in the year one thousand eight hundred and sixty-one, be attached to the said Free Port of Sault Ste. Marie, and that the said District shall be bounded as follows, that is to say: commencing on the North shore of Lake Huron, at the point of intersection of the principal meridian line with the waters of Lake Huron near Waddell's Mills, then southerly and westerly to the most south-easterly point of Lonely Islands, thence westerly to the most southerly point of FitzWilliam Island, thence due west to the intersection of the boundary line between Our Province and the United States of America, thence following the said boundary line northerly and westerly to the westerly boundary of Our Province, thence northerly along the westerly boundary of Our Province to the northerly boundary of Our Province, then easterly along the said northerly boundary of Our Province to the intersection of the aforesaid principal meridian line produced northerly, thence due south along the said principal meridian line and prolongation thereof to the place of beginning, and that the following Regulations and Conditions shall regulate and govern the said Free Port of Sault Ste. Marie and the District herein attached thereto, that is to say:—1. All goods, wares and merchandize which shall have been first duly imported and entered at the Free Port of Sault Ste. Marie, may go into consumption free of duty, within the District hereinbefore attached to the Free Port of Sault Ste. Marie;—2. All goods, wares and merchandize which shall be found within the limits of the said Free Port, or of the District hereinbefore attached thereto, and which shall not have been duly reported and entered at the Custom House of the said Free Port of Sault Ste. Marie, or which cannot be shewn to have been duly customed at some other Port of Entry in Our said Province, shall

*Proclamation—Free Port of Sault Ste. Marie.*

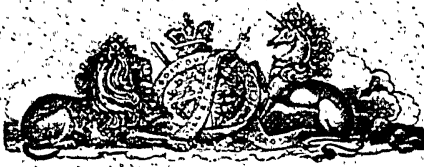
be deemed to have been imported contrary to the Customs Laws of Our said Province, and be liable to confiscation and forfeiture under the said Laws; Of all which Our loving subjects, and all others whom these presents may concern, are hereby required to take notice, and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: WITNESS, Our Trusty and Well-Beloved Sir WILLIAM FENWICK WILLIAMS, Baronet, of Kars, K. C. B., Administrator of the Government of the Province of Canada, and Lieutenant-General Commanding Our Forces therein, &c., &c., &c. At Our Government House, at Our CITY of QUEBEC, in Our said Province, the THIRTIETH day of NOVEMBER, and in the year of Our Lord, one thousand eight hundred and sixty, and in the Twenty-fourth year of Our Reign.

By Command,

CHARLES ALLEYN, *Secretary.*





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XIV.

An Act respecting the Public Moneys, Debt and Accounts.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

CONSOLIDATED REVENUE FUND.

1. All duties and revenues over which the respective Legislatures of Upper Canada or Lower Canada had, before the passing of the Act of the Imperial Parliament, intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, or over which the Legislature of this Province has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated for the public service of this Province in the manner and subject to the charges hereinafter mentioned. 9 V. c. 114, s. 1.

Duties and Revenues of U. C. and L. C. to form one Consolidated Revenue Fund.

2. The Consolidated Revenue Fund of this Province shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof; such costs, charges and expenses being subject nevertheless to be reviewed and audited in the manner directed by any Act of the Legislature. 9 V. c. 114, s. 2.

The Consolidated Revenue Fund to be permanently charged with the costs of collection, &c.

3. The consolidation of the duties and revenues of this Province shall not affect the payment out of the said Consolidated Revenue Fund of any sums theretofore charged upon the rates and duties raised, levied and collected before or after the coming into force of the Act last cited, to and for the use of either of the former Provinces of Upper or Lower Canada, or of this Province, for such time as has been appointed by the several Acts of the Legislature of the Province by which such charges were severally authorized. 9 V. c. 114, s. 7.

The consolidation of the duties and revenues not to affect the payment of certain charges.

## APPROPRIATIONS MUST BE RECOMMENDED BY THE GOVERNOR.

Legislative Assembly not to originate or pass any money bill, &c., unless first recommended by Message from the Governor.

1. The Legislative Assembly shall not originate or pass any Vote, Resolution or Bill for the appropriation of any part of the said Consolidated Revenue Fund, or of any other tax or impost, to any purpose which has not been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution or Bill is passed. 9 V. c. 114, s. 8.

## GUARANTEED LOANS.

Money mentioned in the Act (9 V. c. 64.) may be raised in such mode as Her Majesty shall appoint.

5. The Governor in Council may cause the Debentures mentioned in the Act to authorize the raising of the remainder of the loan guaranteed by the Imperial Parliament, (9 V. c. 64.) to be issued, or the sum to be raised under the said Act to be raised and borrowed, in such manner and form, in such place, (whether within or without this Province) and by such persons or officers as Her Majesty shall be pleased to appoint in that behalf. 10, 11 V. c. 2, s. 1.

Recital—Act 6 V. c. 8, recited:

6. And in order to make provision for paying off the debt contracted or to be contracted under the authority of the said Act or of the Act therein mentioned, passed in the sixth year of Her Majesty's Reign, chaptered eight, and intituled, *An Act to authorize the raising by way of loan in England, the sum of one million five hundred thousand pounds sterling, for the construction and completion of certain Public Works in Canada*, in accordance with the arrangements made with Her Majesty's Government in England; The Governor in Council shall set apart yearly, and in every year, until the whole amount of the said debt is paid off, such sum of money out of the Consolidated Revenue Fund of this Province as will be equal to two per centum on the total amount of the said debt, and may apply the same as a Sinking Fund for paying off the said debt, in such manner as the Governor in Council deems most advisable;— And such sum shall form the seventh charge on the said Consolidated Revenue Fund, and shall be next in order after this exchange made upon the same by the Imperial Act 3, 4 V. c. 35, intituled; *An Act to rennate the Provinces of Upper and Lower Canada, and for the Government of Canada.* 10, 11 V. c. 2, s. 2. and 22 V. (1859) c. 1, s. 1.

Governor in Council to set apart yearly a sum as a Sinking Fund to pay off the debt.

Order of charge of such sum upon the Consolidated Revenue Fund.

Premium received on guaranteed debentures renewed, to go to Sinking Fund.

2. If upon any of the Debentures forming part of the said debt which may, after the 26th day of March, 1859, be renewed with the guarantee of the Imperial Government, for such term as may be necessary for their redemption by the operation of the said Sinking Fund as modified by the next preceding paragraph of this Section; any premium is received by this Province by reason of such renewal, such premium shall be paid into the said Sinking Fund; 22 V. (1859) c. 1, s. 2.

3. Provided that as the said debt is from time to time reduced by the redemption of Debentures forming part thereof, the Governor in Council may agree with the Lords Commissioners of Her Majesty's Treasury for the payment into the said Sinking Fund of such increased percentage on the portion of the said debt then unpaid, as will, after allowing for such renewal as aforesaid, ensure the sufficiency of the said Sinking Fund to pay off the said debt when due; and such increased percentage shall be paid accordingly out of the Consolidated Revenue Fund of this Province. 22 V. (1859) c. 1, s. 3.

A higher rate may be agreed on and paid as the debt is reduced.

7. And whereas it may be deemed expedient by the Imperial Parliament to enable Her Majesty to guarantee the payment of the dividends and interest on the sum of two hundred thousand pounds sterling, yet remaining to be borrowed of the sum authorized to be raised by the Act (9 V. c. 66) intitled, *An Act for raising on the credit of the Consolidated Revenue Fund, a sum of money required for certain Public Works*, and such guarantee would be of advantage to the Province. Therefore, if any Act is passed by the Parliament of the United Kingdom of Great Britain and Ireland, enabling Her Majesty to guarantee the payment of the dividends and interest on the said sum of two hundred thousand pounds sterling, or any part thereof,—the Governor in Council may cause the sum to which such guarantee extends (not exceeding the amount aforesaid) to be raised and borrowed with such guarantee, by loan, debenture or otherwise, in such manner and form, in such place (whether within or without this Province), and by such persons or officers as Her Majesty shall be pleased to appoint,—and all the provisions of this and the next preceding section, and of the Provincial Acts hereinbefore mentioned, shall extend to the sum borrowed with such guarantee, and to the payment of the dividends and interest thereon, and to the appropriation of a sum equal to two per centum thereon yearly; as a sinking fund for paying off the same, in like manner and as fully to all intents and purposes, as to the sums authorized to be raised by the Provincial Acts aforesaid. 10, 11 V. c. 2, s. 3, and 22 V. (1859) c. 14, s. 1.

Act 9 V. c. 66, recited.

Certain provisions of this Act extended to money to be borrowed under the said Act with guarantee of the Imperial Government.

#### REDEEMING OR RENEWING DEBENTURES,—SINKING FUND.

8. The Governor in Council may from time to time, and as the interests of the Public Service require, redeem or purchase on account of the Province, all or any of the then outstanding Debentures constituting the Public Debt of the Province of Canada, or of either of the late Provinces of Lower or Upper Canada, or all or any of the debentures issued by Commissioners or other public officers, under the authority of the Legislatures of either of the late Provinces of Upper or Lower Canada, or of the Legislature of Canada, the interest or principal of which debentures is made a charge on the Consolidated Revenue Fund of this Province, and may issue new Debentures

Governor in Council may cause Debentures to be redeemed and new Debentures for the same, or a less amount, to be issued, or may arrange for the exchange of outstanding Debentures for new ones.

Debentures to an amount not exceeding that of the Debentures so redeemed or purchased,—or the Governor in Council may arrange with the holders of any such Debentures as are hereinbefore described, to accept in lieu thereof new Debentures, which the Governor in Council may cause to be issued, and the principal or interest whereof shall be respectively payable out of the Consolidated Revenue Fund of this Province at such times as the Governor in Council may direct;—And all Debentures authorized by this Section may be made payable in sterling money of Great Britain or in the currency of this Province, and may be made payable, as may also the interest thereon, at such place, either within or without this Province, as the said Governor in Council may direct,—and the interest on such Debentures may be fixed at such rate, not exceeding the then legal rate, as the Governor in Council may direct. 12 V. c. 5, s. 1—*part.*

Debentures may be payable in currency or sterling, &c.

Rate of interest.

Total debt not to be increased.

9. Nothing in the next preceding Section shall authorize the Governor in Council to increase the aggregate amount of the Public Debt of the Province without the authority of the Provincial Parliament; but this shall not be construed to prevent the issue of debentures, as aforesaid, for the purpose of applying the proceeds thereof to the purchase or redemption of other debentures. 12 V. c. 5, s. 1—*Remaining part.*

Limitation of the amount of debentures under forty dollars each.

Form and term of such debentures.

May be re-issued or cancelled.

10. Of the Debentures which the Governor in Council is or may be authorized to cause to be issued under this Act or any Act passed or to be passed, a sum not exceeding one million dollars, may be issued in debentures, being each for a sum less than forty dollars,—and such Debentures may be made payable on demand or at any time after date, and with or without interest, and may be receivable in payment of moneys payable to the Provincial Government generally,—or in payment of such duties or dues, and by such Officers or Departments, and upon such terms and conditions, as the Governor in Council may from time to time appoint,—and being so received, may be re-issued or may be cancelled and others issued in their stead;—But the total amount of such debentures as aforesaid outstanding at any one time, shall not exceed the said sum of one million dollars, and the total amount of all debentures, including those mentioned in this section, shall not at any time exceed the amount then authorized by law. 12 V. c. 5, s. 2.

Terminable annuities may be granted.

11. The Governor in Council may direct the proper Officers to grant Terminable Annuities chargeable on the Consolidated Revenue Fund of this Province, such annuities being granted on terms in accordance with the most approved English Tables, and based on a rate of interest not exceeding six per centum per annum, and to apply the proceeds of such grants to the extinction of the Public Debt. 12 V. c. 5, s. 4.

**12.** The entire Net Revenue derived from the Tolls on Public Works (after deducting therefrom the sum of eighty thousand dollars, which shall be annually placed at the credit of the Consolidated Revenue Fund and shall form part thereof), shall be carried to the credit of the Sinking Fund, and shall form part thereof;—And the Governor in Council may direct the investment of all sums forming part of the Sinking Fund, either in the Public Securities of this Province, or in the British Funds;— And the Governor in Council may, from time to time, direct the transfer from the Consolidated Revenue Fund to the Sinking Fund, of any unappropriated Revenue which it may at the close of each year be found practicable to apply towards the extinction of the Public Debt, and the sums so transferred shall be invested in the securities hereinbefore mentioned. 12 V. c. 5, s. 5.

Except \$80,000 all the yearly net revenue from Public Works shall go to the Sinking Fund.

How to be invested.

Further sums to be applied, if practicable.

PROVINCIAL STOCK AND BONDS.

**13.** The Governor in Council may create a Permanent Provincial Stock which shall be known as the Canadian Consolidated Stock, and shall be personal property, and shall bear interest at such rate not exceeding five per cent. per annum, as the Governor in Council shall deem most advantageous for the Province; and such interest shall be payable half yearly on the first day of January and the first day of July, and the said Stock, and the interest thereon, shall be chargeable upon and payable out of the Consolidated Revenue Fund of this Province:

Governor in Council may create a Permanent Provincial Stock,—

To bear interest at 5 per cent.

2. The said Stock shall not be paid off in less than twenty years from the first day of July, in the year of Our Lord, one thousand eight hundred and fifty-nine, but may be paid off at or after that day, at the option of the Provincial Government, provided previous notice of not less than three nor more than six months has then been given to that effect in the *London Gazette* in England, under an Order of the Governor in Council, authorizing such notice.

Stock not to be paid off before 1st January, 1890.

3. The said Stock shall be in sterling money of Great Britain, and shall be managed and the interest thereon paid in the City of London in England, by the Fiscal Agent or Agents of the Province; and shall be transferable there by such Agent or Agents, in such sums, in such manner and under such regulations as to the management and transfer thereof, as shall be from time to time made in that behalf by the Governor in Council. 22 V. c. 84, s. 1, and 22 V. (1859) c. 14, s. 1.

Stock to be in sterling money.

Fiscal agent may be employed, &c.

**14.** The Governor in Council may authorize the Minister of Finance from time to time to dispose of the said Stock and to apply the proceeds to the purchase or redemption of any outstanding debentures for the purchase or redemption of which New Debentures might be issued under this Act, or to arrange with the holders of such outstanding debentures to accept in lieu thereof such amount of the said Stock as may

Governor in Council may authorize the Minister of Finance to dispose of said Stock, and apply proceeds, &c.

Interest.

be agreed upon ;—And any sum then accrued for interest on such Stock shall be reckoned as part of the amount thereof, except in so far as it may be compensated by interest then due on such outstanding Debentures, any excess of interest on which then accrued shall be paid. 22 V. c. 84, s. 2.

Bonds may be issued instead of Stock.

When they may be paid off.

May be exchanged for Stock.

Governor in Council may authorize Minister of Finance to dispose of Stock or Bonds.

**15.** For any purpose for which the said Stock may under the next preceding Section be disposed of or issued to any party, the Governor in Council may, instead of such Stock, cause Provincial Bonds to be issued bearing interest payable half yearly at a rate not exceeding five per cent per annum, and the principal whereof shall not be paid off in less than twenty years from their respective dates, but may be paid off at or after the expiration of that term at the option of the Provincial Government, provided previous notice of not less than three nor more than six months shall have been given to that effect in the *London Gazette*, in England, under an Order of the Governor in Council authorizing such notice ; and the holder of any such Bond shall always be entitled to have it exchanged for an equal amount at par of the said Provincial Stock, allowing for interest then accrued on either. 22 V. (1859) c. 14, s. 2.

**16.** The Governor in Council may authorize the Minister of Finance to determine from time to time the terms upon which the said Provincial Stock or Bonds may be disposed of or exchanged for outstanding Provincial Debentures, as aforesaid, having due regard to the market value of such Debentures and the period at which they are respectively redeemable. 22 V. (1859) c. 14, s. 3.

REDEMPTION OF MUNICIPAL LOAN FUND DEBENTURES.

Finance Minister may sell Stock or Bonds and purchase, take in exchange Municipal Loan Fund Debentures.

Provide.

**17.** The Governor in Council may authorize the Minister of Finance, from time to time, to sell Stock or Bonds created or issued under the four next preceding sections of this Act or any of them, and with the proceeds thereof to purchase Municipal Loan Fund Debentures issued or to be issued under the provisions of the *Act respecting the Consolidated Municipal Loan Fund*, or to accept such Municipal Loan Fund Debentures in exchange for such Stock or Bonds as aforesaid,—and may determine the terms upon which such Debentures shall be purchased or accepted in exchange for such Stock or Bonds or other Provincial securities or other funds that may be available ; Provided that no such purchase or exchange shall in any way lessen or impair the obligation of any Municipality to pay the principal and interest of any Debt incurred under the said Act, and the contribution to the Sinking Fund constituted by the said Act, to the Receiver General at the times and in the manner therein prescribed, or shall impair or affect any remedy given by the said Act for enforcing such payment. 22 V. c. 84, s. 3, and 22 V. (1859) c. 14, s. 5.



**18.** The Governor in Council shall set apart yearly out of the Consolidated Revenue Fund, a sum equal to one half of one per centum on the amount of Provincial Stock and Bonds issued under the five next preceding sections of this Act, or any of them, and then outstanding, and shall cause such sum to be invested in the said Stock or Bonds, or in such other manner as he may deem most advisable, as a Sinking Fund for the redemption of the said Stock and Bonds. 22 V. (1859) c. 14, s. 4.

Sinking Fund for redemption of Stock or Bonds.

PROVINCIAL AGENTS, &c.

**19.** The Governor in Council may, from time to time, make such Regulations as he deems necessary for the management of the Public Debt of this Province, and the payment of the interest thereon, and may appoint one or more fiscal Agents of the Province in the City of London, and agree with them as to the rate of compensation to be allowed them for negotiating Loans, and for paying the interest on the Public Debt, and for other services connected with the management of the said Debt, and may pay such compensation out of the Consolidated Revenue Fund. 12 V. c. 5, s. 6.

Governor in Council to make regulations for the management of the Public Debt.

Agents may be appointed.

Their remuneration.

LOANS TO MEET DEFICIENCIES

**20.** And whereas owing to the fluctuations of commerce, it may occasionally happen that the Revenue of this Province, consisting principally of Customs Duties, may fall short of the amount anticipated by the Legislature, and that in consequence thereof the Consolidated Revenue Fund may be insufficient to meet the charges placed thereon by law: Therefore, The Governor in Council may from time to time, as the exigencies of the public service require, in consequence of the Consolidated Revenue Fund being at the time insufficient to meet the charges placed thereon by law, direct the proper Officers to effect temporary Loans chargeable on the said Consolidated Revenue Fund, in such manner and form, in such amounts, and payable at such periods, and bearing such rates of interest, not exceeding the then legal rate per centum per annum, as the Governor in Council may direct;—but such Loans shall not exceed the amount of the deficiencies in the said Consolidated Revenue Fund to meet the charges placed thereon by law. 12 V. c. 5, s. 7.

Provision for meeting any deficiency in the Consolidated Revenue Fund to meet the charges thereon in any year.

PUBLIC ACCOUNTS.

**21.** The Public Accounts of this Province shall be kept in dollars and cents, and all accounts to be rendered to the Provincial Government, or to any public officer or department in this Province, by any officer or functionary, or by any party receiving aid from the Province, or otherwise accountable to the Government or Legislature thereof, shall be so rendered in dollars and cents; but any such accounts may have a second column containing sums in pounds, shillings and pence;

Accounts to the Government to be rendered in dollars and cents. Column of £ s. d. may be added.

pence, equivalent to the sums so stated in dollars and cents, if the Accountant prefers to render his account in that form. 20 V. c. 18, s. 1.

Mode of keep-  
ing the Public  
Accounts.

**22.** The Public Accounts of the Province shall be kept by double entry in the offices of the Receiver General and of the Minister of Finance,—and an annual statement shall be prepared as soon as practicable after the termination of each fiscal year, exhibiting the state of the Public Debt and the amounts chargeable against each of the Public Works for which any part of the debt has been contracted,—also the state of the Consolidated Revenue Fund and of the various trusts and special funds under the management of the Provincial Government,—and such other accounts and matters as may be required to shew what the liabilities and assets of the Province really are at the date of such statement. 12 V. c. 5, s. 9.

Account for  
losses to be  
opened, and  
with what  
sums the same  
shall be debited.

**23.** And in order to simplify the Public Accounts, and to exhibit more clearly the true state of public affairs—an Account shall be opened in the books of the Province, intituled, "Losses by Public Works or otherwise," which shall be debited with such sums as have been expended on works which are wholly unproductive; and which are altogether abandoned,—and also with the balance due to the Province by the late Firm of Thomas Wilson and company, of London,—and also with such balances due by Public Accountants or incorporated companies as it is deemed impossible to collect, owing to the insolvency of the debtors or from other causes,—and also with any balance found at the debit of the old Sterling Debenture Account after computing the amount of such Debentures in currency, at the legal par of Exchange,—and also with the amount of all bonds given for Customs or Timber Duties, which, owing to the insolvency of the signers of such bonds, it is deemed impossible to collect,—and with the amount of all other sums advanced or expended by or due to the Province, which are deemed totally lost.—And a separate statement of all entries on the debtor side of the said Account, shall be annually submitted to Parliament with the Public Accounts. 12 V. c. 5, s. 10.

MINISTER OF FINANCE.

Officer formerly  
called the Ins-  
pector General  
to be styled the  
Minister of  
Finance.

**24.** The Officer formerly called the Inspector General of Public Provincial Accounts shall hereafter be and be called the Minister of Finance; but such change of name shall not in any way affect his rights, powers or duties; and whenever in any Act, instrument or writing the Inspector General of Public Provincial Accounts, or the Inspector General, is mentioned, the Minister of Finance shall be understood to be intended.



## C A P. X V .

## An Act respecting the Currency.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

## DENOMINATIONS OF MONEY.

1. The denominations of money in the currency of this Province, shall be pounds, dollars, shillings, pence, cents and mills:—The pound, shilling and penny shall have, respectively, the same proportionate values as they had on the first day of August, 1854; the dollar shall be one-fourth of a pound, the cent shall be one-hundredth of a dollar, and the mill one-tenth of a cent;—And in any statement as to money or money value in any agreement, indictment or legal proceeding, the same may be mentioned and described in pounds, shillings and pence, or in dollars, cents and mills, or in any or either of such denominations, as may be considered expedient. 16 V. c. 158, s. 2.

Legal denominations of current money.

2. All sums of money and accounts may be legally mentioned, described and stated, in any of the denominations of money above mentioned. 16 V. c. 158, s. 6.

Accounts, &c., may be stated in any denominations.

## CURRENT COINS.

## 1. Gold.

3. The pound currency shall be held to be equivalent to and to represent one hundred and one grains, and three hundred and twenty-one thousandths of a grain Troy weight, of gold of the standard of fineness prescribed by Law for the gold coins of the United Kingdom on the first day of August, 1854;—

Pound currency defined.

And the dollar currency shall be held to be equivalent to and to represent one fourth part of the weight aforesaid of gold of the said standard;—And any gold coins of the standard of fineness aforesaid which Her Majesty directs to be struck at the Royal Mint, shall, by such names as are assigned to them in any proclamation declaring them lawful money of this Province, pass current and be a legal tender for sums to be mentioned in such proclamation and proportionate to their respective weights, subject to the like allowance for remedy as British gold coins. 16 V. c. 158, s. 3.

Dollar currency.

Certain gold coins to be a legal tender.

4. The pound sterling shall be held to be equal to one pound, four shillings and four pence, or four dollars, eighty-six cents and two-thirds of a cent, currency; And any British sovereign of lawful weight, shall pass current and be a legal tender for that sum; and the other gold coins of the United Kingdom shall, while of lawful weight, pass current and be a

Pound sterling.

British gold coins.

legal

legal tender for sums in currency equal, according to the proportion aforesaid, to their sterling value. 16 V. c. 158, s. 4.

Meaning of the word "sterling" in contracts, &c., made before 26th April, 1842.

5. Nothing in this Act shall affect the meaning to be affixed to the words "Sterling," "Sterling money of Great Britain," or other words of like import in any law in force in this Province; or in any part thereof, on the twenty-sixth day of April, 1842, or in any contract or agreement then made therein, but any such law, contract or agreement shall be construed according to the intention of the Legislature or of the parties who made the same;—But in any law, contract or agreement made in this Province after the said day, the pound sterling shall be understood to have the value in currency hereby assigned to the British Sovereign. 16 V. c. 158, s. 5.

### 2. Silver.

Silver coins struck by order of Her Majesty to be a legal tender.

6. Such silver coins as Her Majesty may direct to be struck at the Royal Mint, of the fineness fixed by law for silver coins of the United Kingdom on the said first day of August, 1854, and of weights bearing respectively the same proportion to the value to be assigned to such coins in this Province, which the weights of the silver coins of the United Kingdom bore on the said day to the value assigned to them in the United Kingdom, shall, by such names as Her Majesty may assign to them in Her Royal Proclamation declaring them lawful money of this Province, pass current and be a legal tender at the rates assigned to them respectively in such proclamation. 16 V. c. 158, s. 7.

Silver coins of United Kingdom.

7. Until it is otherwise ordered by Her Majesty's Royal Proclamation, the silver coins of the United Kingdom, while lawfully current therein, shall pass current in this Province for sums in currency, equal, according to the proportion hereinbefore fixed, to the sums in sterling for which they respectively pass current in the United Kingdom, but after the time to be fixed for that purpose in any such Proclamation as aforesaid, they shall cease to be current money in this Province;—And no other silver coins than those declared to be so in this Act shall be a legal tender or current money in this Province. 16 V. c. 158, s. 8.

No silver coins to pass except those made legal by this Act.

Amount of silver in any one payment limited.

8. But the silver coins mentioned in either of the two preceding sections shall not be a legal tender to the amount of more than ten dollars or two pounds ten shillings currency in any one payment;—and the holder of the notes of any person or persons or body corporate, to the amount of more than ten dollars or two pounds ten shillings currency, shall not be bound to receive more than that amount in such silver coins in payment of such notes if they are presented for payment at one time, although each or any of such notes be for a less sum. 16 V. c. 158, s. 9.

3. *Copper.*

9. The copper coins of the United Kingdom, shall, while lawfully current therein, pass current and be a legal tender in this Province to the amount of twenty cents or one shilling currency, and no more, in any one payment, at the following rates, that is to say: the copper penny for two cents, the copper half-penny for one cent, and any other subdivisions of the said copper penny for proportionate sums;

Copper coins of United Kingdom.

2. Any copper coins of like weights with those aforesaid respectively, which Her Majesty may direct to be struck for the purpose, shall pass current and be a legal tender in this Province, at the like rates and to the like amount in any one payment: and if such copper coins are struck, Her Majesty may declare by Proclamation that the copper coins of the United Kingdom shall not be lawful money of this Province after a day to be appointed in such Proclamation. 16 V. c. 158, s. 10.

Her Majesty may order other copper coins to be struck.

4. *Foreign Gold Coin.*

10. The gold Eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, and weighing eleven penny weights, six grains, Troy weight, shall pass current and be a legal tender in this Province for ten dollars and sixty-six cents and two thirds of a cent, or two pounds thirteen shillings and four pence, currency,—and the Half Eagle of like date and proportionate weight, for one half the said sum:

Rates at which American gold coins shall pass.

2. And the gold Eagle of the said United States, coined after the day last mentioned, and before the first day of January, one thousand eight hundred and fifty-two, or after the said day but while the standard of fineness for gold coins then fixed by the laws of the said United States remains unchanged, and weighing ten penny weights, eighteen grains, Troy weight, shall pass current and be a legal tender in this Province for ten dollars or two pounds ten shillings currency;—And the gold coins of the said United States, being multiples or halves of the said Eagle, and of like date and proportionate weight, shall pass current and be a legal tender in this Province for proportionate sums. 16 V. c. 158, s. 11.

Gold Eagle coined between 1st July, 1834, and 1st January, 1852.

11. Her Majesty may at any time declare, by Proclamation, that any or all of any other gold coins of the said United States, or of any other Foreign Nation or State, shall, when of the weights to be assigned therein, pass current and be a legal tender in this Province, at rates in currency to be assigned to them respectively in such Proclamation, such rates being proportionate to the quantity of pure gold in such coins, reckoning ninety-two grains, and eight hundred and seventy-seven thousandths of a grain of pure gold as equivalent to one pound currency. 16 V. c. 158, s. 12.

Other foreign gold coins may be made current by Proclamation.

C A P . X V I .

An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

PRELIMINARY—INTERPRETATION.

Revenue.

1. In this Act, the words "Provincial Revenue" or "Revenue," mean and include and apply to all Provincial Revenue and branches thereof, and to all public moneys, whether arising from duties of Customs or other duties,—or from the Post Office,—or from the Crown Lands or Timber,—or from Tolls for the use of any public works,—or from penalties or forfeitures,—or from any rents or dues, or any other source whatsoever,—in so far as the collection, management and accounting for the same, are respectively subject to the control of the Provincial Legislature:

Revenue Officers.

2. And any officer, functionary or person whose duty it is to receive any moneys forming part of the Revenue, or who is entrusted with the custody or expenditure of any such moneys,—although he may not be regularly employed in collecting, managing or accounting for the same,—shall be subject to the provisions of this Act, so far as regards the accounting for and paying over such moneys, whatever be the office or employment by virtue of which he shall receive or be entrusted with the same. S.V. c. 4, ss. 21, 22,—and 13, 14 V. c. 17.

COLLECTION AND MANAGEMENT OF THE REVENUE.

In so far as may be consistent with the Acts of the Parliament of the United Kingdom, the Governor in Council shall determine what officers are necessary and fix their salaries.

2. In so far as may be consistent with the Acts of the Parliament of the United Kingdom in force in this Province,—the Governor in Council may from time to time determine what officers or persons it is necessary to employ in collecting, managing or accounting for the Provincial Revenue, and in carrying into effect the laws thereunto relating, or for preventing any contravention of such laws, and may assign their names of office, and grant to such officers or persons as aforesaid such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments, as to the said Governor in Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid:—But no such officer so appointed shall receive a higher annual salary than is allowed in his case by the Act respecting the Civil Service generally. S.V. c. 4, s. 3, and 20 V. c. 24.

Amount of salary limited.

3. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties; And no such officer or person, receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other calling; profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except it be an office relating to the management and collection of the Revenue and the accounting for the same, and held by such officer or person with the permission of the Governor in Council. S V. c. 4, s. 4.

Salaries to be in lieu of all other emoluments, and officers to give their whole time to the duties of their offices.

Exception.

4. No officer or person regularly employed in the collection or management of the Revenue, or in accounting for the same, shall, while he remains such officer or so employed, be compelled to serve in any other public office or in any municipal or local office, or on any jury or inquest, or in the militia. S V. c. 4, s. 18.

Revenue officers excepted from certain charges.

5. Every person appointed to any office or employment relative to the collection or management of the Revenue, or in accounting for the same, shall, at his admission to such office or employment, take the following oath, before such officer as the Governor shall appoint to receive the same, that is to say:

Officers to take an oath of office.

“ I, A. B, do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge, by my appointment as \_\_\_\_\_, and that I will not require, take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any other sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed or to be done or performed in the execution or discharge of any of the duties of my said office or employment, on any account whatever, other than my salary, or what shall be allowed me by law, or by order of the Governor of this Province in Council.—So help me God.” S V. c. 4, s. 12.

The oath.

6. The Governor in Council may, from time to time, make all such new divisions of the Province into districts or otherwise, as are required with regard to the collection or management of the Revenue,—and may assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such district or division, and the place or places within the same, where such duty or service shall be performed,—and may make all such regulations concerning such officers and persons, and the conduct and management of the business to them intrusted, as are consistent with the law, and as he deems expedient for carrying it into effect, in the manner best adapted to promote the public good;

Certain powers with regard to the management of the customs vested in the Governor in Council.

And

General regulations, how to apply.

And any general regulation or order made by the Governor in Council for any purpose whatever for which an order or regulation may be so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or parties concerned had been specially named therein :

As to proof of regulations, orders, &c.

2. A printed copy of any regulation or order of the Governor in Council, printed by the Queen's Printer, or a written copy thereof attested by the signature of the Clerk of the Executive Council, shall be evidence of such regulation or order ; And any order in writing, signed by the Provincial Secretary, and purporting to be written by command of the Governor, shall be received in evidence as the order of the Governor. S. V. c. 4, s. 5.

Persons employed with the concurrence of the Governor in Council, to be deemed the proper Officers.

7. Every person employed on any duty or service relating to the collection or management of the Revenue, by the orders or with the concurrence of the Governor in Council (whether previously or subsequently expressed), shall be deemed to be the proper officer for that duty or service ; And every act, matter or thing required by any law in force to be done or performed by, to or with any particular officer nominated for that purpose in such law, being done or performed by, to, or with any person appointed or authorized by the Governor in Council to act for or in behalf of such particular officer, shall be deemed to be done or performed by, to or with such particular officer :

Same as to places.

2. And every act, matter or thing required by any law at any time in force, to be done or performed at any particular place within any port, or within any such district or division of this Province as aforesaid, being done or performed at any place within such port, district or division, appointed by the Governor in Council for such purpose, shall be deemed to be done or performed at the particular place so required by law. S. V. c. 4, s. 6.

Officers employed in one branch may be employed in another.

8. Any Officer or person employed in the collection, management or accounting for any branch of the Revenue, may be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advantageous for the public service to employ him. S. V. c. 4, s. 7.

Hours of office and seasons for certain business, how appointed.

9. The Governor in Council may, from time to time, appoint the hours of general attendance of the officers and persons employed in the collection and management of the Revenue, at their proper offices and places of employment,—and may also appoint the times during such hours, or the seasons of the year, at which any particular parts of the duties of such officers or

or other persons shall be performed by them respectively; And a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of appointment. 8 V. c. 4, s. 8.

To be kept posted up in some conspicuous place.

10. No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the Revenue, except Christmas day, New Year's day and Good Friday in every year,—any days appointed by Proclamation of the Governor for the purpose of a general fast, or of a general thanksgiving,—such days as are appointed for the celebration of the birth-days of Her Majesty and Her Royal Successors,—and such other days as may be from time to time appointed as holidays by the Governor in Council. 8 V. c. 4, s. 9.

What days shall be kept as holidays.

11. The Governor in Council may direct any officer or person employed in collecting, managing or accounting for any branch of the Provincial Revenue, to keep any books or accounts which he deems it advisable to direct to be kept for the purpose of obtaining any statistical information concerning the trade or commerce of the Province, the public works thereof, or other matters of public interest, and may authorize and allow any necessary expense incurred for such purpose. 5 V. c. 4, s. 11.

Governor in Council may direct accounts to be kept for statistical purposes.

12. All public moneys, from whatever source of revenue derived, except the Post Office Department,—and all moneys forming part of special funds administered by the Provincial Government,—shall be paid to the credit of the Receiver General of the Province, through such Banks or parties as the Governor in Council may from time to time direct and appoint; And certificates of such deposits in duplicate shall be taken by the party making the same, and transmitted, one to the Receiver General, and the other to the department to which the payment relates. 18 V. c. 78, s. 9.

Public moneys to be paid to credit of the Receiver General through Banks, &c.

Certificates to be taken.

13. The Governor in Council may, from time to time, appoint the times and mode in which any officer or person employed in the collection, management or accounting for any part of the Revenue, shall account for and pay over the public moneys which come into his hands; to the officer appointed to receive the same,—and may determine the times, manner and form in which, and the officer by whom any Licenses on which any duty is payable, are to be issued:—Provided that such accounts and payments shall be rendered and made by such officers respectively at least once in every three months. 8 V. c. 4, s. 10.

Governor in Council to appoint the mode and times in which moneys shall be accounted for and paid over.

Proviso.

14. Every Officer of the Customs or Excise in this Province, receiving money for the Crown, shall deposit the same in his name of office, from time to time, in such Bank as the Governor in Council may appoint,—and no money so deposited shall be paid out again, except for the purpose of being placed to the credit

Officer of Customs receiving money for the Crown to deposit it, in his name of office, in Bank.

appointed by  
the Governor.

credit of the Receiver General, on the written order or check of the officer so depositing, or his successor, to whom the Bank shall grant a certificate in duplicate of its being so credited; And every such Officer shall keep his Cash-book written up daily; and all the books, accounts and papers of such officer shall at all times during office hours be open to the inspection and examination of the Superintendent, or other officer or person whom the Minister of Finance may authorize to inspect or examine the same. 18 V. c. 78, s. 10.

Expenditure of  
public moneys  
to be by war-  
rant of the  
Governor, &c.

**15.** The expenditure of moneys out of the Public Chest shall always be made by check on some Bank, upon the warrant of the Governor in Council, such check being signed by the Receiver General and countersigned by the Minister of Finance, or their respective deputies thereunto duly authorized. 18 V. c. 78, s. 11.

#### BOARD OF AUDIT, AND ITS POWERS AND DUTIES.

Board of Audit  
may be consti-  
tuted, and for  
what purpose.

**16.** The Governor may, by Letters Patent under the Great Seal of this Province, constitute and appoint, during pleasure, a Board of Audit, whose duty it shall be, under the direction and supervision of the Minister of Finance from time to time, to report to the said Minister of Finance on any Accounts laid before the said Board, as hereinafter provided. 18 V. c. 78, s. 1.

Of whom to  
consist.

**17.** The said Board shall consist of the Deputy Inspector General, who shall be Chairman thereof, and the Commissioner of Customs for the time being, and an Auditor to be appointed by the Governor. 18 V. c. 78, s. 2.

Salary of Au-  
ditor, &c.

**18.** The said Auditor shall receive a salary of not more than two thousand dollars per annum, and shall be ineligible for a seat in either Branch of the Legislature. 18 V. c. 78, s. 3.

Duties of De-  
puty Inspector  
General with  
regard to pub-  
lic accounts.

**19.** It shall be the duty of the Deputy Inspector General, or in his temporary absence through illness or otherwise, of such person as the Governor in Council may appoint as one of the Board of Audit—to examine and report upon every application for or issue of Money Warrants,—to countersign all Provincial Debentures, Receiver General's Cheques and Receipts,—to keep a Debenture Book, which shall contain a record and description of all Debentures outstanding or to be issued, shewing the date of issue, period of redemption, when cancelled, and payment of interest,—and an Interest Account,—to classify and keep posted up a Book to be called The Appropriation Book, containing an account, under separate and distinct heads, of every appropriation of Public Money, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation with the date and name of the parties to whom Warrants are issued, and when any such appropriation is exhausted to notify the same to the Governor and

To keep a de-  
benture book.

To keep an ap-  
propriation  
book, and what  
it shall show.



to the department having supervision over the service on account whereof such appropriation has been made,—to examine and audit the various accounts connected with the Administration of Justice in Upper and Lower Canada, the accounts current of the Officers of Customs and Excise,—and to keep the accounts of all Special Funds, as well as the Public Accounts of the Province. 18 V. c. 78, s. 4.

**20.** It shall be the duty of the Commissioner of Customs, as one of the Board of Audit, —to examine and check the Returns of the Officers of Customs and Excise. 18 V. c. 78, s. 5.

Duties of Commissioner of Customs.

**21.** It shall be the duty of the Auditor—to examine, check, and audit the accounts and expenditure of the department of Public Works, and all contracts made by or with that Department,—and also those of the Crown Land Department, the Post Office Department, and of the Bureau of Agriculture and Statistics,—those of all Provincial Asylums, Hospitals, Penitentiaries and Prisons,—of the University of Toronto, Upper Canada College, and of the Superintendents of Education for Upper and Lower Canada,—also, all Accounts connected with the Adjutant General's Department and the organization and maintenance of the Provincial Militia and Police, Quarantine and Emigration,—to keep a register of Bank Notes issued and securities held under the provisions of the Free Banking Acts,—and to examine the returns and statements of all Savings Banks, chartered and other Banks of the Province,—to examine, check and audit the accounts of all Institutions or Establishments, whether educational, charitable, scientific, or otherwise, which derive their entire support from public moneys,—and generally to examine and audit accounts of all institutions, bodies, establishments or parties supported from Public Funds, and not hereinbefore specially mentioned. 18 V. c. 78, s. 6.

Duties of the Auditor.

What accounts he shall examine.

To keep register of Bank notes.

Examine returns of Savings Banks, &c.

**22.** All accounts, after having been so audited in their several departments, shall be revised by the Board, or any two of the members thereof, and by them reported to the Minister of Finance for his final revision and approval. 18 V. c. 78, s. 7.

Further revision of accounts by Board of Audit.

**23.** It shall also be the duty of the said Board to examine and cancel Land Scrip and debentures redeemed,—the Board being assisted in examining and cancelling such Scrip by the Commissioner of Crown Lands, and in examining and cancelling such Debentures, by the Receiver General;—And the Board shall meet at least once in each month for the purposes mentioned in this section. 18 V. c. 78, s. 8.

Examining and cancelling land scrip and debentures.

**24.** The said Board of Audit shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any account submitted to it for Audit, and such oath or affirmation may be administered to any person by any Member of the Board. 18 V. c. 78, s. 21.

Board of Audit may examine persons on oath.

Board of audit may obtain subpoenas from the Superior Courts in either portion of the Province.

25. Any Member of the Board may on behalf thereof apply, in term or in vacation, to any Judge of the Superior Court for Lower Canada, or of either of the Superior Courts of Common Law in Upper Canada, for an order that a subpoena be issued from the said Court, commanding any person therein named to appear before the said Board at the time and place mentioned in such subpoena, and then and there to testify to all matters within his knowledge relative to any Account submitted to the said Board, and (if the Board so desire) to bring with him and produce to the Board any document, paper or thing which he may have in his possession relative to any such Account as aforesaid; and such subpoena shall issue accordingly upon the order of such Judge; And any such witness may be summoned from any part of this Province whether within or without the ordinary jurisdiction of the Court issuing the subpoena, in like manner as witnesses may be so summoned in civil suits. 18 V. c. 78, s. 22.

Board may appoint Commissioners to take evidence about accounts to be audited by it.

26. If by reason of the distance at which any person whose evidence is required by the said Board resides from the place where its sittings are held, or for any other cause, the Board deems it advisable, they may issue a Commission, under the hands and seals of any two Members of the Board, to any officer or person therein named, empowering him to take such evidence, and report the same to them; And such Officer or Person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such Commission, shall, with regard to such evidence, have the same powers as the Board or any Member thereof would have had if such evidence had been taken before the Board, and may, in like manner, apply to and obtain from any Judge of the Courts aforesaid, a subpoena for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him; And such subpoena shall issue accordingly on the order of such Judge, or such subpoena may issue on the application of any Member of the said Board, to compel such attendance, or the production of any document, paper or thing before such Commissioner. 18 V. c. 78, s. 23.

Subpoenas.

Penalty on persons refusing to obey any such subpoena.

27. If any person summoned in the manner hereinbefore provided to attend before the said Board of Audit or any Commissioner appointed as aforesaid, fails without valid excuse, to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the Board or by such Commissioner, such person shall, for each such offence, forfeit the sum of eighty dollars to the Crown, for the public uses of the Province, to be recovered in any manner in which debts due to the Crown can be recovered, and may likewise be dealt with by the Court out of which the subpoena issued, as having refused to obey the process of such Court, and as being guilty of a contempt thereof. 18 V. c. 78, s. 24.

How recoverable.

## CERTAIN INSTITUTIONS, &amp;c., TO RENDER ACCOUNTS.

28. All Institutions and Establishments wholly supported by public grants, shall render quarterly (and oftener if required by the Minister of Finance) their accounts in detail for the purpose of being audited, accompanied by proper Vouchers for the expenditure of the moneys received by them out of the Public Chest; And in all cases when such accounts are irregular, insufficient, or not rendered to his satisfaction, the Minister of Finance shall call upon the parties to supply the omission or correct the irregularity, and shall suspend any further advances to such Institution or Establishment until such accounts have been properly furnished. 18 V. c. 78, s. 12.

Institutions wholly supported by public grants to render accounts quarterly.

29. The Superintendents of Common Schools in Upper and Lower Canada, shall make their reports yearly on or before the thirtieth day of January in each year,—and all other institutions, associations, establishments and bodies deriving wholly or in part their support from public moneys, shall transmit to the Board of Audit on or before the fifteenth of January in every year, full and complete reports of their condition, management and progress, with such statistical returns as may from time to time be required by the Governor in Council:—Such reports and returns shall contain the following particulars:

Reports of Superintendents of Common Schools. Other Institutions.

What such reports shall contain.

*Educational Institutions.*

- 1st. The composition of the governing Body;
- 2ndly. The number and names of the Professors, Teachers or Lecturers;
- 3rdly. The number of persons taught, distinguishing those under sixteen years and those above sixteen;
- 4thly. The general course of instruction and the books used;
- 5thly. The annual cost of maintaining such institution and the sources from which the means are derived.

Educational Institutions.

*Literary or Scientific Institutions.*

- 1st. The prominent objects of the Institution;
- 2ndly. The number of volumes in their library, their subjects generally, and their value;
- 3rdly. The nature and value of their apparatus;
- 4thly. The number and subjects of lectures delivered within the year then last past;

5thly.

5thly. The number of members on the books;

6thly. The revenues of the Institution exclusive of Provincial aid.

*Charitable Institutions and Asylums.*

Charitable  
Institutions  
and Asylums.

1st. The governing body;

2ndly. The special objects of the Institution, its revenues exclusive of Provincial aid;

3rdly. The number of persons admitted, relieved or discharged within the then last twelve months, and the number remaining under treatment or care. 18 V. c. 78, s. 13.

*Municipalities.*

Returns to be  
made yearly  
by Treasurers  
of Municipal-  
ities owing  
money secured  
on Consolida-  
ted Municipal  
Loan Fund.

**30.** The Treasurer or Chamberlain of every Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, transmit to the Board of Audit, on or before the fifteenth day of January in every year, a return, certified on the oath of such Treasurer or Chamberlain before some Justice of the Peace; containing—the amount of taxable property in such Municipality according to the then last Assessment Roll or Rolls,—a true account of all the debts and liabilities of such Municipality for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of such Municipality, as the Governor in Council may from time to time require. 18 V. c. 78, s. 14.

LIABILITY OF PUBLIC ACCOUNTANTS AND REVENUE  
OFFICERS,—CIVILLY.

Penalty on  
parties not  
transmitting  
accounts  
as hereby  
required.

Proof in action  
for recovery  
of penalty.

**31.** If any corporation, officer or person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is hereby required to transmit the same, on or before the day hereby appointed for the transmission thereof, such corporation, officer or person shall for such refusal or neglect forfeit and pay to the Crown, for the public uses of this Province, the sum of one hundred dollars; to be recovered, with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown can be recovered; And in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant, as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest upon the defendant. 18 V. c. 78, s. 15.

**32.** Whenever the Minister of Finance has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such officer, or person, or to his representative in case of his death, requiring him, within a time to be therein named, and not less than thirty nor more than sixty days from the service of such notice, to pay over, apply and account for such money to the Minister of Finance or to the Officer to be mentioned in the notice, and to transmit to him the proper vouchers that he has so done :

Notification of persons neglecting to pay over money received for public purposes.

2. Such notice shall be served by the Sheriff of the district or county where the service is made, or his deputy, by delivering a copy to the officer or person to whom it is addressed, or leaving it for him at his usual place of abode ; and the return of the Sheriff with an affidavit of such service, shall be conclusive evidence thereof. 18 V. c. 78, s. 16.

Notice to be served by the Sheriff.

**33.** If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served on him,—the Minister of Finance shall state an account as between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney or Solicitor General, and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shown to be in the hands of the defendant as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence ;—and the Defendant shall be liable to the costs of such information or proceeding, whatever be the judgment therein, unless he proves that before the time limited in such notice, he paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper Vouchers with such account, or unless he issued the same in a representative character, and is not personally liable for such money, or to render such account. 18 V. c. 78, s. 17.

Proceedings against persons refusing to comply with such notice.

Liability of defendants as to costs.

**34.** Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit,—the Minister of Finance may notify such officer or person, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within thirty days after the service of the notice ; And if such vouchers are not transmitted within that time, the Minister of Finance may state an account against such officer or person, disregarding the sums for which he has taken credit but for which he has transmitted no vouchers.

Proceedings against persons transmitting accounts without vouchers.

vouchers or insufficient vouchers, and may deliver a copy of such account to the Attorney or Solicitor General, and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence;—but such defendant shall be liable to the costs of the information or proceeding, whatever be the judgment therein, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him :

Defendant to be liable to costs.

Notice to be served, and Sheriff's return, &c.

2. The said notice shall be served and the Sheriff's return of service shall be of the like effect as provided in the next preceding section but one with regard to the notice therein mentioned. 18 V. c. 78, s. 18.

Moneys, belonging to Her Majesty, and clearly appearing not to be paid over.

35. If at any time it appears clearly, by the books or accounts kept by or in the office or by any officer or person employed in the collection or management of the Revenue or in accounting for the same, or by his written acknowledgment or confession,---that such officer or person hath by virtue of his office or employment received moneys belonging to Her Majesty, and amounting to a sum certain, which he hath refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed,---then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Governor in Council, made before a Justice or Judge of any Court having jurisdiction in civil matters to the amount of the sum so ascertained as aforesaid,---such Justice or Judge shall cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such Court, if the bond given by him had been put in suit and judgment had been thereupon obtained in favour of Her Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired; And such writ or writs shall be executed by the Sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained. 8 V. c. 4, s. 17.

Writs in execution may issue, &c.

Unapplied public money to be payable back to the Receiver-General on demand, of the Minister of Finance.

36. If any Officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law,---or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it,---such officer or person shall be deemed to have received such money for

for the Crown for the public uses of the Province, and may be notified by the Minister of Finance to pay such sum back to the Receiver General, and the same may be recovered from him as a debt to the Crown, in any manner in which debts to the Crown may be recovered,—and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied. 18 V. c. 78, s. 20.

Recovery, if not so paid.

37. If by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any officer or person employed in the collection or management of the Revenue, or in collecting or receiving any moneys belonging to the Crown, for the public uses of the Province, any sum of money is lost to the Crown,—such Officer or person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it. 18 V. c. 78, s. 19.

Persons employed to collect public money to be responsible for losses from their malfeasance or gross neglect, &c.

38. Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of the Province, and in the possession of any officer or person whomsoever, by virtue of any other Act or Law. 18 V. c. 78, s. 25.

Not to impair any remedy given to the Crown, by any other law.

*Criminal Liability.*

39. If any officer or any person acting in any office or employment connected with the collection and management of the Revenue or the accounting for the same, takes or receives directly or indirectly, any fee, perquisite, gratuity or reward, whether pecuniary or of any other sort or description whatever, from any person (not being an officer or person legally authorized to pay or allow the same,) on account of any thing done by him in any way relating to his office or employment, except such as he receives by order or with the permission of the Governor in Council,—every such officer or person so offending shall, on proof to the satisfaction of the Governor, be dismissed from his office or employment:—And if any person, (not being an officer duly authorized to pay or allow the same,) gives, offers or promises any such fee, perquisite, gratuity or reward,—such person shall, for every such offence, incur a penalty of four hundred dollars, which penalty shall be recoverable in any Court having jurisdiction in civil cases to a like amount. 8 V. c. 4, s. 13.

No Officer to take any fee, &c., on pain of dismissal.

Penalty on persons offering fees, &c.

40. All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof have been procured or furnished,—kept by or used, or received or taken into the possession of any officer or person employed or having been employed in the collection

All books, &c., used in the collection and the management of the revenue, to be the property of Her Majesty

or

or management of the Revenue or in accounting for the same, by virtue of his employment as such,—shall be deemed to be chattels belonging to Her Majesty,—and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to Her Majesty:

Officer embezzling money, &c., may be proceeded against as having feloniously stolen the same.

2. If any such officer or person at any time fraudulently embezzles any such chattel, money or valuable security,—(and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to any officer or person who, being duly authorized by the Governor in Council, demands the same, shall be a fraudulent embezzlement thereof,)—he shall be deemed to have feloniously stolen the same and may be indicted and proceeded against, and being convicted thereof shall be liable to be punished, in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security, received or taken into his possession by virtue of his employment, for or on the account of his master and being in law deemed to have feloniously stolen the same, may be indicted, proceeded against and punished;

Other remedies not impaired.

3. Nothing herein contained shall prevent, lessen or impeach any remedy which Her Majesty or any other party has against such offender or his sureties, or against any other party whomsoever;—but nevertheless the conviction of any such offender shall not be received in evidence in any suit, or action at law or in equity, against him. S V. c. 4, s. 16.

#### MISCELLANEOUS PROVISIONS.

When an oath is necessary, it may be taken before the Collector or Chief Officer of Customs, &c.

41. In all cases wherein proof on oath or by affirmation or declaration is required by any law relating to the collection or management of the Revenue or to the accounting for the same, or is necessary for the satisfaction or consideration of the Governor in Council, in any matter relating to the collection or management of the Revenue or to the accounting for the same, and no person or officer is specially named as the officer or person before whom the same is to be made,—it may be made before any Collector or Chief officer of the Customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as may be appointed to receive the same by the Governor, and such officers and persons shall administer such oath or affirmation or receive such declaration: And in any case or class of cases, where an oath is required by this Act or by any law in force, in any matter relating to the collection or management of the Revenue or the accounting for the same, the Governor in Council, if he deems it fit, may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done. S V. c. 4, s. 14.

Affirmation may be substituted for oath.



42. Upon all examinations and inquiries made by order of the Governor in Council, for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the Revenue, or the accounting for the same, or the conduct of officers or persons employed therein,—and upon like examinations and inquiries made by the Collector of the Customs, or by the chief officer employed in the collection and management of the Revenue, in or at any port, district or place, or by any person or officer authorized by the Governor in Council to make such examinations and inquiries,—any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the officer or person making the examination or inquiry, who shall administer the same :

Testimony to be given on oath in inquiries touching revenue matters.

2. And any person wilfully making any false statement, in any such examination upon oath or in any solemn affirmation or declaration substituted as aforesaid for an oath, whether such oath be required by this Act or by any other law relating to the Revenue, shall be deemed guilty of wilful and corrupt perjury, or of a misdemeanor punishable in the same manner as wilful and corrupt perjury, and shall on conviction be liable to be punished accordingly. S. V. c. 4, s. 15.

False statement to be wilful and corrupt perjury.

REMITTING DUTIES, FORFEITURES, &c.

43. And whereas it is expedient that the Executive Government should be empowered to relax the strictness of the laws relative to the collection of the Revenue in cases where, without such relaxation, great public inconvenience or great hardship and injustice to individuals could not be avoided:—Therefore, the Governor, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty, imposed or authorized to be imposed by any Act of the Provincial Legislature, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act, for any contravention of the laws relating to the collection of the Revenue or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party;—And such remission may be made by any general regulation or by any special order in any particular case, and may be total or partial, unconditional or conditional;—and if conditional, and the condition be not performed, the order made in the case shall be null and void, and all proceedings may be had and taken as if it had not been made :

Governor may remit duties, tolls, or forfeitures.

Remission may be made by general regulation or special order.

2. But a detailed statement of all such remissions as aforesaid, shall be annually submitted to the several branches of the Legislature within the first fifteen days of each ensuing session thereof. S. V. c. 4, s. 19.

Detailed statement of remissions to be annually submitted to the Legislature.

If penalty be remitted, the remission to have the effect of a pardon.

14. If the Governor directs that the whole or any part of any penalty imposed by any Law relating to the Revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the party to whom such remission is granted.

Attorney General may sue for and recover any penalty. &c.

2. Her Majesty's Attorney General, or other law officer, may sue for and recover in Her Majesty's name any penalty or forfeiture imposed by any Law relating to the Revenue, before any Court or other judicial authority before which such penalty or forfeiture is recoverable under such Law, or may direct the discontinuance of any suit for any such penalty, by whom or in whose name soever the same has been brought, and in such case, the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of the Province, unless the Governor in Council do, as he may if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered. S V. c. 4, s. 20.

Application of forfeiture in such case.

Appointments of officers to continue.

15. All commissions and appointments of any officers or persons employed in the collection or management of the Revenue or in accounting for the same, issued or made before the sixth day of April, 1845, shall continue in force, and the nature of the duties and local extent of the powers of each office, shall, unless and until they be expressly altered, remain the same as if granted or made under the authority of this Act, subject always to the provisions and enactments thereof; And all bonds which have been given by such officers or persons, or their sureties, shall remain in full force and effect. S V. c. 4, s. 2.

Bonds to remain in force.

## C. A. P. XVII.

An Act respecting Duties of Customs and the Collection thereof.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

### PRELIMINARY—INTERPRETATION.

1. In order to avoid the frequent use of numerous terms and expressions in this Act and in other laws relating to the Customs or to trade or to navigation, and to prevent misconstruction of the terms and expressions used therein—It is declared that—

Interpretation clause.

In this Act or in any such law as aforesaid, the word "Collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed or appointed to do the duty of Collector thereat:—the word "Vessel"

"Vessel" means any ship, vessel, or boat of any kind whatever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context be manifestly such as to distinguish one kind or class of vessel from another;—the word "Master" means the person having or taking charge of any ship or vessel;—the word "Owner" means the owners if there be more than one in any case;—the word "Goods" means goods, wares and merchandize, or movable effects or any kind, including carriages, horses, cattle and other animals, except where these latter are manifestly not intended to be included by the said word;—the word "Warehouse" means any place, whether house, shed, yard, dock, pond, or other place in which goods imported may be lodged, kept and secured without payment of duty;—and the words "Customs Warehouse" means any such place appointed or approved for the said purpose by competent authority;—And generally, all the terms and provisions of this Act or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the Revenue and the attainment of the purpose for which such law was made, according to its true intent, meaning and spirit. 10, 11. V. c. 31, s. 79.

#### DUTIES AND EXEMPTIONS FROM DUTY.

2. In lieu and instead of all other Duties of Customs upon Goods imported into this Province, there shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into this Province or taken out of warehouse for consumption therein, the several Duties of Customs respectively inserted or mentioned in the Table in the Schedule A to this Act annexed, intituled, *Table of Duties of Customs inwards*;—And the articles enumerated in the Table in the said Schedule, intituled, *Table of Free Goods*, may be imported or taken out of warehouse, without payment of any duty of Customs under this Act; And the articles enumerated in the Table in the said Schedule, intituled, *Table of Prohibitions*, shall not be imported into this Province under the penalty therein mentioned, and if imported shall be forfeited, and forthwith destroyed; 22 V. c. 76, s. 2, and 22 V. (1859) cc. 2, 10.

2. But nothing in this Act shall affect any duty payable under the Act respecting Copyrights, on British Copyright Works; 22 V. c. 76, s. 2.

3. The Governor in Council may from time to time declare that any article whatever, when of the growth, produce or manufacture of the British North American Provinces or Possessions of Nova Scotia, New Brunswick, Prince Edward's Island and Newfoundland, or of any one or more of them, is or is not admissible into this Province free from duty, and under what

what circumstances, conditions and regulations; Provided always, that nothing herein contained shall have the effect of rendering any such article liable to duty in any case where without this enactment it would be free from duty; 13, 14 V. c. 3, s. 1.

Duty on articles declared not to be free.

4. And if the Governor in Council at any time declares that any such article whatever, is not, or is not under certain circumstances, admissible into this Province, free of duty, then the duty on such article, when it is not admissible free, shall be that imposed on the like article by this Act or by any other Act then in force, but if no duty be so imposed, then it shall be admitted free; 22 V. c. 76, s. 4—*part.*

Governor in Council to make regulations for preventing fraud, &c.

5. The importation of goods exempt from duty under this Act and all matters relating thereto, shall be subject to such regulations as the Governor in Council shall make for the purpose of preventing fraud or abuse under pretext of such exemption, nor shall such exemption prevent the forfeiture of such goods for any breach of the Customs Laws, or of any regulations lawfully made under them. 22 V. c. 76, s. 3.

As to unenumerated articles bearing a similitude to enumerated ones, &c.

3. On each and every non-enumerated article which bears a similitude either in material, quality or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned;—If any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty;—On all articles manufactured from two or more materials, the duty shall be that charged on the article (if there be a difference of duty) which is charged with the highest duty;—Spirits and strong waters, from whatever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on the spirits or strong waters of which they have the flavor;—And the packages in which goods are contained shall be deemed goods within the meaning of this Act, and shall be subject to duty accordingly. 12 V. c. 1, s. 4, and 16 V. c. 85, ss. 3, 4.

Articles made of more than one material.

Spirits flavored.

Packages.

As to duty on packages.

4. The duty on the packages in which any goods are contained, shall be an *ad valorem* duty on the value of such packages at the same rate *per centum* as the *ad valorem* duty on the goods contained in them, unless such goods are free of duty or chargeable with a less duty than would be payable on the packages if imported empty as merchandize, in which case they may be charged with duty as merchandize apart from the goods they contain;—But by any departmental order or orders, to be from time to time made and approved by the Governor, certain packages containing goods of small value, to be mentioned in such order, may be wholly exempted from duty: 16 V. c. 85, s. 3.

5. And inasmuch as doubts may arise as to whether any or what duty is payable on particular goods, more especially when such goods are of a new or unusual kind; or compounded of various kinds of materials, or imported in an unusual manner or under unusual circumstances: Therefore, for removing such doubts and avoiding litigation—If in any case any doubt arises as to whether any or what duty is under the laws then in force, payable on any kind of goods, and there is no decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question or goods imported in the manner or under the circumstances in question, or that such goods are exempt from duty; and any order in Council containing such declaration and fixing such duty (if any) and published in the Official Gazette, shall, until otherwise ordered by the Legislature, have the same force and effect as if such duty had been fixed and declared by law; and a copy of the said Gazette containing a copy of any such order shall be evidence thereof. 16 V. c. 85, s. 6.

Governor in Council may declare the duty in doubtful cases, or that the goods are free from duty.

6. All sums of money hereby granted or imposed either as duties, penalties or forfeitures, shall be Provincial Currency;— And all duties shall be paid and received according to British Weights and Measures in use on the sixth day of July, one thousand eight hundred and twenty-five:— And in all cases wherein the duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value. 10, 11 V. c. 31, s. 4.

Currency.

Weights and measures.

7. The duties hereby imposed shall be held to be duties within the meaning of the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts and the Liability of Public Accountants, and shall, with all matters and things thereunto relating, be subject to the provisions of the said Act, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same are not inconsistent with this Act;— And all moneys arising from such duties or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province. 10, 11 V. c. 31, s. 5.

Consolidated Act, cap. 16, to apply to duties under this Act.

#### ENTRY OF GOODS INWARDS—PLACE OF ENTRY.

8. No goods shall be unladen from any vessel arriving from any place out of this Province, until due entry has been made of such goods, and warrant granted for the unloading of the same:—and no goods shall be so unladen, (unless for the purpose of lightening the ship or vessel in crossing over a shoal, or bar, or sand-bank,) except at some place at which an officer

Goods not to be unladen except after due entry.

Exception.

And the place appointed for the purpose.

Forfeiture for contravention.

of the Customs is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the Collector or other proper officer, for unloading of such goods; And all goods unladen contrary to the regulations of this Act, shall be forfeited. 10, 11 V. c. 31, s. 8.

Governor in Council to appoint places of entry, and alter the same.

9. The Governor in Council may by regulation, from time to time, appoint the ports and places of entry for the purposes of this Act, and may in like manner increase or diminish the number or alter the position or limits thereof. 10, 11 V. c. 31, s. 9—*part*.

At what places only goods may be imported.

10. No goods shall be imported into this Province, whether by sea, land, coastwise, or by inland navigation, and whether any duty is or is not payable on such goods, except into some port or place of entry at which a Custom House is then lawfully established.

Forfeitures of goods carried past the Custom House on importation by land or removed, &c.

2. And if any goods are imported into this Province at any other place, or being brought into such port or place of entry by land or inland navigation, are carried past such Custom House, or removed from the place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, such goods shall be forfeited, together with the vessel in which the same were imported,—if such vessel is of less value than eight hundred dollars,—and if the vessel is worth more than that sum, it may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars, and the vessel may be detained until such penalty be paid or security given for the payment thereof,—and unless payment be made or satisfactory security be given, within thirty days, such vessel may, at the expiration thereof, be sold for the said penalty;

Vessel forfeited in certain cases.

Vessel may be detained.

And carriages in cases of importation by land.

3. And if any goods are so imported by land, they shall be forfeited, together with the carriage and all the harness and tackle thereof, in or by which such goods are so imported or removed, and the horses or other cattle employed in drawing such carriage, or in importing or removing such goods. 10, 11 V. c. 31, s. 9—*part*.

#### ENTRY INWARDS—REPORT.

Report to be made by the master of a vessel arriving from sea, or coastwise.

11. The master of every vessel arriving from sea or coastwise in any port in this Province, whether laden or in ballast, shall come directly, and before bulk is broken, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the

number

number of the crew, and how many are of the country of such vessel, and whether she is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any, and what goods, if any, have been unladen during the voyage, as far as any of such particulars can be known to him :

2. And the Master shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as shall be demanded of him by such officer; and if any goods are unladen from any vessel before such report be made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, he shall forfeit the sum of four hundred dollars;

Contents of such report.

Penalty for contravention.

3. And any goods not reported shall be forfeited, unless it appears that there was no fraudulent intention, in which case the Master shall be allowed to amend his report;—but the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise, for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk, under this section; 10, 11 V. c. 31, s. 10—*part*.

Goods, not reported, to be forfeited.

As to the necessary lightening of vessels.

4. But in order to avoid injurious delay to steamers and other vessels under certain circumstances, the Governor in Council may make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, such vessels being duly reported to the Custom House, and having obtained the Collector's Warrant for the purpose,—provided such landing be effected between sun-rise and sun-set, on a day not being Sunday or a Statutory Holiday, and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse;—and such goods shall be thereafter dealt with by the Customs as prescribed by law; But nothing in this Section shall affect any contract express or implied between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract. 22 V. c. 76, s. 6.

Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

12. The Governor in Council may, by regulation, declare any trade or voyage on the rivers, lakes or waters, within or adjacent to this Province, whether to or from any place within or without this Province, to be a coasting trade or a coasting voyage within the meaning of this Act, whether such rivers, lakes or waters, are or are not, geographically or for the purposes of

Governor in Council may declare what shall be a coasting voyage.

What shall be deemed inland navigation. Governor in Council may relieve coasters.

of other Acts or laws, inland waters;—And all carrying by water which is not a carrying by sea, or coastwise, shall be deemed to be a carrying by inland navigation;—And the Governor in Council may also from time to time, with regard to any such coasting trade, dispense with such of the requirements of the next preceding section as he deems it inexpedient to enforce. 10, 11 V. c. 31, s. 10—*remainder*.

Report to be made on importation by land or inland navigation.

**13.** The master or person in charge of any vessel or carriage arriving by land or inland navigation, in any port or place of entry in this Province, from any place beyond the limits of this Province, and having any goods therein, (whether any duty be payable on such goods or not) or if the carriage or its tackle or the horses or cattle drawing the same or any of them is or are liable to duty, and any person whomsoever so arriving and having with him or in his charge or custody any goods,—shall come directly, and before any such goods are unladen or put out of his custody, to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of the arrival of such vessel, carriage, or goods, stating in such report the marks and numbers of every package and parcel of goods in such vessel or carriage, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars are known to him, and he shall then and there produce such goods to the Collector or other proper officer; and shall declare that no goods have been unladen from such vessel or carriage or have been put out of his possession, between the time of his coming within the limits of this Province and of his making such report and declaration; and shall further answer all such questions concerning such vessel, carriage or goods, as are demanded of him by such Collector or officer.

Contents of such report.

Forfeiture of goods unladen, &c., without being so reported—penalty for untrue report.

**2.** And if any goods are unladen from such vessel or carriage, or put out of the custody of such master or person, before such report is made, or if such master or person fails to make such report or to produce such goods, or makes an untrue report, or does not truly answer the questions demanded of him, he shall for each or any such offence forfeit the sum of one hundred pounds; and if any such goods are not so reported and produced, or if the marks and numbers of any package do not agree with the report made, such goods or package shall be forfeited. 10, 11 V. c. 31, s. 11.

#### ENTRY—GENERAL FORM OF

Within what time entries shall be made by sea, or from any place out of the Province.

**14.** Every importer of any goods by sea or from any place without this Province shall, within five days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same;—And every importer of any goods imported by



by inland navigation in a decked vessel of one hundred tons burthen or more shall, within two days of the arrival of the importing vessel, make due entry inwards of such goods, and land the same;—And every importer of any goods imported by inland navigation in any undecked vessel or in any vessel of less than one hundred tons burthen, or by land, shall, within twenty-four hours after the importation of such goods, produce the same to the proper officer and make due entry thereof:

By inland navigation, or by land, in decked vessels.

In undecked vessels.

2. The person entering any goods, whether inwards or outwards, shall deliver to the Collector or other proper officer, a Bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written or partly printed, and in duplicate, containing the name of the importer or exporter, and if imported or exported by water, the name of the vessel and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be unladen or laden, and the description of the goods, and the marks and numbers and contents of the packages, and the place from or to which the goods are imported or exported or carried, and stating whether such place is within or without the limits of this Province:

Bills of entry inwards or outwards.

Duplicates.

Particulars required.

3. Unless the goods are to be warehoused in the manner by this Act provided, such person shall at the same time pay down all duties due upon all goods entered inwards; and the Collector or other proper officer shall, immediately thereupon, grant his warrant for the unloading or lading of such goods, and grant a permit for the conveyance of the same further into the Province, if so required by the importer:

Duties to be paid down, unless the goods are warehoused.

Warrant for unloading. Permit, if required.

4. In default of such entry and landing, or production of the goods, or payment of duty, the Officer of Customs may convey the goods to the Customs Warehouse;—and if such goods be not duly entered and the duties due thereon paid within three months from the date of such warehousing, together with all charges of removal and warehouse rent, the same shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the overplus, if any after discharging the vessel's lien, shall be paid to the owner of the goods or to his lawful agent;

For want of entry, goods may be taken to the warehouse, and sold, if duties be not paid within a certain time.

5. But if any goods are brought in any decked vessel, from any place out of this Province to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in this Province in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods are to be landed and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council may from time to time appoint. 10; 11 V. c. 31, s. 12.

Proviso: as to goods not intended to be landed at the first port the vessel makes.

Where the entry shall be completed.

Collector may require further proof that goods are properly entered, &c.

**15.** The Collector or proper officer of Customs may require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions. 10, 11 V. c. 31, s. 16.

Packages of which the contents are unknown, may be opened.

**16.** Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the Collector or other proper Officer in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of re-packing. 10, 11 V. c. 31, s. 17.

No entry unless the goods correspond with the report.

**17.** No entry nor any warrant for the landing of any goods or for the taking of any goods out of any warehouse (as herein-after provided,) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report, (where any is required,) by which the importation or entry thereof is authorized,—nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty, or may be imported:—And any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into the Province beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited;—And the Collector or proper officer, after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in presence of two or more credible witnesses, and if upon examination the same are found to agree with the entries, they shall be repacked by such Collector or proper officer, at the public cost, but otherwise they shall be forfeited. 10, 11 V. c. 31, s. 18.

Goods, not corresponding with the entry, to be forfeited.

Suspected packages may be opened.

Conditions.

Value to be given in entry, although the goods be duty free.

**18.** The value of any goods shall always be stated in the Bill of Entry thereof, although such goods are not subject to duty, and the Invoice thereof shall be produced to the Collector, but need not be left with him or be attested on oath. 12 V. c. 1, s. 20.

#### ENTRY INWARDS—GOODS DAMAGED—FREE GOODS—TARE.

Abatement on goods imported by water and damaged.

**19.** If any goods imported by water on which duties are payable, receive any damage by water or otherwise during the course

course of the voyage, after such goods have been laden or shipped, and before the same are unshipped or discharged from the vessel in which they are imported into this Province, or from any vessel or craft into which the said goods have been transhipped for the purpose of being conveyed to the port of destination, so that the owner thereof is prejudiced in the sale of such goods,—the Collector or proper officer of the Customs at the place where the same are landed, may choose three disinterested merchants, experienced in the value of such goods; who, or any two of them, upon viewing the same, shall certify what damage such goods have received, or how much the same are lessened in their true value by such damage; in relation to the duties imposed on them, and thereupon such officer shall make or repay a proportionate allowance to the importer, by way of abatement of the duties due or payable; or which have been actually paid upon the same; And the said merchants shall be allowed in remuneration for such valuation, at the discretion of such officer, a sum of not less than two dollars nor more than ten dollars for each merchant, and such remuneration shall be paid by the owner or owners of such goods. 10, 11 V. c. 31, s. 19.

How ascertained.

Remuneration to be allowed to the merchants ascertaining such abatement.

20. When any vessel is entered at the Custom House at any port in this Province, on board of which there are any goods, on which any duty has been levied or collected, or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the Collector or proper officer of the Customs at the place, (who shall administer the oath,) that such goods, or any part thereof (specifying the same) have been so lost or destroyed, before the landing of the same,—the duties on the whole, or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent. 10, 11 V. c. 31, s. 20.

Return of duties on goods lost before landing:—on what conditions to be obtained.

21. All goods exempt from duty as being imported for the use of Her Majesty's Troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes: And if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly. 10, 11, V. c. 31, s. 21.

Crown goods and others, exempted from duty, to be liable to duty if sold;

Forfeiture if duty be not paid.

22. In all cases where duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as may be appointed by regulation made by the Governor in Council.

Allowance for tare, &c., to be fixed by Governor in Council.

Where real tare is known.

2. But when the original invoice of any goods is produced, and a declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid; subject, however, to such further regulation as the Governor in Council may from time to time make. 10, 11 V. c. 31, s. 22.

ENTRY INWARDS—VALUATION FOR DUTY.

Recital.

Appraisers to be appointed.

They shall take an oath of office.

The oath.

23. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to *ad valorem* duties as may protect the revenue and the fair trader against fraud by the undervaluation of any such goods—Therefore, the Governor may from time to time, and when he deems it expedient, appoint fit and proper persons to be Appraisers of goods, and to act as such respectively, at such Ports of entry and places as may be designated by the Governor;—And each such Appraiser shall, before acting as such, take and subscribe the following oath of office before some Justice of the Peace having jurisdiction where the oath is taken, and shall deliver the same to the Collector at the Port or place, or at one of the Ports or places where he is appointed to act:

“ I, A. B., having been appointed an Appraiser of goods, wares and merchandize, and to act as such at the Port of \_\_\_\_\_ (or, *as the case may be*), do solemnly swear (or affirm) that I will faithfully perform the duties of the said office, without partiality, fear, favor or affection, and that I will appraise the value of all goods, submitted to my appraisal, according to the true intent and meaning of the laws imposing duties of Customs in this Province; and that I will use my best endeavours to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, wares or merchandize on which any duty is chargeable. So help me God.”

A. B.  
Appraiser for  
(*as the case may be*).

“ Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.”

E. F.  
J. P. for (*as the case may be*).

Appraisers may be sent to any port to appraise goods.

If no Appraiser is appointed at any Port of entry, the Collector there shall act as Appraiser, but without taking any special oath of office as such; And the Governor may at any time direct any Appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as Appraiser there during

during any time, which such Appraiser shall accordingly do without taking any new oath of office; and every Appraiser shall be deemed an Officer of the Customs. 12 V. c. 1, s. 5.

24. In all cases where any duty is imposed on any goods imported into this Province *ad valorem*, or according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were exported directly to this Province; And every Appraiser and every Collector when acting as such, shall, by all reasonable ways and means in his power, ascertain the fair market value as aforesaid of any goods to be appraised by him, and estimate and appraise the value for duty of such goods, at the fair market value as aforesaid:

As to mode of calculating value for *ad valorem* duties.

2. Nevertheless, by any departmental order authorized by the Governor, it may be provided that in the cases and on the conditions to be mentioned in such order, and while the same is in force, goods *bona fide* exported to this Province from any Country, but passing *in transitu* through another Country, shall be valued for duty as if they were imported directly from such first mentioned Country. 16 V. c. 85, s. 3—*part*.

Provisions as to goods merely passing through a Country.

25. If the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, and takes the oath or affirmation in such cases provided in the Schedule to this Act, and gives bond jointly and severally with one or more sureties to the satisfaction of the Collector or proper officer aforesaid, to produce a sufficient invoice of such goods attested in the manner required by this Act within a time to be appointed by the Collector,—then the Collector or officer may cause such goods to be landed on a Bill of Sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person, and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person on his depositing in the hands of the Collector or officer, a sum of money fully sufficient in the judgment of the Collector or officer to pay the duties thereon;—And if the importer does not complete a perfect entry within the time so appointed, the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly;

Entries inwards by Bill of Sight—how and in what cases made:

Deposit of money for duty. Provision if perfect entry be not made as stipulated.

2. Such Sight Entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that such invoice has not been, and cannot be produced, and pays to the Collector or proper officer aforesaid

If the Importer swears that no invoice has been or can be received.

a sum of money sufficient in the judgment of such Collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of the said duties; 10, 11 V. c. 31, s. 13, and 12 V. c. 1, s. 7.

In other cases entry not perfect without invoice.

3. But, except only in cases where it is otherwise provided herein or by regulation of the Governor in Council, no entry shall be deemed perfect unless a sufficient invoice of the goods to be entered, attested as hereinafter required, has been produced to the Collector. 12 V. c. 1, s. 7—*remaining part.*

Invoice to be attested on both by the owner of the goods.

26. With the Bill of Entry of any goods, there shall be produced and delivered to and left with the Collector, if required by him, an Invoice of the goods, attested by the oath of the owner, and if the owner be not the person entering such goods, then verified also by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person who may lawfully make such Entry and verify such Invoice, in the form or to the effect of the oath or oaths provided for the case in the Schedule B hereunto annexed, which oath or oaths shall be written or printed, or partly written and partly printed on such Invoice, or on the Bill of Entry, (as the case may be), or shall be annexed thereto, and shall in either case distinctly refer to such Invoice so that there can be no doubt as to its being the Invoice to which such oath is intended to apply, and shall be subscribed by the party making it and certified by the signature of the person before whom it is made;—And the Bill of Entry shall also contain a statement of the value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath provided for the case in the said Schedule B. 12, V. c. 1, s. 8.

Form of oath.

Bill of Entry to mention the value for duty and to be attested.

As to any case where there may be more than one owner of goods:

27. If there be more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act, and such oath shall be sufficient, unless the goods have not been obtained by purchase in the ordinary way, and some owner resident out of this Province is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner (or of one of them, if there be more than one) cognizant of the facts shall be requisite to the due attestation of the invoice. 12 V. c. 1, s. 11.

Invoice to be attested by one of the owners of such goods—and also by the importer or consignee.

28. The Invoice of any goods produced and delivered to the Collector with the Bill of Entry thereof, under the next preceding section but one, must in every case, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the oath of the Importer or Consignee or other person who may under this Act lawfully make entry of such goods and verify such Invoice, if the owner or one of the owners is not the person entering

entering such goods,—and must be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners be the person entering the goods and verifying the Invoice on oath. 16 V. c. 85, s. 5.

And also by the oath of the non-resident owner, &c.

**29.** If the owner, importer or consignee of any goods be dead, or a bankrupt or insolvent, or if for any cause his personal estate be administered by another person, then his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made. 12 V. c. 1, s. 10.

Provision for the death, &c. of the owner, importer or consignee.

**30.** In any such Bill of Entry as aforesaid, the person making the same, may add such sum to the value stated in the Invoice, as will be sufficient to make the value for duty such as it ought to be, and such value shall then, for the purposes of this Act, stand instead of the value as it would appear by the Invoice:—And no evidence of the value of any goods imported into this Province, or taken out of warehouse for consumption therein, at the place whence and the time when they are to be deemed to have been exported to this Province, contradictory to or at variance with the value stated in the Invoice produced to the Collector, with the additions (if any) made to such value by the Bill of Entry, shall be received in any Court in this Province, on the part of any party except the Crown. 12 V. c. 1, s. 9.

Party entering may add to the value by the invoice so as to give the true value for the duty.

Evidence of the value of goods.

**31.** The oath required under the foregoing sections may be made in this Province before the Collector at the Port where the goods are entered, or if the person making such oath is not resident there, then before the Collector of some other Port:—And when such oath is required to be made out of the limits of this Province, it may be made at any place within the Dominions of Her Majesty before the Collector or before the Mayor or other Chief Municipal Officer of the place where the goods are shipped, and at any place out of the Dominions of Her Majesty, before the British Consul at such place, or if there is no such Consul, then before some one of the principal merchants at such place, not interested in the goods in question;

Before whom the attestation of invoice or bills of entry may be made.

2. And the Governor in Council may, from time to time, by Regulation, appoint or designate such other and additional persons, officers or functionaries as he sees fit, by name or by their name of office, and in this Province or out of it, and within or beyond Her Majesty's Dominions, as those before whom such oath may be validly taken, and may by any Order in Council relax or dispense with the provisions of this Act touching such oath, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such Regulation; 12 V. c. 1, s. 12.

Governor in Council may appoint other persons before whom attestation may be made.

No person but the owner, &c., to take oath, except in certain cases.

3. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath under the said foregoing sections, unless there be attached to the Bill of Entry therein referred to, a declaration by the owner, consignee or importer of the said goods, (or his legal representative under section twenty-nine of this Act,) to the same effect as the oath or affirmation, (adapting the form and words to the case,) distinctly referring to the Invoice presented with such Bill of Entry, and signed by such owner, importer or consignee, (or his legal representative,) either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; And such declaration shall be kept by the Collector, who may detach the same from the Invoice, if the latter be annexed thereto and be not left with him; And for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath or affirmation;—But such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable in the interests of Commerce, to dispense therewith;

Proviso.

Governor in Council may alter oaths in Schedule B.

4. The Governor in Council may, by Regulation, authorize the alteration of any of the forms of oaths or affirmations in the said Schedule B, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary;—And any amended form prescribed by any such Regulation, shall be of the same effect as the form in the said Schedule for which it is substituted, and shall thereafter be held to be the form referred to in this Act; And any such Regulation may from time to time be repealed or amended as other Regulations in matters relating to the Customs. 22 V. c. 76, s. 5.

Power of appraiser or collector to examine the parties in a Bill of Entry.

32. Any Appraiser or any Collector acting as such, (or the merchants to be selected as hereinafter mentioned, to examine and appraise any goods, if the importer, owner, consignee or agent is dissatisfied with the first appraisement) may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such Appraiser or Collector deems material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers in his possession relating to the same:

Penalty for refusing to attend &c. \$50.

2. And if any person so called neglects or refuses to attend, or declines to answer, or refuses to answer in writing (if required) to any interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers as aforesaid when required so to do, he shall thereby incur a penalty of fifty dollars, and if such person is the owner, importer or consignee of the goods in question, the appraisement which the Appraiser

or



or Collector acting as such shall make thereof, shall be final and conclusive;

3. And if any person wilfully swears falsely in any such examination, and he is the owner, importer or consignee of the goods in question, they shall be forfeited; and all depositions or testimony in writing taken under this section, shall be filed in the office of the Collector at the place where the same are made or taken, there to remain for future use or reference, subject nevertheless to the order of the Minister of Finance. 12 V. c. 1, s. 14.

Penalty for wilfully false evidence.

Depositions to be filed in the office of the Collector.

33. If the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made as aforesaid of any such goods,—he may forthwith give notice in writing to the Collector of such dissatisfaction, on the receipt of which notice the Collector shall select two discreet and experienced merchants, subjects of Her Majesty, and familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions, and if they disagree, the Collector shall decide between them; and the appraisement thus made shall be final and conclusive, and the duty shall be levied accordingly.

If importer is dissatisfied with appraisement, may appeal in certain cases.

Two merchants to be appointed to appraise the goods.

Their appraisement to be final.

2. The said merchants shall each be entitled to the sum of five dollars, to be paid by the party dissatisfied with the former appraisement if the value ascertained by the second appraisement is equal to or greater than that ascertained by such former appraisement, or if the value ascertained by such second appraisement exceeds by ten per cent or more the value of the goods for duty, as it would appear by the Invoice and Bill of entry thereof,—otherwise the same shall be paid by the Collector out of any public moneys in his hands and charged in his accounts:

Remuneration of such merchants, and by whom paid.

3. Any merchant chosen to make an appraisement required under this Act, and who after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting, incur a penalty of forty dollars and costs;

Penalty for refusing to act.

4. If in any case the actual value for duty of any goods appraised as aforesaid, exceeds by twenty per centum or more the value for duty as it would appear by the Invoice and Bill of Entry thereof, then in addition to the duty otherwise payable on such goods, when properly valued, there shall be levied and collected upon the same a further duty equal to one half the duty so otherwise payable;—And the value of any goods for duty shall never be appraised at less than the value for duty as it would appear by the Invoice and Bill of Entry. 12 V. c. 1, s. 15, and 16 V. c. 85, s. 3.

Additional duty in cases of under-valuation.

Appraised value not to be less than Invoice value.

## ENTRY INWARDS—POWERS OF COLLECTOR FOR ENSURING FAIR VALUATION.

Collector may take the duty in kind.

**34.** The Collector may always, when the value of the goods is in dispute, and when he deems it advisable in order to protect the revenue and the fair trader from fraud by undervaluation, and where the same is practicable, and subject always to such Regulations as may be made by the Governor in Council,—take the amount of the duty chargeable on any article on which an *ad valorem* duty is payable (after deducting one eleventh of the duty) in the article itself, taking any specific duty at the rate at which the article is valued for duty by the owner, importer, agent or consignee, that is to say:—if the duty after such deduction is ten per cent *ad valorem*, he may take one tenth of such goods, and if there be any specific duty thereon, he may also take such quantity of the said goods as at the value last aforesaid will be equivalent to the amount of such specific duty after deducting one eleventh as aforesaid;—And out of any number of packages or quantities in the same Invoice or Bill of Entry, the Collector may take his choice at the rates therein assigned to such articles respectively;—And such goods so taken shall be sold or dealt with in such manner as may be provided by regulation of the Governor in Council. 12 V. c. 1, s. 16.

Mode of taking the same, &c.

May take his choice of package.

Goods to be sold, &c.

Collector may take goods on paying the value assigned in the bill of entry, adding ten per cent and charges.

**35.** The Collector may always, when he deems it expedient for the protection of the Revenue, and of the fair Trader, and subject always to any regulations to be made by the Governor in Council in that behalf,—detain and cause to be properly secured, and may at any time within fifteen days declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcel or parcels, or the whole of the goods mentioned in any Bill of Entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such Collector, the sum at which such goods, packages or parcels, are respectively valued for duty in the Bill of Entry, and ten per cent thereon, and also the fair freight and charges thereon to the Port of Entry, and may take a receipt for such sum and addition when paid;—And the goods so taken, shall (whether such payment be requested or not) belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as shall be provided by any regulation in that behalf, or as the Governor of this Province shall direct, and the net proceeds of the sale of any such goods, shall be dealt with as moneys arising from duties of Customs:—

How such goods may be dealt with.

Bonus to collector, appraiser, &c., for diligence.

2. And if the net proceeds of any such sale, exceed the amount paid as aforesaid for the goods, then any part of the surplus, not exceeding fifty per centum of such surplus, may, under any Regulation or Order of the Governor in Council, be paid

to the Collector, Appraiser or the other officer concerned in the taking thereof, as a reward for his diligence. 12 V. c. 1, s. 17.

**36.** The Collector shall cause at least one package in every Invoice, and at least one package in ten if there be more than ten in any Invoice, and so many more as he or any Appraiser deems it expedient to examine for the protection of the revenue, to be sent to the warehouse and there to be opened, examined and appraised, the packages to be so opened being designated by the Collector on the Invoice:—And if any package is found to contain any goods not mentioned in the Invoice, or if any goods are found which do not correspond with the description thereof in the Invoice, and such omission or non-correspondence appears to have been made for the purpose of avoiding the payment of the duty or of any part of the duty on such goods,—or if in any Invoice or Entry any goods have been undervalued with such intent, as aforesaid,—or if the oath or affirmation made with regard to any such Invoice or Entry is wilfully false in any particular, then in any of the cases aforesaid all the packages and goods included or pretended to be included, or which ought to have been included in such Invoice or Entry, shall be forfeited. 12-V. c. 1, s. 18—*part.*

Collector to cause a certain number of packages in every entry to be opened, &c.

Forfeiture of goods not mentioned in invoice, or fraudulently undervalued, &c.

Or for false statement in any oath, &c.

ENTRY INWARDS—GENERAL PROVISIONS.

**37.** The burden of proof that all the requirements of this Act with regard to the Entry of any goods, have been complied with and fulfilled, shall in all cases lie upon the parties whose duty it was to comply with and fulfil the same. 12 V. c. 1, s. 18—*remaining part.*

Oath of proof, on whom to lie.

**38.** And whereas it is expedient that certain goods when imported into this Province should be marked or branded, with such mark or brand as may be deemed necessary, in order to denote the payment of the duty to which such goods are liable: Therefore, the Governor in Council may, by regulation, direct that after any goods have been entered at the Custom House, and before the same are discharged by the officers and delivered into the custody of the importer or his agent, such goods shall be marked or stamped in such manner or form as may be directed by such regulations for the security of the Revenue, and by such officer as may be directed or appointed for that purpose. 10, 11 V. c. 31, s. 31.

Duty paid goods may be branded or marked under regulations to be made by the Governor in Council.

**39.** When any person has occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid,—the Collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed, and the packages in which such goods are contained, with

Permit certifying that duties have been paid on any goods to be granted at the request of the owner.

Particulars in such permit.

with their marks and numbers,--shall give a permit or certificate in writing, signed by him, bearing date on the day it is made, and containing the like particulars and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed. 10, 11 V. c. 31, s. 70.

#### WAREHOUSING GOODS.

What shall be Warehousing Ports.

10. The following Ports shall be Warehousing Ports for the purposes of this Act, viz:--Amherstburgh, Belleville, Brockville, Chippewa, Cobourg, Colborne, Cornwall, Dalhousie, Dover, Goderich, Hamilton, Hope, Kingston, Maitland (on Grand River), Montreal, Niagara, Prescott, Quebec, Stanley, St. John and Toronto, as shall also such other Ports of Entry as the Governor in Council from time to time appoints to be warehousing ports. 10, 11, V. c. 31, s. 23.

Goods may be entered for exportation or warehoused without payment of duties subject to regulations of Governor in Council.

11. The importer of any goods into this Province may enter the same for exportation, or giving security by his own bond with one sufficient surety, for the exportation of the same goods,--or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same, the penalty of such bond being double the amount of the duty to which such goods are subject (without payment of any duties in either case on the first entry thereof),--at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations as may be from time to time appointed by the Governor in Council in that behalf, not being repugnant to this Act:

Importer may sort or repack goods, for their preservation or disposal, and may take samples.

2. During the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at the warehousing ports sees fit to adopt, (as well for the carrying and taking of such goods to the warehouse as for other purposes,) such importer may sort, pack, repack or make such lawful arrangements respecting the same, in order to the preservation or legal disposal thereof, and may take therefrom moderate samples without present payment of duty or entry, and may remove the same under the authority of the said officer, from such warehousing port to any other warehousing port in this Province, under good and sufficient bonds to the satisfaction of such officer,--or upon entry at any frontier port or Custom House, under the authority and with the sanction of the Collector or chief officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, the importer may pass the goods on to any warehousing port in any other part of this Province:

And may remove the same under bonds.

And may pass the same on to any other Warehousing Port, under bonds, &c.

3. All such goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof; and in default thereof, the Collector or proper officer may sell such goods for the payment, first of the duties, and secondly of the warehouse rent and other charges, and the surplus, if any, shall be paid to the owner or his lawful agent,—and the Collector or proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf;

Goods to be finally cleared within two years.

In default, collector may sell.

4. But the importer may abandon any whole packages for duties, without being liable to pay any duty on the same; 10, 11 V. c. 31, s. 24, and 22 V. c. 76, s. 7.

Importer may abandon packages, and not to be liable for duty.

5. The Governor in Council may, by Regulations to be from time to time made in that behalf, dispense with or provide for the cancelling of Bonds for the payment of duties on goods actually deposited in Warehouse under the Crown's Lock, on such terms and conditions and in such cases as he thinks proper. 12 V. c. 1, s. 22.

Bonds for duties in warehouse may be dispensed with in certain cases.

42. If any goods entered to be warehoused are not duly carried into and deposited in the warehouse,—or having been afterwards taken out of the warehouse without due entry and clearance,—or having been entered and cleared for exportation from the warehouse, are not duly carried and shipped, or otherwise conveyed out of this Province, or are afterwards relanded, sold, used or brought into this Province, without the permission of the proper officer of the Customs,—such goods shall be forfeited. 10, 11 V. c. 31, s. 25.

Goods taken out for exportation and relanded, &c., to be forfeited.

43. All goods taken out of warehouse shall be subject to the duties to which they would be liable if then imported into this Province, and not to any other. 10, 11 V. c. 31, s. 26—*remaining part.*

(Goods, taken out of warehouse, subject to duties.

44. The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcass, may cure and pack the same) in bond; and the importer of any wheat, maize or other grain, may grind and pack the same in bond,—provided such slaughtering, curing, grinding and packing be done and conducted under such regulations and restrictions as the Governor in Council may from time to time make for this purpose; and the said regulations may extend to the substitution of beef and pork, flour and meal in quantities equivalent to the produce of such cattle and swine, wheat, maize or other grain. 10, 11 V. c. 31, s. 27.

Cattle and swine may be slaughtered, &c., and grain ground, in bond, under regulations to be made by the Governor in Council. To extend to the substitution of beef and pork, &c.

45. The importer or owner of any sugar, molasses or other material from which refined sugar can be produced, may refine the same in bond,—provided such refining be done and conducted under

Sugar may be refined in bond.

under such regulations and restrictions as the Governor in Council may from time to time make and impose for that purpose; and the same regulations may extend to the substitution of refined sugar in quantities equivalent to the produce of the sugar or other material so refined in bond. 18 V. c. 5, s. 8.

Property in bond, how to be transferable.

46. The property of any one or more whole package or packages, of any goods so warehoused shall be transferable from party to party on a *bona fide* bill of sale, on which there shall be a written agreement signed by the parties,—or on a written contract of sale made, executed and delivered by a broker or other person legally authorized for or in behalf of the parties respectively, and provided the amount of the price stipulated in the said agreement or contract has been actually paid or secured to be paid by the purchaser;

Transfers to be entered by the Collector in a book to be open to the Public.

2. And any such sale shall be valid, although the goods remain in the warehouse, provided that a transfer of such goods, according to the sale, is entered in a book to be kept for that purpose by the Collector or other proper officer of the Customs, who shall keep such book and enter such transfers, with the dates thereof, upon application of the owners of the goods, and shall produce such book upon demand made.

New proprietor may give bond, &c.

3. And upon such sale, the proper officer may admit fresh security to be given by the bond of the new proprietor of the goods or person having the control over the same, (with his sufficient surety, in cases where the former bond was given with surety,) and may cancel the bond given by the original bond of such goods, or may exonerate him (and his surety if any he had,) to the extent of the fresh security so given. And the party being the proprietor of any such goods for the time being shall then be deemed to be the importer thereof for the purposes of this Act. 10, 11 V. c. 31, s. 28.

Bond of original bonder may be cancelled.

Proprietor to be deemed the Importer.

Allowance for leakage, &c., how made.

47. The Governor in Council may, by regulation, authorize such allowance to be made for leakage, natural and unavoidable waste or deficiency on goods warehoused, as he deems expedient; but, except where it is otherwise provided by such regulations, the duties shall be payable on the quantity originally warehoused. 10, 11 V. c. 31, s. 29.

All charges and expenses of unshipping, landing, &c., to be borne by the Importer.

48. The unshipping, carrying and landing of all goods, and the bringing of the same to the warehouse or the proper place after landing, and the opening, unpacking and repacking of the same for examination or for weighing or gauging, as the case may be, and the putting of the same into the scales, and the letting out of and from the scales after weighing, warehouse rent and expenses of safe keeping in warehouse, and all other expenses attending any thing to be done with such goods in order to carry this Act into effect, shall be performed by or at the expense of the importer of such goods. 10, 11 V. c. 31, s. 30.

**49.** No parcel of goods shall be taken out of warehouse, whether for consumption in this Province or removal to some other port, unless the duties thereon amount to the sum of twenty dollars or upwards, or such parcel be all the goods remaining in warehouse, and comprised in the same entry for warehousing. 12 V. c. 1, s. 25.

Not less than a certain quantity of goods to be taken out of warehouse at one time.

**50.** If after any goods have been duly entered, or landed to be warehoused, or entered and examined to be rewarehoused, and before the same have been actually deposited in the warehouse, the importer further enters the same or any part, for home use or for exportation as from the warehouse,—the goods so entered shall be considered as virtually and constructively warehoused or rewarehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation. 10, 11 V. c. 31, s. 32.

Goods entered for warehousing to be deemed warehoused in certain cases.

**51.** Upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land or inland navigation, as the case may be, the person entering the same shall give security by bond, in double the duties of importation on such goods, and with a sufficient surety, to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid is by sea, be actually exported, and when the entry aforesaid is by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards; or shall in either case be otherwise accounted for to the satisfaction of the Collector or proper officer, and such proof or certificate that such goods have been so exported, landed, or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond. 10, 11 V. c. 31, s. 33.

Bond to be given on entry for exportation of goods from warehouse—conditions.

#### ENTRY OUTWARDS.

**52.** The master of every vessel bound outwards from any port in this Province to any port or place beyond seas, or on any voyage to any place without the limits of this Province, shall deliver to the Collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, (and if British, the port of registry,) the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such vessel.

Entry of vessel outwards.

Particulars of such entry.

2. And before such vessel departs, the master shall bring and deliver to the Collector, or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks.

Content to be delivered.

Particulars required in it.

marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him ;

Declaration to be made.

Questions to be answered.

3. And the master of every vessel bound outwards from any port in this Province to any port or place beyond seas, or on any voyage to any place without the limits of this Province, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as may be demanded of him by such officer ;— and thereupon the Collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be :

Clearance to be granted.

Penalty for leaving without a clearance or not answering questions truly.

4. And if the vessel departs without such clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, he shall forfeit the sum of four hundred dollars. 10, 11 V. c. 31, s. 31.

Governor in Council may require statistical information as to exports.

53. The Governor in Council may, by Regulations to be from time to time made in that behalf, require such information with regard to the description, quantity, quality, and value of goods exported from this Province, to be given to the proper Officer of the Customs, in the Entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods be exported by sea, land or inland navigation. 12 V. c. 1, s. 21.

#### DRAWBACKS.

Drawbacks.

54. The Governor in Council may, by Regulations to be from time to time made, declare that upon the exportation from this Province—of such articles manufactured therein out of materials imported into it, and upon which any Duty of Customs has been paid,—or of such spirits, or of such beer or other malt liquor, distilled, made or brewed in this Province, and on which a Duty of Excise has been paid,—as are respectively mentioned or described in such order, and in the cases therein mentioned, a drawback shall be paid as hereinafter mentioned ;— And upon such articles only and in such cases only as are mentioned or described for the purpose in any such Regulations then in force,—the Collector of Customs at the Port whence the same are exported may pay out of any public moneys in his hands, to the person entering the same for exportation, such drawback thereon, (not exceeding the amount of the Provincial Duty of Customs or of Excise which has been paid on the materials out of which such article has been manufactured, or on such spirits, beer or other malt liquor,) as are directed by



by the Regulations then in force, subject to the observance of such conditions, and the giving of such bond or other security by such exporter, as are prescribed by such Regulations. 22 V. c. 76, s. 8, and 22 V. (1859) c. 2, s. 3.

SMUGGLING—AND OFFENCES CONNECTED THEREWITH:

**55.** If any person knowingly and wilfully, with intent to defraud the revenue of this Province, smuggles or clandestinely introduces into this Province any goods subject to duty, without paying or accounting for the duty thereon; or makes out or passes or attempts to pass through the Custom House, any false, forged or fraudulent Invoice, or in any way attempts to defraud the revenue by evading the payment of the duty or of any part of the duty on any goods, every such person, his, her, or their aiders or abettors shall, in addition to any other penalty or forfeiture to which they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding one year, or both, in the discretion of the Court before whom the conviction is had. 12 V. c. 1, s. 19.

Penalty on persons smuggling goods, using false invoices, &c.

**56.** If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be forfeited, and every person offering the same for sale shall forfeit the treble value of such goods, or the penalty of two hundred dollars, at the election of the prosecutor, which penalty shall be recoverable in a summary way, before any one or more Justices of the Peace; and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's Jails for a period not exceeding sixty days. 10, 11 V. c. 31, s. 37.

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

**57.** If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods illegally imported into this Province, (whether such goods are dutiable or not) or whereon the duties lawfully payable have not been paid, such person shall for such offence forfeit treble the value of the said goods, as well as the goods themselves. 10, 11 V. c. 31, s. 43.

Penalty for harboring smuggled goods.

**58.** If any five or more persons in company are found together and they or any of them have any goods liable to forfeiture under this Act, every such person shall be guilty of misdemeanor and punishable accordingly. 10, 11 V. c. 31, s. 40.

Company of persons found with smuggled goods. Misdemeanor.

**59.** Any person who by any means procures or hires any person or persons, or who deposes, authorizes or directs any person or persons to assemble for the purpose of being concerned in

Penalty for hiring persons to assist in

smuggling,  
&c.

the landing or unshipping or carrying or conveying any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall, for every person so procured or hired, forfeit the sum of one hundred dollars. 10, 11 V. c. 31, s. 41.

Penalty on persons committing certain offences with regard to warehoused goods.

**60.** If any warehoused goods are fraudulently concealed in or removed from any public or private warehouse in this Province, such goods shall be forfeited;—And any person fraudulently concealing or removing any such goods, or aiding or abetting such removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into this Province :

Penalty for fraudulently opening warehouse.

2. And if the importer or owner of any warehoused goods, or any person in his employ, by any contrivance fraudulently opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs acting in the execution of his duty,—such importer or owner shall for every such offence forfeit the sum of one thousand dollars ;

Penalty for altering or defacing marks.

And any person wilfully altering, defacing or obliterating any mark placed by any officer of the Customs on any package of warehoused goods, shall for every such offence forfeit the sum of five hundred dollars. 16 V. c. 85, s. 7.

Vessels, &c., used in conveying forfeited goods to be forfeited.

**61.** All vessels with the guns, tackle, apparel and furniture thereof, carriages, harness, tackle, horses, and cattle made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person assisting or otherwise concerned in the unshipping, landing or removal, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall, besides the goods themselves, forfeit treble the value thereof, or the penalty of two hundred dollars at the election of the officer of Customs or of the party suing for the same :

Ejection of officer as to penalty how proved.

2. And the averment in any information or libel exhibited for the recovery of such penalty, that such officer or party has elected to sue for the sum mentioned in the information or libel, shall be sufficient proof of such election, without any other evidence of the fact. 10, 11 V. c. 31, s. 44.

Vessels found hovering may be boarded and examined.

**62.** If any vessel is found hovering (in British waters) within one league of the coasts or shores of this Province, any officer of Customs may go on board and enter into such vessel, and freely stay on board such vessel, while she remains within the limits of this Province;—And if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been required to depart by such officer of Customs, such officer may bring the

Vessels continuing to hover may be brought into Port.

the vessel into port, and examine her cargo, and if any goods prohibited to be imported into this Province are found on board, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be forfeited;—And if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such ship and vessel or her cargo, he shall forfeit and pay the sum of four hundred dollars. 10, 11 V. c. 31, s. 42.

Penalty for not obeying the officer boarding.

63. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly. 10, 11 V. c. 31, s. 45.

Punishment of persons taking away goods, &c., seized—such offence to be felony.

64. If any officer of the Customs, or any person who, with the concurrence of the Governor in Council expressed, either by special order or appointment or by general regulation, is employed for the prevention of smuggling, makes any collusive seizure; or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, such officer or other person shall forfeit for every such offence the sum of two thousand dollars, and be rendered incapable of serving Her Majesty in any office whatever;—And every person who gives or offers or promises to give or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal, or connive at any act whereby the provisions of this Act or any law relating to the Customs, trade or navigation, might be evaded, shall forfeit the sum of two thousand dollars. 10, 11 V. c. 31, s. 71.

Penalty on officers of the Customs, &c., conniving at any evasion of the Revenue Laws.

And on persons bribing them to connive.

65. If any goods, vessel, or carriage, subject or liable to forfeiture under this Act or any other Law relating to the Customs is stopped or taken by any Police Officer or any person duly authorized,—such goods shall be carried to the Custom House next to the place where the goods were stopped or taken, or to the place which has been appointed for that purpose by the Governor in Council, and there delivered to the proper officer appointed to receive the same, within forty-

To what place goods, &c., are to be taken.

eight hours after the said goods were stopped and taken. 10, 11, V. c. 31, s. 46.

How smuggled goods stopped on suspicion of being stolen, and taken to the Police office, shall be dealt with.

**66.** If any such goods are stopped or taken by such Police Officer on suspicion that the same have been feloniously stolen, such Officer shall carry the same to the Police Office to which the offender is taken, there to remain until, and in order to be produced at the trial of the said offender;—And in such case, the Officer shall give notice in writing to the Collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods with the particulars of the same; And immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to Law.

Penalty on any Police Officer neglecting to obey this section.

2. And in case any Police Officer having detained such goods, neglects to convey the same to such warehouse, or to give such notice of having stopped the same as before described, such officer shall forfeit the sum of one hundred dollars; and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace, and in default of payment the party so offending shall be committed to any of Her Majesty's Jails for a period not exceeding thirty days. 10, 11 V. c. 31, s. 47.

Penalty for forging marks, &c., or selling goods with counterfeit marks.

**67.** If any person at any time forges or counterfeits any mark or brand to resemble any mark or brand provided or used for the purposes of this Act, or forges or counterfeits the impression of any such mark or brand, or sells or exposes to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be forfeited, and every such offender, and his aiders, abettors or assistants, shall, for every such offence, forfeit and pay the sum of two hundred dollars; which penalty shall be recoverable in a summary way, before any two Justices of the Peace in this Province, and in default of payment the party so offending shall be committed to any of Her Majesty's Jails in this Province, for a period not exceeding twelve months:

Imprisonment in default of payment.

2. And if any wilfully false oath be made in any case where by this Act an oath is required or authorized, the party making the same shall be guilty of wilful and corrupt perjury and liable to the punishment provided for that offence. 10, 11 V. c. 31, s. 35.

False swearing to be perjury.

**68.** If any person counterfeits or falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act or for any purpose therein mentioned, whether written, printed, or otherwise, or by any false statement procures such document,—or forges or counterfeits any certificate relating to any oath, affirmation or declaration, hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly. 10, 11 V. c. 31, s. 36.

Penalty for counterfeiting or using counterfeited papers. &c.

Ordering certificates. &c.

**69.** Except in the cases otherwise provided for, if any declaration required to be made by this Act or by any Law relating to the Customs, or to trade or navigation, is untrue in any particular,—or except as aforesaid, if any person required by this Act or by any other law as aforesaid to answer questions put to him by any officer of the Customs touching certain matters, does not truly answer such questions; the person making such untrue declaration or not truly answering such questions, shall, over and above any other penalty to which he becomes subject, forfeit the sum of four hundred dollars. 10, 11 V. c. 31, s. 68.

Penalty for a false declaration or answer in cases not otherwise provided for.

**70.** All officers and persons employed under the authority of any enactment in Chapter sixteen of these Consolidated Statutes of Canada, or in the collection of the revenue within the meaning of that Act, or under the direction of any officer or officers in the Customs Department, or being an officer of the said department, shall be deemed and taken to be duly employed for the prevention of smuggling;—And in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such suit or information shall prove to the contrary.

Officers employed in the Customs or under cap. 16, to be deemed employed for the prevention of smuggling.

What averment of such employment shall suffice.

**2.** Every such officer or person as aforesaid, may, upon information or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, and may go on board of and enter into any vessel, boat, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of this Province, and may rummage and search all parts thereof, for prohibited, forfeited or smuggled goods;—And if any such prohibited, forfeited or smuggled goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon, and the same shall be forfeited.

Their powers.

To search.

To detain vessels, carriages, &c.

To seize in certain cases.

To call on persons to assist.

Reasonable cause of suspicion to be their justification.

Penalty for refusing to stop.

Or to assist.

Mode of recovery.

Writs of assistance how obtainable, and the powers of those acting under them.

How search shall be made.

Duration of writ.

Punishment of persons obstructing, assaulting or resisting officers.

3. The officer or person in the discharge of the said duty may call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized vessels, vehicles or property;—And if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein, shall not be liable to any prosecution or action at law for any such search, detention or stoppage.

4. All masters or persons in charge of any such vessels, and all drivers or persons conducting or having charge of such vehicles or conveyances, refusing to stop when required to do so by such officer or person as aforesaid in the Queen's name, and any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, and refusing so to do, shall forfeit and pay the sum of two hundred dollars, which penalty shall be summarily recovered before any two Justices of the Peace in this Province, and in default of payment the offender shall be committed to any of Her Majesty's Jails in this Province, for a period not exceeding six months. 10, 11 V. c. 31, s. 35.

71. Under authority of a Writ of Assistance granted either before or after the coming into force of this Act, (and all such Writs theretofore granted shall remain in full force for the purposes of this Act,) by any Judge of the Court of Queen's Bench or of the Common Pleas in Upper Canada, or of the Superior Court or of the Court of Vice Admiralty in Lower Canada, having jurisdiction in the place (who shall grant such Writ of Assistance upon application made to him for that purpose by the Collector or principal officer of the Customs at the port or place, or by Her Majesty's Attorney General or Solicitor General,)—any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, taking within a peace officer, may enter in the day time any building or other place within the jurisdiction of the Court granting such Writ, and may search for and seize and secure any goods liable to forfeiture under this Act, and, in case of necessity, may break open any doors and any chests or other packages for that purpose;—And such Writ of Assistance, when issued, shall be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign. 10, 11 V. c. 31, s. 69.

72. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of

of this Act, or any other Law of this Province relating to Customs, trade or navigation,—or wilfully or maliciously shoots at or attempts to destroy or damage any vessel, belonging to Her Majesty, or in the service of the Province, or maims or wounds any officer of the Army, Navy, Marine, or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty,—or if any person is found with any goods liable to seizure or forfeiture, under this Act or any other Law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised,—or staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof,—or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle, before or after the seizure,—or wilfully and maliciously destroys or injures by fire or otherwise any Custom-house, or any building whatsoever in which seized or forfeited goods are deposited or kept,—such person being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly. 10, 11 V. c. 31, s. 39.

Firing at H. M.'s vessels.

Wounding persons in H. M.'s service;

Or having goods liable to seizure, and being armed or disguised;

Or destroying vessels or goods, or any Custom house, &c.

Such offences to be felony:

#### PROCEDURE FOR ENFORCING PENALTIES.

**73.** All penalties and forfeitures, incurred under this Act, or any other law relating to the Customs or to trade or navigation, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice Admiralty having jurisdiction in that section of this Province where the cause of prosecution arises, or wherein the Defendant is served with process;—And if the amount or value of any such penalty or forfeiture does not exceed two hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises or where the defendant is served with process. 10, 11 V. c. 31, s. 51.

In what Courts penalties and forfeitures shall be recoverable.

If the amount be under \$200.

**74.** All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provision be made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney General, or Solicitor General, or in the name or names of some officer or officers of the Customs, or other person or persons therunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party; and if the prosecution be brought before any County Court or Circuit Court, it shall be heard and determined in a summary manner upon information filed in such Court. 10, 11 V. c. 31, s. 52,—part.

In whose name prosecutions may be commenced.

**75.** All penalties and forfeitures imposed by this Act or by any other Law relating to the Customs or to Trade or Navigation, may, in Lower Canada, be sued for, prosecuted and recovered with costs by the same form of proceeding as any other

In Lower Canada how penalties and forfeitures shall be recoverable.

other moneys due to the Crown, and all suits or prosecutions for the recovery thereof, shall, in Lower Canada, be heard and determined in like manner as other suits or prosecutions in the same Court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner as provided in this Act:

2. But nothing in this Section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid. 12 V. c. 1, s. 26.

In Upper Canada how penalties and forfeitures shall be recoverable.

76. If the prosecution to recover any penalty or forfeiture imposed by this Act, or by any other law relating to the Customs or to Trade or Navigation, is brought in any Superior Court of law in Upper Canada, it shall be heard and determined as prosecutions for penalties and forfeitures are heard and determined in Her Majesty's Court of Exchequer in England, except only in so far as may be otherwise provided by any law of this Province relating to the procedure in Upper Canada, in suits instituted on behalf of the Crown in matters relating to the Revenue; and any such law shall apply to prosecutions for the recovery of forfeitures and penalties under this Act, in whatever Court they are instituted, so far as it can be applied thereto consistently with this Act. 10, 11 V. c. 31, s. 52, and 20 V. c. 2.

Defendant may be required to give security for the penalty and costs, or imprisoned until he does so.

77. Upon the exhibiting or filing of any information or other proceeding for the recovery of any penalty or forfeiture under the provisions of this Act, any Judge of the Court in which the prosecution is brought, may, upon affidavit filed by the officer or person bringing such prosecution, showing that there is reason to believe that the defendant will leave this Province without satisfying such penalty,--issue a warrant under his hand and seal for the arrest and detention of the defendant in the Common Jail of the District, until he has given security, (before and to the satisfaction of such Judge or some other Judge of the same Court) for the payment of such penalty with costs, in case he be convicted:

Those who sue for any penalty or forfeiture, to recover full costs of suit.

How penalties and costs may be levied.

2. And in every suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs, Her Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit;--And all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the Defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under



under the same conditions and in like manner. 10, 11 V. c. 31, s. 49.

**78.** The forfeiture and penalty, after deducting the expenses of prosecution, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Province: Appropriation of penalty and forfeitures.

**2.** But the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector or chief officer of the Customs, at the port or place where the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods, vessel or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may in any case or class of cases direct and appoint: But nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council with regard to the remission of penalties or forfeitures by this Act or any other law. 10, 11 V. c. 31, s. 52--*the latter part.* Distribution of the proceeds of penalties and forfeitures. Power to remit penalty.

**79.** So soon as an information has been exhibited in any Court for the condemnation of any vessel, goods or thing so seized, notice thereof shall be put up in the office of the Clerk or Prothonotary of the Court, and also in the office of the Collector or chief officer of the Customs, at the port at which the vessel, goods or thing has been secured as aforesaid: Notice to be posted in the Custom House and in the office of the Clerk of the Court.

**2.** If the owner or person having charge of the vessel, goods or thing, exhibits a claim to the same or to any part thereof, and gives security, and complies with all the requirements of this Act in that behalf, then the said Court at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such vessel, goods or thing as the case requires—otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof: When the case shall be heard if claim be made, and security given.

**3.** No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid, shall be admitted, unless validly made within one week after the posting thereof:—nor shall any claim be admitted, unless notice thereof has been given to the Collector within one month from the seizure as aforesaid. 10, 11 V. c. 31, s. 58. Claims not to be admitted unless made within a certain time; Nor without notice.

**80.** All vessels, vehicles, goods and other things seized as forfeited under this Act or any other Act relating to Customs, or to trade or navigation, shall be deemed and taken to be condemned; and may be dealt with accordingly; unless the Things seized to be deemed condemned, if not claimed within a certain time.

the person from whom they were seized; or the owner thereof, do, within one month from the day of seizure, give notice in writing to the seizing officer or other chief officer of Customs at the nearest port, that he claims or intends to claim the same;

They may be delivered to the owner on due security being given.

2. But any Judge having competent jurisdiction to try and determine the seizure, may, with the consent of the Collector at the place where the seized articles are secured, order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such Collector, to pay double the value in case of condemnation,—which bond shall be taken to Her Majesty's use in the Collector's name, and shall be delivered to and kept by such Collector;—And in case such seized articles are condemned; the value thereof shall be forthwith paid to the Collector and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered. 10, 11 V. c. 31, s. 48.

Conditions of the bonds.

Cattle and perishable articles seized may be sold as if condemned.

81. In case of the seizure of any cattle, horse or other animal, or of any perishable article; the Collector of the port at which the same has been secured as aforesaid; may sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned;—and may keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution:

Proceeds restored, if the seizure be declared null.

Such cattle or article may be delivered to the owner on security being given.

2. Nevertheless, the Collector or principal officer of Customs shall deliver up to any claimant, any horse, cattle, animal, or perishable article seized as aforesaid, upon such claimant depositing in the hands of the Collector or principal officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or principal officer, that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned. 10, 11 V. c. 31, s. 52.

How claim must be entered, in order to be valid.

82. No claim to any thing seized under this Act, and returned into any of Her Majesty's Courts for adjudication, shall be admitted as valid, unless such claim is entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing is made by the owner, or by his agent knowing the fact, by whom such claim is entered, to the best of his knowledge and belief. 10, 11 V. c. 31, s. 56.

Claim not to be valid unless security be given

83. No person so admitted to claim, as aforesaid, shall enter a claim to, or shall be deemed to have validly claimed any

any vessel, goods or thing seized in pursuance of this Act, or of any law relating to the Customs or to trade or navigation, until sufficient security has been given to the satisfaction of the Court where such seizure is prosecuted, in a penalty not exceeding two hundred dollars, to answer and pay the costs occasioned by such claim, and any penalty incurred by the claimant in respect of such vessel, goods or thing;—And in default of giving such security, such vessel, goods or thing, shall be dealt with as if no claim had been made, and after the lapse of the period in that behalf provided shall be deemed to be condemned. 10, 11 V. c. 31, s. 57.

to pay the costs and any penalty incurred.

84. If any goods are seized for non-payment of duties or any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act or any other law relating to the Customs, and any question arises whether the duties have been paid on such goods, or the same have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such forfeiture would be prevented or such penalty avoided, the burden of proof shall lie on the owner or claimant of the goods, and not on the officer who has seized and stopped the same, or the party bringing such prosecution. 10, 11 V. c. 31, s. 53.

Proof that goods have paid duty to lie on the owner.

85. In any prosecution or other proceeding, for an offence against this Act or any other law relating to the Customs, or to trade and navigation, the averment that such offence was committed within the limits of any port, shall be sufficient without proof of such limits, unless the contrary is proved. 10, 11 V. c. 31, s. 54.

Averment as to the doing of any thing within the limits of any port.

86. All sales of goods forfeited or otherwise liable to be sold by any Officer of the Customs under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council. 10, 11 V. c. 31, s. 59.

Sales to be by public auction.

87. All actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Law relating to the Customs, may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture was incurred, but not afterwards. 10, 11 V. c. 31, s. 65.

Limitation of time for bringing suits for penalties, &c.

88. An appeal shall lie from the conviction by any Justices of the Peace under this Act to the Quarter Sessions, to be tried by a Jury in the same manner as from convictions in any case of summary punishment allowed by Law, on furnishing security by bond or recognizance with two sureties to the satisfaction of such convicting Justices, to abide the event of such appeal.

Appeals from convictions before Justice of the Peace.

And from  
County and  
Circuit Courts.

2. And an appeal shall also lie from the said County Courts and Circuit Court, and from decisions or judgments of the Superior Courts of Law respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount were given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same Court, in matters of like amount;

The Attorney  
and Sol. Genl.  
appealing need  
not give secur-  
ity.

3. But if the appeal be brought by Her Majesty's Attorney General, or Solicitor General, it shall not be necessary for him to give any security on such appeal. 10, 11 V. c. 31, s. 66.

Restoration of  
goods, &c.,  
not to be pre-  
vented by ap-  
peal, provided  
security be  
given.

89. In any case in which proceedings have been instituted in any Court against any vessel, goods or thing, for the recovery of any penalty or forfeiture under this Act or any law relating to the Customs; trade or navigation, the execution of any decision or judgment for restoring the vessel, goods or thing to the claimant thereof, pronounced by the Court in which the proceedings have been had, shall not be suspended by reason of any appeal prayed and allowed from such decision or judgment, — provided the party appellant gives sufficient security, to be approved of by the Court, to render and deliver the vessel, goods or things concerning which such decision or judgment is pronounced, or the full value thereof, (to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said Court) to the appellant, in case the decision or judgment so appealed from be reversed and such vessel, goods or things be ultimately condemned. 10, 11 V. c. 31, s. 67.

On the trial of  
the validity of  
any seizure,  
no costs shall  
be recovered by  
plaintiff, if  
probable cause  
of seizure be  
certified.

90. If any information or suit is brought to trial, or determined, on account of any seizure made under this Act or any Law relating to the Customs, and a verdict is found, or decision or judgment given for the claimant thereof, and the Judge or Court before whom the cause has been tried or brought, certifies on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution on account of such seizure:—And if any action, indictment, or other suit or prosecution is brought to trial against any person on account of such seizure, wherein a verdict or judgment is given against the defendant, the plaintiff, if probable cause is certified as aforesaid on the record, shall not, besides the thing seized or the value thereof, be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents. 10, 11 V. c. 31, s. 64, *and* 13, 14 V. c. 17, s. 19.

Damages li-  
mited in ac-  
tions arising  
out of seizure  
if probable  
cause for such  
seizure exist-  
ed.

## PROTECTION OF OFFICERS.

91. No writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling as aforesaid, for any thing done in the exercise of his office, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent;--And no evidence of any cause of such action shall be produced except of such as is contained in such notice;--and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial, that such notice was given;--and in default of such proof, the defendant shall receive a verdict or judgment and costs. 10, 11 V. c. 31, s. 60.

What notice of action for things done under this Act shall be given.

What evidence only may be adduced on the trial.

92. Any such officer or person against whom an action is brought on account of any such seizure, or of any thing done in the exercise of his office, may, within one month after such notice, tender amends to the party complaining or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; But the defendant, by leave of the Court in which the action is brought, may, at any time before issue joined, pay money into Court as in other actions. 10, 11 V. c. 31, s. 61.

Officer may tender amends and plead such tender in bar.

Costs to defendant if successful.

Money may be paid into Court.

93. Every such action must be brought within three months after the cause thereof, and laid and tried in the place of district where the facts were committed;--and the defendant may plead the general issue, and give the special matter in evidence;--And if the plaintiff becomes non-suited, or discontinues the action, or if upon a demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given by Law. 10, 11 V. c. 31, s. 62.

Action to be brought within a certain time and at a certain place.

Costs.

94. If in any such action, the Court or Judge before whom the action is tried certifies upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit. 10, 11 V. c. 31, s. 63.

If probable cause be certified upon the record, the plaintiff's costs and damages limited.

## ORDERS OF THE GOVERNOR IN COUNCIL.

Governor in Council may make regulations;

**95.** In addition to the purposes and matters hereinbefore or hereinafter mentioned,--the Governor in Council may from time to time, and in the manner hereinafter provided, make Regulations for or relating to the following purposes and matters :--

Slaughtering cattle or grinding grain in bond;

1. For the warehousing and bonding of such cattle and swine as may be slaughtered and cured, and of such wheat, maize and other grain as may be ground and packed in bond, and such sugar as may be refined in bond;

Branding and marking goods, tare;

2. For the branding and marking of all duty-paid goods, and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods;

Coasting trade;

3. For declaring what shall be coasting trade, and how the same shall be regulated;

Ports of Entry, &c.

4. For appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the Canals, and respecting the horses, vehicles and personal baggage of travellers, coming into this province or returning thereto, or passing through any portion thereof;

Passing animals, &c.

Exempting produce of grain or logs grown in the Province, &c., for duty in certain cases;

5. For exempting from duty any flour or meal or other produce of any wheat or grain grown in and taken out of this Province into the United States to be ground, and brought back into this Province within two days after such wheat or grain has been so taken out to be ground,--or any boards, planks or scantling the produce of any logs or timber grown in and taken out of this Province into the United States to be sawn, and brought back into this Province within seven days after such logs or timber were so taken out to be sawn;

Quantity;

6. For regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved;

Warehousing;

7. For authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, the allowance for natural waste or deficiency, and the amount of warehouse rent;

Extending time for clearing warehouse goods;

8. For extending upon application, and if he sees fit, and either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another;

9. For regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered ;

Transfers of goods in bond ;

10. For exempting goods from duty as provided by the second section of this Act, and regulating the mode of proving such exemption ;

Exemptions of duty under section 2 ;

11. For appointing the manner in which the proceeds of penalties and forfeitures shall be distributed ;

Distribution of penalties ;

12. For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission is granted to any party, or of any other condition made with such party, in any matter relating to the Customs or to trade or navigation ;--And such bonds and all bonds taken with the sanction of the Governor in Council, expressed either by General Regulation or by Special Order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other law relating to the Customs. 10, 11 V. c. 31, s. 72.

Taking of bonds ;

Bonds taken with his sanction to be valid.

13. And whereas it frequently happens that goods are conveyed directly through the Provincial Canals, or otherwise by land or inland navigation, from one part of the frontier line between this Province and the United States to another, without any intention of unloading such goods in this Province, and that travellers in like manner, pass through a portion of this Province or come into it with their carriages, horses or other cattle, drawing the same and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from this Province, return to it with such articles,--and, though the bringing of such goods and other articles into this Province is strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon ;

Recital of case.

With regard to all such cases as aforesaid, the Governor in Council may, from time to time and as occasion may require, make such Regulations as to him seem meet, and may direct under what circumstances such duty shall be or shall not be paid, and on what conditions it shall be remitted or returned, and may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer (whether by placing Officers of the Customs on board any such vessel or otherwise) as to him seem meet ; and on the refusal of the importer to comply with the Regulations to be so made, the duty on the goods so imported shall forthwith become payable ;--And all and every horse and carriage, vehicle or goods of any kind, brought into this Province by any traveller or travellers exempted from duty under such Regulation or otherwise, shall,

Governor in Council may make regulations as to the passing of goods through the Provincial Canals, &c.

Forfeiture for contravention.

shall, if sold or offered for sale, provided the duties thereon have not been previously paid, be held to have been illegally imported, and shall be forfeited, together with the harness or tackle employed therewith or in the conveyance thereof. 10, 11 V. c. 31, s. 50.

Order made

General regulations to have the effect of special orders in cases to which they apply.

Regulations by Governor in Council may require oaths, &c.

Penalties and forfeitures for contravention of such regulations.

How recoverable.

Mode of publication of regulations.

How regulations may be proved.

Certain copies of Orders in Council to be evidence.

14. For any other purpose for which by this Act or any other law relating to the Customs or to trade and navigation, the Governor in Council is empowered to make Orders or Regulations;—it being hereby declared competent for him (if he deems it expedient) to make General Regulations in any matter in which he may make a Special Order, and such General Regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein.

96. In any Regulation made by the Governor in Council, under this Act, any oath or affirmation may be prescribed and required which the Governor in Council deems necessary to protect the Revenue against fraud; and any person or officer may be authorized to administer the same. 12 V. c. 1, s. 27.

97. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any Regulation so made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such Regulation have not been complied with, shall be forfeited, and if such vessel be of or over the value of four hundred dollars, the master thereof shall by such non-compliance incur a penalty of four hundred dollars; And any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same Court and tribunal as if incurred by the contravention of any direct provision of this Act. 10, 11 V. c. 31, s. 73—*part.*

98. All General Regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same have been published in the Official Gazette, or from and after such later day as may be appointed for the purpose in such Regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered;—And all such Regulations may be revoked, varied or altered by any subsequent regulation;—And a copy of the Official Gazette containing any such Regulation shall be evidence of such Regulation to all intents and purposes whatsoever. 10, 11 V. c. 31, s. 73—*part.*

99. Any copy of an Order of the Governor in Council made in any special matter and not being a General Regulation, certified



certified as a true copy of such Order by the Clerk of the Executive Council or his Deputy, shall be evidence of such Order to all intents and purposes whatsoever. 10, 11 V. c. 31, s. 74.

MISCELLANEOUS PROVISIONS.

**100.** In every case where the person required to take any oath under this Act is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may instead of the oath hereby required make a solemn affirmation to the same effect; and every person before whom any oath is by this Act or by any Regulation to be made under it, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same; and the wilfully making any false statement in any such oath, shall be perjury, and the wilfully making any false statement in any such solemn affirmation, shall be a misdemeanor punishable as perjury. 12 V. c. 1, s. 28.

Affirmation to be made instead of an oath in certain cases, &c.

Punishment for false statements.

**101.** Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel,—such importation, if made by sea, coastwise, or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of this province;—And the exportation of any goods shall be deemed to have been completed from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of the province, if the exportation be by land or in any undecked vessel;—And the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed. 10, 11 V. c. 31, s. 78.

Time of importation, &c. defined.

And of exportation;

And of arrival and departure of vessels.

**102.** Although any duty of Customs has been overpaid, or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment. 10, 11 V. c. 31, s. 77.

Duties overpaid not returnable after three years, though wrongly paid.

**103.** All bonds and securities, of what kind and nature soever, authorized to be taken by any Law relating to Customs, Trade or Navigation, shall be taken by the Collector or principal officer of the Customs at the place where the same are to

By whom bonds shall be taken to Her Majesty's use.

To be given prior to the delivery, &c., of the goods.

Forms to be kept in all offices of the Customs.

Blank forms of papers to be kept at Custom Houses.

Person applying to transact business on behalf of another, to produce written authority.

Any thing done by such agent to be binding.

Such agent may execute any bond or agreement, thereby binding his principal.

Instrument appointing such agent shall be valid if in form of schedule B.

Any partner may execute any bond, &c., without mentioning the names of the other members, &c.

be taken, and to and for the use and benefit of Her Majesty;— And such bonds shall be taken before the delivery of any goods, vessel, carriage or vehicle, horses or cattle, of any kind or description whatsoever, and before the performance of any act or matter with regard to which the taking of any such bond or bonds is required;—And all such bonds and securities shall be, as nearly as practicable, uniform, and printed or lithographed forms thereof shall be kept in each and every office of Customs throughout the Province. 10, 11 V. c. 31, s. 75.

**104.** All forms and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in this Province, shall be printed uniformly, and supplied by the proper officer to all Collectors or other officers in charge of any Custom House, and other officers of Customs at any port or place of entry within the Province, for the use of persons transacting Customs business thereat. 10, 11 V. c. 31, s. 76.

**105.** Whenever any person makes any application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority, may refuse to transact such business;—And any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal. 10, 11 V. c. 31, s. 14.

**106.** Any Attorney and Agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the Collector, may in his said quality validly make any Entry or execute any Bond or other Instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such Entry or executed such Bond or other Instrument, and may take the oath thereby required of a Consignee or Agent, if he be cognizant of the facts therein averred;—And any Instrument appointing such Attorney and Agent shall be valid if in the form in the Schedule B hereunto annexed, or in any form of words to the like effect. 12 V. c. 1, s. 23.

**107.** Any partner in any unincorporated company, association or copartnership of persons, or their Attorney and Agent authorized as aforesaid, may, under the name and style usually taken by such company, association or copartnership, make any Entry or execute any Bond or other Instrument required by this Act, without mentioning the name or names of any of the Members or of the other Members of the Company or association or partnership, and such Entry, Bond or Instrument shall nevertheless

nevertheless bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such Member or Partner had been therein mentioned and he had signed the same, and (if it be a Bond or other Instrument under Seal) as if he had thereunto affixed his Seal and had delivered the same as his act and deed; and the Seal thereunto affixed shall be held to be the Seal of each and every such Member or Partner as aforesaid; And the provisions of this Section shall apply to any Instrument by which any company, association or partnership of persons appoint an Attorney or Agent to act for them under the next preceding section; Provided always, that the person who under this section makes any Entry or executes any Bond or Instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their Attorney," (as the case may be) thereunto prefixed. 12 V. c. 1, s. 24.

Proviso.

#### THINGS DONE UNDER REPEALED ACTS.

**108.** All Regulations and Orders made by the Governor in Council, before this Act or any of the enactments therein, respectively came into force, under the authority of any Act relating to the Customs, shall remain in force, and shall apply to the duties imposed by and things to be done under this Act, in so far as they are not inconsistent with it, unless or until revoked or altered by the Governor in Council, notwithstanding the repeal of any such Act as aforesaid. 10, 11 V. c. 31, s. 6.

Regulations to remain in force.

**109.** Neither the repeal of any former Act or enactment relating to the Customs, nor any thing in this Act contained, shall render necessary any new appointment of the several officers employed in the collection or management of, or in any matter relating to, the Provincial Customs, but such officers shall continue to act in their respective capacities under the provisions of this Act, and of the law, until removed, or permitted to resign, by competent authority,—nor shall any such repeal or any thing affect the amount of the salary or allowances attached to any office connected with the management or collection of the Provincial Duties of Customs;—and all bonds given by any such officers and their respective sureties for good conduct or otherwise, before this Act or any of the enactments therein, respectively came into force, shall remain in full force and effect. 10, 11 V. c. 31, s. 7.

No new appointment of the officers, &c., to be necessary.

Salaries.

Bonds.

**110.** All goods warehoused before this Act or any of the enactments therein, respectively came into force, and which remain so warehoused shall, if taken out of the warehouse for consumption in this Province, be subject to the duties to which such goods would be subject if they were then imported into the Province, and not to any other; and all appointments of warehouses for the warehousing of goods made

Goods warehoused.

Appointment of  
warehouses.

made under the authority of any Act in force before this Act came into force, shall continue valid as if made under the authority of this Act; and all bonds given in respect of any goods warehoused or entered to be warehoused before the said time, shall continue in force for the purposes of this Act. 10, 11 V. c. 31, s. 26--part.

## SCHEDULE A. (22 V. (1859) cc. 2 and 16.)

### TABLE OF DUTIES OF CUSTOMS INWARDS.

The following Goods shall be chargeable with duty according to the value thereof, at the Rates hereinafter mentioned: Duty per cent *ad valorem*.

#### GOODS PAYING ONE HUNDRED PER CENT

Brandy; Gin; Cordials; Rum; Spirits and Strong Waters, including Spirits of Wine, and Alcohol, not being Whiskey;	}	100 p. ct.
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GOODS PAYING FORTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—

“ THIRTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—

“ TWENTY-FIVE PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—

“ FIFTEEN PER CENT UPON, FROM AND AFTER THE 1ST JULY, 1862,—

Sugar, refined, whether in loaves or lumps, candied, crushed, or in any other form; White Bastard Sugar or other Sugar equal to refined in quality;	}	40 per ct. 35 “ 25 “ 15 “
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#### GOODS PAYING FORTY PER CENT:

Cigars;	}	40 per ct.
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GOODS PAYING THIRTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—

“ TWENTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—

GOODS

GOODS PAYING FIFTEEN PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—  
Duty per cent *ad valorem.*

GOODS PAYING TEN PER CENT UPON, FROM AND AFTER THE 1ST JULY, 1862 :

Sugar,—being neither refined, nor White Bastard, nor other Sugar equal to refined in quality ; } 30 per ct.  
Molasses ; } 25 “  
 } 15 “  
 } 10 “

GOODS PAYING FIFTEEN PER CENT FROM 1ST JANUARY, 1860, TO 31ST DECEMBER, 1861, BOTH DAYS INCLUSIVE ;

“ TEN PER CENT FROM 1ST JANUARY, 1862, TO 31ST DECEMBER, 1862, BOTH DAYS INCLUSIVE,—

“ FIVE PER CENT UPON, FROM AND AFTER THE 1ST JANUARY, 1863.

Until the end of the year 1859, the duties will be those mentioned under the head “Goods paying Specific duties.” } Coffee, green ; } 15 per ct.  
 } Tea ; } 10 “  
 } } 5 “

GOODS PAYING THIRTY PER CENT :

Almonds, Walnuts and Filberts ;  
Ginger, Pimento and Pepper, ground ;  
Mace, Nutmegs and Cinnamon ;  
Nuts of all kinds ;  
Patent Medicines and Medicinal Preparations, not elsewhere specified ;  
Spices, ground ;  
Snuff ;  
Wine of all kinds ;  
Currants ;  
Dried Fruit ;  
Figs ;  
Coffee, ground or roasted  
Blacking ;  
Tobacco, manufactured ;  
Soap ;  
Starch ;  
Ale, Beer and Porter ;

30 per ct.

GOODS

GOODS PAYING TWENTY-FIVE PER CENT ;	Duty per cent <i>ad valorem.</i>
Manufactures of Leather, viz :	—
Boots and Shoes ;	
Harness and Saddlery ;	} 25 per ct.
Clothing or wearing apparel made by hand or sewing machine ;	}
GOODS PAYING FIFTEEN PER CENT :	
Book, Map and News-printing Paper ;	15 per cent.
GOODS PAYING TEN PER CENT :	
Anchors 6.cwt. and under ;	
Books, printed ; Periodicals and Pamphlets not being reprints of British Copyrights, nor Blank Account Books, or Copy Books, or Books to be written or drawn upon ; and excepting also Bibles, Testaments, Prayer Books, and Devotional Books ;	
Brass in bars, rods and sheets ;	
Brass or Copper Wire and Wire Cloth ;	
Cameos and Mosaics, real or imitation, when set in gold, silver and other metal ;	
Canada Plates, Tinned Plates, Galvanized Iron and Sheet Iron ;	
Copper, in bars, rods, bolts or sheets ;	
Silk Twist for hats, boots and shoes ;	
Iron—Bar, Rod or Hoop ;	
“ Nail and Spike Rod ;	
“ Hoop or Tire for driving wheels of locomotives, bent and welded ;	
“ Boiler Plate ;	
“ Railroad Bars, Wrought Iron Chairs and Spikes ;	
“ Rolled Plate ;	} 10 per ct.
“ Wire ;	
Jewellery and Watches ;	
Lead in sheet ;	
Maps, Charts and Atlases ;	
Sails, ready made ;	
Spirits of Turpentine ;	
Steel, wrought or cast ;	
Cotton Candle Wick, Cotton Yarn and Cotton Warp ;	
White Lead, dry ;	
Plaster of Paris ground and calcined ;	
Hydraulic Cement ground and calcined ;	
Red Lead ;	
Litharge ;	
Phosphorus ;	
Medicinal Roots ;	
Drain Tiles for agricultural purposes ;	
Engravings and Prints ;	

Straw,



Apparel, wearing, and other personal effects, and implements of husbandry, (not merchandise) in actual use of persons coming to settle in the province and accompanying the owner ;  
 Apparel, wearing, of British subjects dying abroad ;  
 Argol ;  
 Arms for the Army or Navy and Indian nations, provided the duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom, or of the Province ;  
 Ash, Pot, Pearl and Soda ;  
 Bark, Tanners' ;  
 Bark, used solely in dyeing ;  
 Barley, except Pot and Pearl ;  
 Barley Meal ;  
 Beans ;  
 Bean Meal ;  
 Bear and Bigg ;  
 Bear and Bigg Meal ;  
 Berries, used solely in dyeing ;  
 Bibles, Testaments, Prayer Books, and Devotional Books ;  
 Bleaching Powder ;  
 Bolting Cloths ;  
 Borax ;  
 Bookbinders' Tools and implements ;  
 Books, Maps and Charts, imported not as Merchandise but as the personal Effects of persons arriving in Canada to become *bonâ fide* residents of the Province ;  
 Bottles containing Wine, spirituous or fermented Liquors of Officers' Mess ;  
 Brandy imported for do do  
 Bran and Shorts ;  
 Brimstone ;  
 Bristles ;  
 Broom Corn ;  
 Buckwheat ;  
 Buckwheat Meal ;  
 Bulbs and Roots other than Medicinal ;  
 Bullion ;  
 Burrstones, wrought or unwrought, but not bound up into Mill stones ;  
 Butter ;  
 Coin and Bullion ;  
 Cabinets of Coins ;  
 Cables, Iron chain over  $\frac{1}{4}$  of an inch diameter ;  
 " Hemp ;  
 " Grass ;  
 Carriages of Travellers, and carriages employed in carrying Merchandise (Hawkers and Circus Troupes excepted) ;  
 Casks, Ships' water, in use ;  
 Caoutchouc or Indian Rubber, and Gutta Percha, unmanufactured ;

Free

Cement,



Cement, Marine or hydraulic, unground ;  
 Charitable Societies—donations of clothing for gratuitous distribution by ;  
 Cheese ;  
 Clothing for Army or Navy or Indian Nations or for gratuitous distribution by any charitable Society ;  
 Coal ;  
 Cochineal ;  
 Coke ;  
 Commissariat Stores ;  
 Copperas ;  
 Corkwood or the bark of the Corkwood tree ;  
 Corn, Indian ;  
 Cotton and Flax waste ;  
 Cotton Wool ;  
 Cream of Tartar in crystals ;  
 Diamonds and Precious Stones ;  
 Drugs used solely in dyeing ;  
 Dye stuffs, viz : Bark, Berries, Drugs, Nuts, Vegetables, Woods and extract of Logwood ;  
 Earths, Clays and Ochres, dry ;  
 Eggs ;  
 Emery ;  
 Emery, Glass, and Sand Paper ;  
 Felt hat bodies and Hat Felt ;  
 Fire brick ;  
 Firewood ;  
 Fish ;  
   Do Oil, in its crude or natural state ;  
   Do products of, unmanufactured ;  
 Fishing Nets and Seines ;  
 Fish Hooks, Lines and Fish Twines ;  
 Flax Hemp and Tow, undressed ;  
 Flour ;  
 Fruits, Green ;  
 Fruits, dried, the growth of the United States only, while the Reciprocity Treaty is in force ;  
 Furs, Skins, Pelts or Tails undressed, when imported directly from the United Kingdom or British North American Provinces or from the United States, while the Reciprocity Treaty is in force ;  
 Gems and Medals ;  
 Gold Beaters' Brim Moulds and Skins ;  
 Gravels ;  
 Grains—Barley and Rye ;  
   Beans and Peas ;  
   Bear and Bigg ;  
   Bran and Shorts ;  
   Buckwheat ;  
   Indian Corn ;

Free.

Grains—

Grains—Oats ;  
     Wheat ;  
     Meal of above Grains ;  
 Grindstones, wrought or unwrought ;  
 Gums and Rosins, in a crude state ;  
 Gypsum or Plaster of Paris, ground or unground, but not calcined ;  
 Grease and Scraps ;  
 Hams ;  
 Hair, Angola, Goat, Thibet, Horse or Mohair, unmanufactured ;  
 Hemp ;  
 Hides ;  
 Horns ;  
 Household Furniture and Effects that have been in actual use for one month or more, of persons coming to settle in this Province, and in charge of the owner ;  
 Household Effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada but dying abroad ;  
 Indigo ;  
 Inventions and Improvements in the Arts, Models or patterns of, —provided that no article shall be deemed a model which can be fitted up for use ;  
 Junk and Oakum ;  
 Lard ;  
 Lime, the produce of British North American Provinces only ;  
 Machinery, models and patterns of—provided the same be not put to actual use ;  
 Manilla grass ;  
 Manures of all kind ;  
 Marble in blocks or slabs, unpolished ;  
 Meats, fresh, smoked and salt ;  
 Menageries—horses, cattle, carriages and harnesses of—subject to Regulations by the Governor in Council ;  
 Military Clothing for Her Majesty's Troops or Militia ;  
 Military Stores and Materials for Military Clothing imported for the use of the Provincial Militia, under such restrictions as may be passed by Governor in Council ;  
 Mosses and Sea Grass, for Upholstery purposes ;  
 Musical Instruments for Military Bands ;  
 Nitre or Saltpetre ;  
 Oakum ;  
 Oils—Cocoa Nut, Pine and Palm, in their crude, unrectified or natural state ;  
 Oil Cake or Linseed Cake ;  
 Ordnance Stores ;  
 Ores, of all kinds of Metals ;  
 Osier or Willow, for Basket makers' use ;  
 Packages of all kinds in which goods are usually imported, except the following, viz : Spirit, Wine, Oil, Beer, Cider, and other casks for the containing of liquid, Baskets of every description, Trunks, Snuff Jars, Earthenware Jars, Glass Jars, Bottles,—and Barrels containing Grain, Seeds and Peas :

Free.

Pig Iron, Pig Lead and Pig Copper ;  
 Pitch and Tar ;  
 Philosophical Instruments and Apparatus, Globes ;  
 Plants, Shrubs and Trees ;  
 Printing Ink and Printing Presses ;  
 Provisions for Army or Navy or Indian Nations ;  
 Rags ;  
 Resin and Rosin ;  
 Rice ;  
 Sail Cloth ;  
 Sal Soda ;  
 Sal Ammoniac ;  
 Salt ;  
 Seeds, for Agricultural, Horticultural, or Manufacturing purposes, only ;  
 Ships' Blocks ;  
   Binnacle Lamps ;  
   Bunting ;  
   Canvas, Sail, Nos. 1 to 6.  
   Compasses ;  
   Dead Eyes ;  
   Dead lights ;  
   Deck Plugs ;  
   Shackles ;  
   Sheaves ;  
   Signal lamps ;  
   Travelling trucks ;  
 Cordage which upon importation shall have paid the duty of customs, shall be entitled to draw-back under section 54 of this Act, when applied to ship building purposes, and under such Regulations as the Governor in Council may make.  
 Ships' water casks in use ;  
 Silk Hat Felts ;  
 Soda Ash ;  
 Sago Flour ;  
 Specimens of Natural History, Mineralogy or Botany ;  
 Stone, unwrought ;  
 Slate ;  
 Stereotype Blocks, for Printing purposes ;  
 Statues, busts and casts, of marble, bronze, alabaster or plaster of Paris, paintings and drawings as works of art, specimens of sculpture, cabinets of coins, medals, gems, and all collections of antiquities ;  
 Sulphur or Brimstone ;  
 Tin and Zinc or Spelter in block or pig ;  
 Tallow ;  
 Teasels ;  
 Timber and lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part ;  
 Tobacco, unmanufactured ;

Free.

Tools.

Tools and Implements of Trade of Handicraftsmen arriving in Canada, when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale ;

Treenails ;

Turpentine other than spirits of Turpentine ;

Type Metal, in blocks or pigs ;

Varnish, bright and black, for ship builders, other than Copal, Carriage, Shellac, Mastic or Japan ;

Vegetables, not elsewhere specified ;

Vehicles of Travellers, except those of Hawkers and Pedlars ;

Water Lime, unground ;

Wine, spirits and fermented Liquors of all kinds, imported for Officers' Mess, and the packages containing the same ;

Wood for hoops when not notched ;

Woods of all kinds ;

Wool ;

All importations for the use of Her Majesty's Army and Navy serving in Canada ; or for the public uses of the Province ;

Free.

#### TABLE OF PROHIBITIONS.

The following articles are prohibited to be imported under a penalty of two hundred dollars together with the forfeiture of the parcel or package of goods in which the same may be found :

Books, Drawings, Paintings and prints of an immoral or indecent character ;

Coin, base or counterfeit.

Prohibited.

#### SCHEDULE B.—FORMS.

*(Schedule B, of 12 V. c. 1, and New Forms substituted under s. 31, (sub. sect. 4) of this Act, under which these Forms of Declaration, &c., or any of them may be amended as therein mentioned, and the amended Form or Forms will then be substituted for the corresponding Form or Forms in this Schedule.)*

#### DECLARATION OF THE OWNER, CONSIGNEE OR IMPORTER, WITH THE BILL OF ENTRY.

I, the undersigned, \_\_\_\_\_, hereby solemnly declare that the within Bill of Entry contains a true account of the goods, wares and merchandize imported in the whereof \_\_\_\_\_ is Master, (or by the \_\_\_\_\_ Railway,) from \_\_\_\_\_, and that the prices of the goods, as mentioned in the Invoice herewith produced, exhibit the actual cost or fair market

market value of the said goods at the time of exportation, and that no discounts for cash are made in the said invoice prices.

Signed at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_,  
in presence of \* \_\_\_\_\_

\* To be signed either in the presence of the Attorney making the entry, or a Justice of the Peace or a Consul.

OATH OR AFFIRMATION OF AN AGENT, CONSIGNEE OR IMPORTER.

Province of Canada,

Port of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly and truly swear (or affirm) that the Invoice now presented by me to the Collector of Customs for the Port of \_\_\_\_\_ is the true and only Invoice by me received of all the goods, wares, and merchandize imported in the \_\_\_\_\_, whereof \_\_\_\_\_ is Master, from \_\_\_\_\_, for account of any person whomsoever for whom I am authorized to enter the same; that nothing has been on my part, nor to my knowledge, on the part of any other person, concealed or suppressed, whereby *Her Majesty the Queen* may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandize; and I do further solemnly and truly swear (or affirm) that, to the best of my knowledge and belief, \_\_\_\_\_ is (or are) the owner (or owners) of the goods, wares, and merchandize mentioned in the said Bill of Entry hereunto annexed, as therein respectively stated; that the Invoice now produced by me exhibits the actual cost or fair market value, at the time when the same were thence exported to this Province, in the markets in \_\_\_\_\_ of the said goods, wares and merchandize: So help me God.

Sworn (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_

Collector,

(or as the case may be.)

OATH OR AFFIRMATION OF AN OWNER WHOSE GOODS HAVE BEEN PURCHASED.

Province of Canada,

Port of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly and truly swear (or affirm) that the Bill of Entry now delivered by me to the Collector of Customs for the Port of \_\_\_\_\_ contains a just and true Account of all the goods, wares and merchandize imported by, or consigned

consigned to \_\_\_\_\_ in the \_\_\_\_\_, whereof  
 is Master, from \_\_\_\_\_, that the Invoice, which  
 I now produce, contain a just and faithful account of the actual  
 cost of the said goods, wares and merchandize; and I do further  
 solemnly and truly swear (or affirm) that I have not, in the said  
 Bill of Entry or Invoice, concealed or suppressed any thing  
 whereby Her Majesty the Queen may be defrauded of any part  
 of the duty lawfully due on the said goods, wares and mer-  
 chandize: So help me God.

Sworn (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

Collector,

(or as the case may be.)

OATH OR AFFIRMATION OF AN OWNER WHEN THE GOODS HAVE  
 NOT BEEN ACTUALLY PURCHASED.

Province of Canada,

Port of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly and truly swear (or affirm) that  
 the Bill of Entry now delivered by me to the Collector of Cus-  
 toms for the Port of \_\_\_\_\_, contains a just and true Ac-  
 count of all the goods, wares, and merchandize imported by, or  
 consigned to \_\_\_\_\_ in the \_\_\_\_\_ whereof  
 is Master, from \_\_\_\_\_; that the said goods  
 wares, and merchandize, were not actually bought by \_\_\_\_\_ or by  
 \_\_\_\_\_ Agent, in the ordinary mode of bargain and sale; but that,  
 nevertheless, the Invoice which I now produce contain a just  
 and a faithful valuation of the same, at their fair market value,  
 in the principal markets in \_\_\_\_\_ at the time they were  
 so exported. And I do further solemnly and truly swear (or  
 affirm) that I have not in the said Bill of Entry or Invoice con-  
 cealed or suppressed any thing whereby Her Majesty the Queen  
 may be defrauded of any part of the duty lawfully due on the  
 said goods, wares and merchandize: So help me God.

Sworn (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

Collector,

(or as the case may be.)

OATH OR AFFIRMATION OF AN OWNER, CONSIGNEE, IMPORTER OR  
 AGENT, ON ENTERING MERCHANDIZE, WITHOUT INVOICE.

I, \_\_\_\_\_, do solemnly and truly swear (or affirm) that  
 the Bill of Entry now delivered by me to the Collector of Cus-  
 toms for the Port of \_\_\_\_\_, contains a just and true Account  
 of all the goods, wares and merchandize imported for me or on  
 my \_\_\_\_\_

my account, or on account of any person for whom I am authorized to enter the same, in the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, from \_\_\_\_\_; that the Bill of Lading now produced by me is the true, genuine, and only Bill of Lading by me received of the said goods, wares and merchandize; and that I have not received, and do not know of any Invoice, or other account whatever having been received of the said goods, wares and merchandize; I do further swear (or affirm) that if I hereafter discover any other or greater quantity of goods, wares and merchandize, than is contained in the entry aforesaid, or shall receive any Invoice of the whole or any part thereof, I will immediately report the same to the Collector of this Port; I also swear (or affirm) that nothing has been concealed or suppressed in the entry aforesaid whereby to avoid the just payment of the duties imposed by the laws of this Province of Canada; and that all matters are justly and truly expressed therein according to the best of my knowledge and belief: So help me God.

Sworn (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

\_\_\_\_\_  
Collector,  
(or as the case may be.)

OATH OF AN OWNER RESIDING OUT OF THIS PROVINCE, WHEN THERE IS NO OWNER IN THE PROVINCE WHO CAN ATTEST THE INVOICE, OR WHEN THE OWNER IS THE MANUFACTURER OR CONCERNED IN THE MANUFACTURE OF THE GOODS.

I, (name) do solemnly and truly swear (or affirm) that the Invoice hereunto annexed and signed by me is the true and only Invoice of the goods, wares and merchandize therein mentioned shipped, (or intended to be shipped) by me (or by, name of firm) in the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, (vary these words as the case may require,) and consigned to \_\_\_\_\_ at \_\_\_\_\_, in the Province of Canada; that I have not sent and will not send, nor do I know or believe in the existence of any other Invoice of the said goods, wares and merchandize; that the said Invoice contains a just and faithful valuation of the said goods, wares and merchandize at their fair market cash value, in the principal markets in (insert the name of the country whence the goods, were exported directly to this Province, or use such other words as will meet the facts) at the time when they were so exported, (or when the same were so shipped, or at this time,) and that the same were not actually purchased by me (or us) or on my (or our) account,—or (that the said Invoice contains a just and faithful account of the actual cost of the said goods, wares and merchandize and of their fair market value in the principal markets in (insert the name

*name of the country whence the goods were directly exported to this Province, or use such other words as will meet the facts) at the time when the same were purchased for my (or our) account; and that nothing has been concealed or suppressed in the said Invoice, or otherwise, whereby Her Majesty the Queen may be defrauded of any part of the duty lawfully to become due in Canada on the said goods, wares and merchandize. So help me God.*

(Signature.)

Sworn (or affirmed) before me, this      day of      185 .

(Signature.)

Collector.

or

British Consul at

(or as the case may be.)

The wording of any of these Oaths or Affirmations may be changed to suit the circumstances of the case, and the Oath or Affirmation will be sufficient, provided the requisite facts are distinctly stated and sworn to or affirmed. 12 V. c. 1, and 16 V. c. 85, s. 3.

All the foregoing forms in this Schedule may be altered, or new forms substituted under Sect. 31.

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APPOINTMENT OF AN ATTORNEY OR AGENT.

Province of Canada.

Know all men by these presents, that I or we (A. B. and Co.) have appointed and do hereby appoint C. D. of (residence, profession, &c.) to be my (or our) true and lawful Attorney and Agent, for me (or us) and in my (or our) name to transact all business which I (or we) may have with the Collector at the Port of      ; or relating to the Department of the Customs at the said Port, and to execute, sign, seal and deliver for me (or us) and in my (or our) name all Bonds, Entries and other Instruments in writing relating to any such Business as aforesaid, hereby ratifying and confirming all that  
my



my (or our) said Attorney and Agent shall do in the behalf aforesaid.

In witness whereof, I (or we) have signed these presents, and sealed and delivered the same as my (or our) act and deed, at \_\_\_\_\_, in the said Province, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

A. B. & Co. [L. S.]

By \_\_\_\_\_  
one of the partners in the said firm.  
(or as the case may be.)

In presence of E. F.  
and G. H.

12 V. c. 1,—Schedule.

### C A P. X V I I I.

#### An Act respecting Reciprocity with the United States, as to Customs Duties.

**W**HEREAS it is expedient to provide for giving effect, as Preamble.  
regards this Province, to the Treaty between Her Majesty and the United States of America, signed on the Fifth day of June, one thousand eight hundred and fifty-four: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Articles enumerated in the Schedule annexed to this Act, being the growth and produce of the said United States, shall be admitted into this Province free of duty so long as the said Treaty remains in force;—But if the said United States do at any time, under the terms of the said Treaty, suspend the operation of the third Article thereof, so far as this Province is affected thereby, then the Governor of this Province may, if he sees fit, declare such suspension by Proclamation, after which the exemption from duty under this Section shall cease while such suspension continues,—but the Governor may again, whenever such suspension ceases, declare the same by Proclamation; from and after which such exemption shall again take effect. 18 V. c. 1, s. 1.

Articles enumerated, being the growth and produce of the U. S. to be admitted free, while a certain Treaty is in force.

Treaty may be suspended.

2. Whenever the Governor declares the said Treaty suspended, then, while such suspension continues, the several Articles mentioned in the Schedule, being the growth and produce of the said United States, shall be respectively subject to the duties imposed on like articles by any Act then in force, but if no duty be so imposed, then they shall be admitted free. 22 V. c. 76, s. 4—part.

If treaty is suspended, articles to be subject to duty.

Governor in Council may make orders for carrying out the treaty.

3. The Governor in Council may by any Order or Orders to be made for that purpose, do any thing necessary to be done on the part of this Province to give full effect to the said Treaty, and any such Order shall have the same effect as if the object thereof were expressly provided for by this Act. 18 V. c. 1, s. 2.

#### SCHEDULE.

Grain, Flour and Breadstuffs of all kinds,  
 Animals of all kinds,  
 Fresh, smoked and salted meats,  
 Cotton-wool, seeds and vegetables,  
 Undried fruits, dried fruits,  
 Fish of all kinds,  
 Products of fish and of all other creatures living in the water,  
 Poultry, eggs,  
 Hides, furs, skins or tails undressed,  
 Stone or marble in its crude or unwrought state,  
 Slate,  
 Butter, cheese, tallow,  
 Lard, horns, manures,  
 Ores of metals of all kinds,  
 Coal,  
 Pitch, tar, turpentine, ashes,  
 Timber and Lumber of all kinds, round, hewed, sawed, un-  
 manufactured in whole or in part,  
 Firewood,  
 Plants, shrubs and trees,  
 Pelts, wool,  
 Fish oil,  
 Rice, broom-corn and bark,  
 Gypsum, ground or unground,  
 Hewn or wrought or unwrought burr or grindstones,  
 Dye-stuffs,  
 Flax, hemp and tow unmanufactured,  
 Unmanufactured tobacco,  
 Rags. 18 V. c. 1.—*Schedule.*

#### CAP. XIX.

An Act respecting Duties of Excise, on Distillers and  
 Brewers, and Spirits and Beer made by them.

HER Majesty, by and with the advice and consent of the  
 Legislative Council and Assembly of Canada, enacts as  
 follows :

#### INTERPRETATION.

1. The word "Spirits," wherever it occurs in this Act,  
 means and includes all Spirits, Strong Waters and Spirituous  
 Liquors

Liquors of any kind; And the words "Beer, or other Malt Liquor," whenever they occur in this Act, mean and include, beer, ale, porter, lager beer or other malt liquor of any kind. 12 V. c. 14, s. 5, and 22 V. c. 76, s. 13.

LICENSES, BONDS.

2. No person other than a person licensed in the manner hereinafter provided, shall act as a Distiller in this Province, or shall distil, brew, manufacture, rectify, or make therein any spirits, from malt, grain, potatoes, mangel-wurzel, or other vegetable, or from molasses, sugar, or other saccharine matter, under a penalty of forty dollars, for each day on which any such offence is committed, and on pain also of forfeiting, over and above the penalty aforesaid, all spirits, distilled, brewed, manufactured or made, in contravention to this Act, and every still, mash-tub, fermenting-tun, or other vessel, machinery, or utensil of any kind used by him, or in his possession or on his premises; 9 V. c. 2, s. 2.

None but persons licensed under this Act to act as Distillers.

Penalty.

2. And for the avoidance of doubt, it is hereby declared that any establishment or place used for the rectifying of spirits by any process, is a distillery within the meaning of this Act, and must be licensed under the penalties herein provided. 22 V. c. 76, s. 11.

What constitutes a Distillery.

3. No person, other than a person licensed as hereinafter mentioned, shall brew or make any beer, or other malt liquor of any kind, or act as a brewer in this Province; under a penalty of forty dollars for each day on which such offence is committed, and on pain also of forfeiting every mash-tub, fermenting vessel, machine or utensil of any kind used by him as a brewer, or for making any such beer or malt liquor as aforesaid, or adapted for making the same and being in his possession or on his premises. 22 V. c. 76, s. 13--part.

None but licensed persons to act as Brewers.

Penalty. Forfeiture.

4. The Revenue Inspector for any Revenue Division shall issue a License to act as a Distiller, or as a Brewer, in some certain premises, situate at some certain place within such Revenue Division, and to be described in the License, to any person or partnership of persons requiring the same, and being a subject or subjects of Her Majesty resident or having his or their place of business in such Revenue Division, and having previously complied with the requirements of this Act in that behalf;--And each such License shall remain in force until the fifth day of January, inclusive, next after the date thereof, and no longer.

District Inspector to issue licenses.

Duration of License.

2. The party in whose favor a License to act as a Distiller, is granted, shall, on requiring such License, pay to the Revenue Inspector issuing the same, the sum of forty dollars, as a duty to Her Majesty upon such License; 9 V. c. 2, s. 3, and 22 V. c. 76, s. 13.

Duty thereon as a distiller.

As a brewer.

3. The party in whose favor a License to act as a Brewer is granted, shall, on requiring such License, pay to the Revenue Inspector issuing the same, the sum of ten dollars as a duty to Her Majesty on such License; 22 V. c. 76, s. 13—*part.*

No license granted but upon a written requisition.

4. No License to act as a Distiller, or as a Brewer, shall be granted to any party, except on a written requisition addressed to the Revenue Inspector, and signed by the party requiring such License, or if it be required by a partnership, then by one of the partners. 9 V. c. 2, s. 4, and 22 V. c. 76, s. 13.

Parties obtaining license to give bond to Her Majesty.

5. No such License shall be granted to any party, until such party has, jointly and severally with two good and sufficient sureties, to the satisfaction of the Revenue Inspector issuing the License, entered into a bond to Her Majesty, Her Heirs and Successors in a sum equal to double the amount at which the Revenue Inspector estimates the duties to be paid by the party to whom the License is granted, during three-fourths of the time it is to remain in force;—And such bond shall be taken before the said Revenue Inspector, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties, which the party to whom the License is to be granted will become liable to render or pay, under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever;—And the said bond shall be kept by the Revenue Inspector. 9 V. c. 2, s. 6, and 22 V. c. 76, s. 13.

How taken and conditions.

During what time the bond shall remain in force.

6. The bond aforesaid shall remain in force so long as any duties upon any spirits distilled, manufactured or made, or upon any beer or other malt liquor, brewed, manufactured or made, while the License to which the bond relates is in force, or any penalty incurred during the said time by any breach of the conditions of the bond, remain due and unpaid by the party to whom such License was granted:

New license, and new bond.

2. But whenever any new License is granted to any party, a new bond shall be likewise entered into with reference to such new License;

When a surety dies, &c., new bond to be given.

3. And a new bond shall also be given, whenever, during the period for which the License to which it relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of the Province; in any of which cases the License shall be void from the time the party is required by the Revenue Inspector to enter into a new bond until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a License. 9 V. c. 2, s. 7, and 22 V. c. 76, s. 13.

License void until bond given.

7. Every party licensed as a Distiller, or as a Brewer, shall have his name and calling as such inscribed in legible characters, and exposed on some conspicuous part of the front of the building or premises in which such calling is exercised, under a penalty of twenty dollars for each day on which he exercises such calling without complying with the requirements of this section. 9 V. c. 2, s. 8, and 22 V. c. 76, s. 13.

The name and calling of distillers and brewers to be inscribed in front of the building.

DUTIES, AND HOW ASCERTAINED, &c.

8. All such spirits, as aforesaid, lawfully distilled, manufactured or made within this Province, or which having been so distilled, manufactured or made and warehoused, are taken out of warehouse for consumption, shall be respectively subject to the duty to Her Majesty hereinafter mentioned, that is to say:—On every gallon, wine measure, of spirits of any kind, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, six cents.—And such duty shall be computed and charged upon the quantity of spirits to be ascertained after the first process of rectification, and shall be paid by the party distilling, manufacturing or making such spirits, to the Revenue Inspector, in the manner hereinafter mentioned:

Duty per gallon on all spirits made in the province.

2. But such duty shall not be again payable on any spirits which, having paid duty in this Province, or having been made therein before the eighteenth day of May, one thousand eight hundred and forty-nine, are re-distilled by a licensed Distiller, for the purpose of rectification or otherwise. 9 V. c. 2, s. 5, —12 V. c. 14, s. 2,—19, 20 V. c. 42, s. 1, and 22 V. c. 76, s. 10.

As to re-distillation.

9. There shall also be paid to Her Majesty a duty of one cent for each gallon, wine measure, of beer or other malt liquor, brewed or made in this Province, and such duty shall be payable by the brewer or maker thereof. 22 V. c. 76, s. 13—part.

On all malt liquor made in the Province.

10. The duties hereby imposed shall be duties within the meaning of the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants, and all sums of money paid or recovered either for such duties or for any penalty or forfeiture under this Act, and belonging to Her Majesty, shall be paid to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province. 9 V. c. 2, s. 24.

Duties hereby imposed to be within the meaning of cap. 16.

11. Every person, or party licensed as a Distiller, or as a Brewer, shall keep a book or books in a form to be furnished from time to time by the Revenue Inspector, and to be open at all seasonable hours to his inspection, wherein such Distiller

How accounted for.

Certain books to be kept by the Distillers, and open to the district Inspector.

or

or Brewer shall enter, from day to day,—the quantities of grain or other vegetable production, or other substance, put by him into the mash-tub, or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits or otherwise disposed of,—and also the quantity of spirits, beer or other malt liquor, by him distilled, manufactured or made, shewing the quantity produced at each separate time, if there have been any distinct set or sets of operations by reason of which duties have become payable;—And for any wilful false entry, or any wilful neglect to make any entry hereby required, the Distiller or Brewer shall incur a penalty of two hundred dollars, and the Revenue Inspector may at all times demand to be shown all the stock of such grain, vegetable production, or other substance aforesaid, then on the premises mentioned in the License. 9 V. c. 2, s. 9, and 22 V. c. 76, s. 13.

Penalty.

Distiller or Brewer to render to Revenue Inspector a just account in writing, extracted from his books.

12. Every party licensed to act as a Distiller or as a Brewer, and acting as such, shall, within ten days after the first day, and within ten days after the fifteenth day of each of the months in each year, render to the Revenue Inspector a just and true account, in writing, extracted from the books to be kept for such purpose as aforesaid, and signed by such party or his agent or chief clerk showing:

Total quantity gallons spirits, dutable.

1. The total quantity, in gallons, of each kind of spirits, (with the strength thereof,) on which a duty is payable, by him distilled, manufactured or made;

Total quantity gallons beer, &c.

2. Or the total quantity in gallons of each kind of beer or other malt liquor, by him brewed, manufactured or made, during the period for which no account has been previously entered;

Quantity at each separate time.

3. The quantity produced at each separate time, if there have been any distinct set or sets of operations by reason of each of which duty became payable;

Quantities of each kind of grain, &c., used.

4. The quantities of each kind of grain, or other vegetable production or substance used by such party in his business as a Distiller or Brewer;

Account to be attested.

5. And such account shall be attested by the person signing the same by an affidavit in the following form:

Affidavit attesting truth of the account.

“ I, \_\_\_\_\_, do solemnly swear, that the account above written, to which I have also subscribed my name, contains a true account of the total quantity of every kind of spirits or strong waters or spirituous liquors, distilled, manufactured or made (or of every kind of beer, ale, porter, lager beer or other malt liquor, brewed, manufactured or made) by me (or by \_\_\_\_\_)

“as the case may be,) within the time mentioned in the same account, and on which duty is payable, and of the quantities of each kind respectively, (if the affidavit relate to spirits, say and the strength thereof,) and also of the quantities produced at each separate time therein mentioned by a distinct set of operations, and also of the quantities of all grain or other vegetable production or substance, consumed by me, (or by the said ) during the said time: So help me God.”

6. Such affidavit shall be made before some Justice of the Peace, and shall be delivered with such account to the Revenue Inspector, who may put to the person making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct, and may require his answers to be sworn to before some Justice of the Peace, and may reject the account if such account or the answers so given are insufficient, according to the true intent and meaning of this Act; 9 V. c. 2. s. 10, and 22 V. c. 76, s. 13.

Inspector may ask questions upon the account, and require the answers to be sworn to.

7. And any wilfully false statement in any affidavit required by this Act, shall be deemed wilful and corrupt perjury, and punishable accordingly. 9 V. c. 2, s. 11, and 22 V. c. 76, s. 13.

False statement to be wilful and corrupt perjury.

13. Every licensed Distiller or Brewer shall, at the time of rendering such account as aforesaid to the Revenue Inspector, pay over to that Officer the amount of duties which by such account appear to be payable;—And if any licensed Distiller or Brewer refuses or neglects to render such account or to pay over such duties as aforesaid, according to the true intent and meaning of this Act, he shall, by such refusal or neglect in either case, incur a penalty of eighty dollars;—And the Revenue Inspector may also, at his discretion, cause a notice to be inserted in the *Canada Gazette*, declaring the party so refusing or neglecting to have forfeited his License as a Distiller or Brewer, and such License shall be forfeited accordingly, and shall be null and void from and after the date of such notice, nor shall any new License be granted to the defaulter until after the debt and penalty aforesaid have been paid and satisfied. 9 V. c. 2, s. 13, and 22 V. c. 76, s. 13.

Duties to be paid when the said account is rendered.

Penalty.

License forfeited.

14. Any oath directed by this Act to be taken before a Justice of the Peace, may hereafter be taken before a Revenue Inspector, with the same legal effect and under the same penalties for any wilfully false statement therein. 22 V. c. 76, s. 12.

Oath may be taken before a Revenue Inspector.

#### WAREHOUSING SPIRITS, &C.

15. Any Spirits or any Beer, or other malt liquor, subject to duty under this Act, may be deposited in any duly established Customs Warehouse in like manner, and under like regulations

Spirits made in Canada may be warehoused on certain conditions.

regulations so far as they may be found applicable, as articles imported into the Province, upon the payment of five per centum on the duty to which the same would be subject if not so warehoused, which percentage shall always be paid to the Revenue Inspector before such warehousing shall be allowed; and in like manner such Spirits may be exported without further payment of duty, or may be taken out of Warehouse for consumption, on payment of the duty thereon, less the five per centum aforesaid. 12 V. c. 14, s. 3, and 22 V. c. 76, s. 13.

Governor in Council may make regulations for the warehousing of spirits.

**16.** The Governor in Council may make such Regulations as to him seem necessary for adapting any regulation then in force relative to the warehousing of goods liable to Duties of Customs, to the warehousing of Spirits, Beer or other malt liquor, under this Act, or may make such other regulations touching the warehousing of such Spirits, Beer or other malt liquor, as to him seem meet; and all the provisions of the *Act respecting Duties of Customs and the Collection thereof*, with respect to Regulations made under it, shall apply to Regulations made under this Act. 12 V. c. 14, s. 4, and 22 V. c. 76, s. 13.

Cap 17, to apply.

#### POWERS OF INSPECTORS, &C.

District Inspector to be known as Revenue Inspector.

**17.** The Officer referred to in the Act passed in the ninth year of Her Majesty's Reign, chapter two, as "District Inspector," shall be known and designated as the "Revenue Inspector" of the District, County or other place in which he shall be appointed or directed to act;—but his powers and duties shall not be in any way affected by this provision, nor shall it affect any suit, proceeding, document, or matter whatever in which he may have been designated as District Inspector.

Revenue Division.

2. And every District, County or place for which a Revenue Inspector is appointed or directed to act, shall be known as a Revenue Division. 22 V. c. 76, s. 13—*part.*

District Inspector to have free access to premises of Distillers, and to books and accounts.

**18.** Every licensed Distiller or Brewer shall, on being thereunto required by the Revenue Inspector, produce to that Officer at any reasonable time and hour, and shall allow him to take copies and extracts from such books and accounts as are requisite to enable him to verify any account rendered as aforesaid,—and shall, at all times and hours, allow the Inspector, or any person employed by him, free access to the buildings and premises in which such Distiller or Brewer exercises his calling as such, and more especially at all times when he is performing any operation therein by reason of which duty may become payable;—under a penalty of eighty dollars, for each neglect or refusal to comply with the requirements of this section;

Penalty.

Exception.

2. Except that no Revenue Inspector shall require any such book or account to be produced to him elsewhere than at the place where such Distiller or Brewer carries on his business

as



as such, or shall require admittance between the hours of sun-set and sun-rise, except when the Distiller or Brewer is at work, or the Inspector is accompanied by a Peace Officer. 9 V. c. 2, s. 12, and 22 V. c. 76, s. 13.

19. No Distiller or Brewer shall work his Distillery or Brewery at any time unless he has given at least ten days previous notice in writing to the Revenue Inspector, of his intention to work the same at such time,—and such notice shall not extend to a longer period than thirty days from the delivery thereof to the Revenue Inspector. Distiller to give notice of the time at which he intends to work.

2. Any use made of any still, mash-tub or fermenting-tun, for the purpose of distillation, mashing, or fermentation, shall be deemed to be a working of the distillery and an acting as a Distiller or Brewer within the meaning of this Act. What shall be deemed a working of the Distillery.

3. And if any Distiller or Brewer works his Distillery or Brewery at any time for which he has not given notice of his intention to work the same, he shall, for each day on which he so works such Distillery or Brewery, incur the same penalty and forfeiture as if he had worked the same without a License. 9 V. c. 2, s. 15, and 22 V. c. 76, s. 13. Penalty for working without notice.

20. Every licensed Distiller or Brewer shall at all times furnish the Revenue Inspector or his Assistant with lights, ladders, measures, and other things requisite to enable him properly to examine, inspect, measure, or gauge any still, auxiliary vessel, mash-tub, fermenting-tun, or other vessel, or any grain, vegetable, or other substance or matter as aforesaid; on the premises of such Distiller or Brewer, or any part of such premises,—under a penalty of eighty dollars, for any refusal or neglect to comply with the requirements of this section. 9 V. c. 2, s. 17, and 22 V. c. 76, s. 13. Distiller or Brewer to furnish means for the proper examination of his premises. Penalty for refusal or neglect.

21. The Revenue Inspector, and any person or persons acting under him or by his directions, may, at any hour of the day or night, enter any premises referred to in any License granted under this Act, and may make all necessary inquiries and searches therein, for the purpose of ensuring the execution of this Act according to its true intent and meaning, subject to the restrictions hereinbefore mentioned. 9 V. c. 2, s. 18, and 22 V. c. 76, s. 13. Inspectors to have access to the premises of the Distiller at any hour.

22. The Revenue Inspector, or any person or persons acting under him or by his directions, having first obtained a Search Warrant for that purpose from some Justice of the Peace, who may grant the same on affidavit made before him, and to his satisfaction, and stating reasonable grounds for the issuing thereof, may, at any hour between sun-rise and sun-set, enter into and search any house, building or place, mentioned in such Search Warrant as being one in which affidavit has been made. Inspector, by search warrant, may enter and search any house between sun-rise and sun-set.

made of reasonable cause to suppose that an unlicensed still, auxiliary vessel, mash-tub, fermenting-tun, or other vessel, is illegally in use, or the provisions of this Act otherwise contravened. 9 V. c. 2, s. 19, and 22 V. c. 76, s. 13.

## RECOVERY OF DUTIES AND PENALTIES.

Duties recoverable although accounts be not rendered.

**23.** Any duties payable under this Act, shall be recoverable at any time after the same ought to have been accounted for and paid, whether an account of the quantity of spirits, as aforesaid, on which they are payable, has or has not been rendered as aforesaid; but in the case last mentioned, the party by whom such duties are payable, shall incur a penalty equal to three times the amount of such duties, for his neglect to render the accounts relative to the same as hereinbefore required, in addition to any other penalty incurred by him by such neglect; and all such duties shall be recoverable with full costs of suit in favour of Her Majesty. 9 V. c. 2, s. 14.

Penalty.

Penalty not to discharge party from paying duties.

**24.** The payment of any penalty imposed by this Act, shall not discharge the party paying the same, or his sureties, from the obligation to pay all duties due by such party; and the same shall be paid and may be recovered as if such penalty had not been paid or incurred; and all such duties shall be recoverable, with full costs of suit, as a debt due to Her Majesty, in any Court of competent civil jurisdiction.

Costs of suit.

Certain property made specially liable.

2. And (without any prejudice to the liability of any other property of the debtor or his sureties,) the stock in trade, stills, mash-tubs, fermenting-tuns, and other machinery and utensils, whether so fixed as to form part of the real or immoveable property or not, which are on the premises mentioned in the License at the time any such duties become due, shall be liable for such duties and for any penalty incurred by the Distiller or Brewer on whose premises they are, by special privilege and lien in favour of the Crown, and may be seized and sold in satisfaction of the same under any Warrant of Distress or Writ of Execution, and removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose hands or possession soever the same have passed or are found, and notwithstanding any claim to the same, or privilege or lien thereon in favour of any other person or party whomsoever; And if the same be forfeited under the provisions of this Act for any contravention thereof, they may be seized by the Revenue Inspector, or any person acting by his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender, and if condemned, they shall be removed or sold, or otherwise dealt with in such manner as the Governor in Council shall direct. 9 V. c. 2, s. 16, and 22 V. c. 76, s. 13.

If the same be forfeited.

**25.** The penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered before any two or more Justices of the Peace, having jurisdiction in the place where the offence was committed, on the oath of two credible witnesses;--And any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Justice or Justices; or the said Justices may, in their discretion, commit the offender to the Common Gaol, until the penalty, with the costs of the prosecution, shall be paid;--And one moiety of every such pecuniary penalty or forfeiture shall belong to Her Majesty, and shall be paid and applied in the manner hereinafter provided with regard to other pecuniary penalties, and the other moiety shall belong to the person suing for the same: 9 V. c. 2, s. 20, and 22 V. c. 76, s. 13.

Penalties, how recoverable.

And how levied or enforced if not paid.

**26.** Provided always that any pecuniary penalty or any forfeiture imposed by this Act, whatever be the amount thereof, may be sued for and recovered with costs, on the oath of any one competent witness in any Court having civil jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney General, or by any other person or officer thereunto authorized by the proper authority;--And one moiety of such penalty or forfeiture shall belong to the Revenue Inspector, or other person or officer suing for the same, and the other moiety shall belong to Her Majesty, and shall be paid over to the Revenue Inspector of the Revenue Division where the offence was committed, and shall be by him accounted for and paid over as other public moneys coming into his hands; But if any such penalty or forfeiture be sued for in the name of the Crown only, in such case (as also in the like cases in prosecutions under the next preceding section) the whole of such penalty or forfeiture shall belong to the Crown. 9 V. c. 2, s. 21, and 22 V. c. 76, s. 13.

All penalties and forfeitures may be recovered in civil Courts of competent jurisdiction.

Distribution of penalties.

Exception.

**27.** Any Revenue Inspector, Officer of the Customs, or other person employed in the collection of the Revenue, shall be a competent witness in any prosecution or suit under this Act, provided he be not himself the prosecutor or a party to such suit, although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit; but the credibility of his testimony shall be left to the Court, Jury, Justice or Justices before whom the prosecution or suit is brought. 9 V. c. 2, s. 22, and 22 V. c. 76, s. 13.

Who may be a competent witness in suits, &c., under this Act.

**28.** No person making any seizure under this Act shall be liable to damages if such seizure be declared not valid, provided the Court, Justice or Justices declaring it not valid, certify that there was probable cause for making it. 9 V. c. 2, s. 22, and 22 V. c. 76, s. 13.

Provision as to invalid seizures for which there was probable cause.

Penalty on persons refusing to give evidence.

29. Any person refusing or neglecting to appear before any Justice or Justices, or any Court, to give evidence, when summoned, concerning any alleged offence against the provisions of this Act, shall, for such refusal or neglect, incur a penalty of twenty dollars, to be recovered in the manner hereinbefore provided for the recovery of other penalties of like amount.— 9 V. c. 2, s. 23.

## C A P . X X .

### An Act respecting the Provincial Duty on Tavern Keepers.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Duty on licenses to hotels, &c., to be paid to Her Majesty.

1. There shall be paid to Her Majesty, on each License issued after the seventh day of August, one thousand eight hundred and fifty-eight, to sell spirituous liquors to be drunk upon the premises, in any hotel, tavern, house, vessel or place,—a duty of twelve dollars if such place be within the Municipal limits of any City,—a duty of ten dollars, if the same be within the Municipal limits of any incorporated Town,—and a duty of five dollars, if the same be not within the limits of any such City or Town, or the License be for a vessel:

Duty to be paid before issuing of the license.

2. Such duty shall be paid to the Revenue Inspector or Municipal Officer issuing or delivering the License, before it shall be issued or delivered, and shall be, over and above all other duties or sums, payable thereon;

License to be of no effect till duty is paid.

3. And no such License shall be of any effect unless such duty be paid, but the party holding it shall be held to be unlicensed, and be liable to all the penalties imposed by any Act or by any By-law on persons selling spirituous liquors without License. 22 V. c. 76, s. 14—*part.*

Duty to be paid over to the Receiver General.

2. The sums received for such duty by any Municipal Officer shall be by him accounted for and paid over, on demand, to the Receiver General, deducting four per cent. for his trouble in collecting the same, and if not so paid over, shall be a debt due to the Crown by such Municipal Officer, and may be recovered from him with costs, in any way in which debts due to the Crown may be recovered;—And such Municipal Officer shall, as regards such duty, be held to be an Officer employed in the Collection of the Revenue and liable accordingly, and evidence of his having issued or delivered any such license shall be held to be evidence of his having received the duty hereby imposed thereon. 22 V. c. 76, s. 14—*part.*

If not paid over, may be recovered with costs.

3. The Chamberlain, Treasurer, Clerk or other Officer of any Municipality, having the requisite official documents or information in his custody, shall at all times, on demand, furnish to the Revenue Inspector for the District, County or Revenue Division in which such Municipality lies, lists of all such Licenses as aforesaid issued after the said seventh day of August, one thousand eight hundred and fifty-eight, in or by authority of such Municipality, and of the persons to whom, and the houses, vessels or places for which they were respectively granted, under a penalty of two hundred dollars for any refusal to furnish such lists. 22 V. c. 76, s. 14—part.

Chamberlain, &c., of municipality to furnish lists of licenses, &c.

Penalty for refusal.

4. The sums received for duties under this Act shall form part of the Consolidated Revenue Fund of this Province, and shall be duties within the meaning of the *Act respecting the collection and management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.* 22 V. c. 76, s. 14—part.

Duties to form part of the consolidated revenue fund, and to be duties under c. 16.

## C A P. X X I.

### An Act respecting the Duty on Bank-Notes.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Every Bank incorporated, chartered or recognized by the Legislature of this Province, and every Company, person or party lawfully acting as a Banker within this Province, shall, on the fifteenth day of May, and the fifteenth day of November, in each year, deliver to the Receiver General a statement shewing the total amount in nominal value, of the Bank-Notes issued by such Bank, Company, Person or Party, and in circulation at the end of each month for which no statement has been previously delivered;—And such statement shall be certified as correct by the signature of the Cashier or other proper officer of the Bank to which it relates, and also by the President, or person acting as the President of the same, or by the party or one of the parties acting as a Banker or as Bankers, or his or their Chief Clerk, or authorized agent; and the person or persons, so certifying any statement, shall make and sign a declaration in writing before a Justice of the Peace, that he or they have had the means of knowing that such statement is correct, and that it is so to the best of his or their knowledge and belief. 4, 5 V. c. 29, s. 1.

Certain statements to be made periodically to the Receiver General by banks and bankers.

How to be attested.

2. Any wilfully false allegation in any such statement shall be a misdemeanor, for which the person making the same shall be liable to the punishment to which persons guilty of wilful and corrupt perjury are by law liable, in the place in which such false statement is made. 4, 5 V. c. 29, s. 2.

Wilful false statement to be punishable as perjury.

Duty on bank notes in circulation.

3. At the time any such statement is so delivered to the Receiver General, there shall be paid to him by the Bank, Banker or Bankers making the same, a duty at the rate of one per cent per annum on the average amount by which the Bank-Notes therein mentioned as in circulation during the period for which such statement is made, have exceeded the average amount of the gold and silver coin and bullion, and debentures receivable in deposit for Registered Notes, under the laws regulating the business of Banking, which such Bank or Banker has had on hand during the same period. 4, 5 V. c. 29, s. 3, and 16 V. c. 162, s. 2.

Penalty for refusal or neglect to deliver statement.

4. For any refusal or neglect to deliver any statement required by the foregoing enactments, at the time herein appointed, the Bank or party so refusing or neglecting, shall forfeit to Her Majesty the sum of four thousand dollars, for the public uses of the Province; and such forfeiture, as well as any sum due to Her Majesty under the foregoing enactments, may be recovered with costs in any way in which debts due to the Crown can be recovered in that part of the Province in which such forfeiture has been incurred, or such sum has become due. 4, 5 V. c. 29, s. 4.

Preamble.

Any bank may, on consenting to restrict its issues to a certain amount, obtain a remission of part of the tax imposed by this Act.

5. And whereas it is expedient to encourage the present Chartered Banks to adopt, as far as circumstances will permit, the principles embodied in the *Act respecting Banks and freedom of Banking*; as regards the securing of the redemption of their Bank-Notes: Therefore, if any Bank chartered, incorporated or recognized by or under any Act of the Legislature of this Province, certifies to the Governor of this Province its willingness forthwith to restrict the amount of its Bank-Notes to be thereafter in circulation at any time, to an amount not exceeding the highest amount of its Bank-Notes returned as in circulation at any period included in the last statement delivered by such Bank to the Receiver General before the thirtieth day of August, 1851, and at the end of three years to restrict the amount of its Bank-Notes thereafter to be in circulation at any time, to an amount not exceeding the average amount thereof returned as being in circulation in the years 1849 and 1850, excepting in either case, any further amount represented by securities as hereinafter provided,—an Order in Council may thereupon be made and published in the *Canada Gazette*, restricting the circulation of the Bank-Notes of the said Bank accordingly, except as aforesaid, and such Order shall have effect from the date thereof, as if such restriction were made by an Act amending the Charter or Act incorporating such Bank; and from and after the date thereof, and for the three years next thereafter, such Bank shall be liable to one half only of the duty which would otherwise be payable by it under this Act, and after the expiration of the said three years, no duty shall be payable by such Bank under this Act;—And the Directors, or other managing body of

Order in Council to issue upon such consent—its effect.

of any such Bank, may authorize the President or other Officer of the said Bank, to give the certificate aforesaid in the name of the Bank, and under its Corporate Seal. 14, 15 V. c. 70, s. 1.

6. Notwithstanding any such Order in Council, the Bank to which the same applies, may, from time to time, issue and have in circulation an amount of Bank-Notes beyond that mentioned in such Order, but not exceeding the value for which the said Bank holds as its own property, gold or silver coin or bullion, or debentures of any kind issued by the Receiver General, (except such as are or may be issued under the Acts relative to the New Court Houses in Lower Canada, or those relative to the Building for the sitting of the Courts at Toronto,) the value of such debentures being reckoned at par, and it shall not be necessary that such debentures be deposited and registered notes obtained on them, as provided by the Laws now regulating Banking, but their nature, amount and value as aforesaid, and the amount of such gold and silver coin or bullion as aforesaid, and that of the Bank-Notes issued upon the same, shall be shewn in all official statements of the affairs of the Bank required under any Act or Law;—And the proceeds of the said gold and silver coin or bullion and debentures shall, in the event of the failure of the Bank, be applied exclusively to the redemption of its outstanding Bank-Notes; No duty shall be payable on any Bank-Notes lawfully issued under this section; but by any excess of issue not authorized by this Act, the same penalties shall be incurred, and the same legal consequences shall follow as would have been incurred by or would have followed an illegal excess of issue without this Act. 14, 15 V. c. 70, s. 2.

Notwithstanding such restriction, the bank may issue a further amount of bank notes equal to the amount of specie or debentures reserved to meet them.

7. Every Bank availing itself of the next preceding section, shall cause to be made up to the last day of each month in every year, not being a Sunday or Holiday, a statement of the liabilities and assets of such Bank, in the form, and containing the particulars shewn in the Schedule to this Act, which statement shall be verified by the declaration of some one of the Directors, or by the Cashier or some other like Officer of the Bank having a knowledge of the truth of the contents of such statement;—and such statement shall, within ten days after the day to which the same shall be made up, be published by the Bank in some newspaper published at the place where such Bank has its chief seat of business;—And for every default to publish such statement within the time hereby prescribed, such Bank shall forfeit to Her Majesty, for the public uses of the Province, the sum of one hundred dollars, for each day during which such default continues, and for any wilfully false entry in any such statement, the Bank shall forfeit to Her Majesty, for the uses aforesaid, the sum of eight hundred dollars; the sum so forfeited to be recovered with costs as a debt due to the Crown, in any Court having jurisdiction to the amount in civil cases. 14, 15 V. c. 70, s. 3.

Bank to give in statement.

Penalties.

Forfeitures and duties how applied and accounted for.

8. All forfeitures or sums recovered under this Act shall be paid to the Receiver General, and shall, with all other moneys paid to him under the authority of this Act, form part of the Consolidated Revenue Fund of this Province. 4, 5 V. c. 29, s. 5.

Expression "bank-notes," how to be understood.

9. The expression "Bank-Notes" in this Act, shall have the meaning assigned to it in the Act respecting Banks and freedom of Banking. 14, 15 V. c. 70, s. 4.

SCHEDULE.

Statement of the Liabilities and Assets of the Bank of the day of 18 .

on

LIABILITIES.

- Bank-Notes in circulation not bearing interest. . . \$
- Bills of Exchange in circulation not bearing interest
- Bills and Notes in circulation bearing interest. . . . .
- Balances due to other Banks. . . . .
- Cash deposits not bearing interest. . . . .
- Cash deposits bearing interest. . . . .
- Other liabilities, if any, stating their nature. . . . .

Total liabilities . . . . . \$

ASSETS.

- Coin and Bullion. . . . . \$
- Landed or other property of the Bank. . . . .
- Government Securities. . . . .
- Bank-Notes, or Promissory Notes and Bills of other Banks. . . . .
- Balances due from other Banks. . . . .
- Notes and Bills discounted or other debts due to the Bank, not included under the foregoing heads, and believed to be good. . . . .

Total Assets. . . . . \$



## TITLE 4.

## TRADE AND COMMERCE.

## CAP. XLI.

## An Act respecting the Registration of Inland Vessels.

**F**OR better securing the right of property in Colonial Vessels, navigating the Inland Waters of this Province, and not registered as British Vessels under any Act of the Imperial Parliament in that behalf, and in order to facilitate transfers of Vessels, and to prevent the fraudulent assignment of the property of such Vessels: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

## I.—CERTIFICATE OF OWNERSHIP AND REGISTRATION.

1. All persons claiming property in any Vessel, over fifteen tons, shall cause their ownership in the same to be registered in manner hereinafter provided for, and shall obtain a certificate of the registry of such ownership, from the person authorized to make such registry and to grant such certificate, as hereinafter directed; the form of which certificate shall be as follows:

Right of ownership in any vessel to be registered.

This is to certify that, in pursuance of the *Act respecting the Registration of Inland Vessels*, [here insert the names, occupations and residence of the subscribing owners], having made and subscribed the declaration required by the said Act; and having declared that he [or they], together with [names, occupations and residence of non-subscribing owners], is (or are) sole owner (or owners) in the proportions specified on the back hereof, of the vessel called the [vessel's name], of [place to which she belongs], which is of the burthen of [number of tons], and whereof [master's name] is master; and that the said vessel was [when and where built, referring to builder's certificate or certificate of last ownership, then delivered up to be cancelled], and [name and employment of surveying officer] having certified to me that the said vessel has [number] decks and [number] masts, that her length from the fore part of the main stem, to the after part of the stern post aloft, is [number of feet and inches], her breadth at the broadest part [stating whether that be above or below the main wales] is [number of feet and inches], her [height between decks if more than one deck, or depth in the hold if only one deck] is [number of feet and inches] [if a steamer propelled by steam with an engine-room, state the length and tonnage of the engine-room, in feet and inches of length and tons], that she is [how rigged], rigged with a standing [or running] bowsprit, is [description

Form of certificate of ownership.

of stern] sterned, carved [or clinker] built, has [whether any or no] head; and the subscribing owners have consented and agreed to the above description; and their ownership or property in the said vessel called the [name], has been duly registered at the Port of [name of the Port].

Certified under my hand at the Custom House, in the said Port of [name of the Port], this [date] day of [name of the month], in the year [words at length].

[Signed],

A. B., Collector.

Indorsement of shares, or proportion of ownership.

And on the back of such certificate of ownership there shall be an account of the shares held by each of the owners mentioned in such certificate, in the form following:

Names of the several owners within mentioned | Number of sixty-fourth shares held by each owner:

[Name,  
[Name,  
[Name,  
[Name,

Thirty-two],  
Sixteen],  
Eight],  
Eight].

[Signed],

A. B., Collector.

(8 V. c. 5, s. 2.)

Collector of Customs required to make registry and grant certificates of ownership.

2. The Collector of Her Majesty's Customs of any Port in this Province shall make such registry and grant such certificate of ownership; But no certificate of ownership shall be granted to any vessel not wholly built in this Province, and which does not wholly belong, and continue wholly to belong, to Her Majesty's subjects. 8 V. c. 5, s. 3.

Certificates of ownership to be granted to vessels to the ports at which they belong.

3. Every vessel shall be deemed to belong to some Port, at or near to which some or one of the owners, who make and subscribe the declaration required by this Act before register of ownership is made, reside; and no such certificate of ownership shall be granted by any Collector of Customs in any port or place other than the port or place to which such ship or vessel properly belongs; and every certificate granted in any port or place to which any such ship or vessel does not properly belong, shall be null and void. *Ibid*, s. 4.

Books of registry of ownership to be kept by the Collector.

4. At every port where registry of ownership is made in pursuance of this Act, a book shall be kept by the Collector, in which all the particulars contained in the form of the certificate of ownership hereinbefore directed to be used, shall be duly entered; and every registry of such ownership shall be numbered in progression, beginning such progressive numeration at the commencement of every year; and such Collector shall forthwith transmit to the Minister of Finance, or such other officer

as the Governor may appoint for that purpose, a true and exact copy, together with the number of every certificate by him so granted. 8 V. c. 5, s. 5.

5. No certificate of ownership shall be granted until the following declaration is made and subscribed, before the Collector of Customs to whom application is made to grant a certificate of ownership, by the owner of such vessel, if such vessel is owned by one person only, or if there are two joint owners, then by both of such joint owners, if both are resident within twenty miles of the port or place where registry is required, or by one of such owners, if one or both be resident at a greater distance from such port or place; or if the number of such owners exceeds two, then by the greater part of the number of such owners, if the greater number of them be resident within twenty miles of such port or place (not in any case exceeding three of such owners, unless a greater number be desirous to join in making and subscribing the said declaration), or by one of such owners, if all or all except one, be resident at a greater distance:

Declaration to be made and subscribed before certificate of ownership is granted.

I, A. B., of [place of residence and occupation], solemnly declare, that the vessel [name], of [port or place], whereof [master's name] is at present master, being [kind of build, burthen, &c., as described in the certificate of the surveying officer], was [when and where built], and that I, the said A. B. [and the other owners' names and occupations, if any, and where they respectively reside, as town, place, or parish or county], am (or are) so owner (or owners) of the said vessel, and that no other person whatever hath any right, title, interest, share, or property therein or thereto; and that I, the said A. B., [and the said other owners, if any,] am (or are) truly and bona fide a subject (or subjects) of the British Crown, and that I, the said A. B., have not, nor hath any of the owners, to the best of my knowledge and belief, taken the oath of allegiance to any foreign state whatever; (or, he (or they) hath (or have) become a denizen or denizens (or naturalized subject or subjects) (as the case may be) of the British dominions (or Crown) by Her Majesty's letters patent (or by any Act of Parliament), [naming the times when such letters of denization have been granted respectively, or the year or years in which such Act or Acts for naturalization have passed respectively]; and that no foreigner, directly or indirectly, hath any share or interest in the said ship or vessel. *Ibid*, s. 6.

Form of declaration to be made and subscribed by owner of a ship or vessel before receiving a certificate of ownership.

6. Whenever it becomes necessary to register any vessel belonging to a corporation, joint stock company, or a limited partnership, the following declaration, in lieu of the declaration in the next preceding section mentioned, shall be taken and subscribed by the Secretary or any Director or Manager of such corporate body, or by any general partner of such limited partnership:

Form of declaration to be used when the owner is a corporation, &c.

The form.

I, A. B., Secretary (or as the case may be) of (name of corporation or limited partnership), do hereby declare, that the vessel (name), of (port), whereof (master's name) is at present master, being (kind of build, burthen, &c., as described in the certificate of the surveying officer), was (when and where built), and that the same doth wholly and truly belong to (name of company, corporation, or limited partnership, describing in the case of a limited partnership, the time when and the county in which the certificate of partnership was made and registered).  
13, 14 V. c. 24.

## 2.—EXAMINATION AND MEASUREMENT OF THE VESSEL.

Vessels to be surveyed previous to certificate of ownership being granted.

7. And, in order to enable the proper Collector of Customs to grant a certificate of ownership, truly and accurately describing every vessel to which a certificate is so granted, and also to enable all other Officers of the Customs, on due examination, to discover whether any such vessel is the same with that for which a certificate of ownership is alleged to have been granted:— Before the granting of any certificate of ownership, some one or more person or persons appointed by the Governor, taking to his or their assistance, if he or they judge it necessary, one or more person or persons skilled in the building and admeasurement of vessels, shall go on board of every vessel to which such certificate of ownership is to be granted, and shall strictly and accurately examine and admeasure such vessel, as to all and every particular contained in the form of the certificate of ownership hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or, in his or their absence, by the said master,—and shall deliver a true account, in writing, of all such particulars of the build, description, and admeasurement of such vessel, as are specified in the form of the certificate of ownership above recited, to the Collector who may grant such certificate of ownership;— And the said master or other person attending on the part of the owner or owners, shall sign his name also to the certificate of such survey, in testimony of the truth thereof, if such master or other person agrees to the several particulars set forth therein. S V. c. 5, s. 7.

Rule of admeasurement.

8. For the purpose of ascertaining the tonnage of ships or vessels, the rule for admeasurement shall be the same as that contained on the 17th day of March, 1845, in the Acts of the Imperial Parliament, that is to say:

1. The tonnage of every vessel shall be measured and ascertained while her hold is clear, and according to the following rules, that is to say: Divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. *Depths*:—at the foremost, the middle and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck

deck to the ceiling at the limber strake : in the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. *Breadths* :—divide each of those three depths into five equal parts, and measure the inside breadths at the following points,—*videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. *Length* :—at half the midship depth, measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost; Then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths: add together the upper and lower breadths at the foremost division, three-times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division for the sum of the breadths, then multiply the sum of the depths by the sum of the breadths and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register; If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head: multiply these three measurements together, and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found.—In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake; And for the purpose of ascertaining the tonnage of vessels which there shall be occasion to measure while their cargoes are on board, the following rule shall be observed, that is to say: Measure first the length on the upper deck between the after part of the stem and the forepart of the sternpost; secondly, the inside breadth on the under side of the upper deck, at the middle point of the length; and thirdly, the depth from the under side of the upper deck down the pumpwell to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ship or vessel:—If the vessel have a poop or half deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head, multiply these three measurements together, and dividing the product by ninety-two and four-tenths, the quotient will be the number of tons to be added to the result above found:

2. Provided always, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel; and the tonnage due to the cubical contents of the engine room shall be determined

Proviso: as to  
steam vessels.

in

in the following manner, that is to say: Measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room; Provided also, that the tonnage due to the cubical contents of the engine room, and also the length of the engine room shall be set forth in the certificate of ownership as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room, or of such length of the engine room after the granting of such certificate, shall be deemed to be an alteration requiring a certificate *de novo* within the meaning of this Act;

3. And provided also, that the true tonnage of every vessel to be ascertained under this Act, shall be deeply carved or cut in figures of at least three inches in length on the mainbeam of every such vessel, prior to the issue of the certificate of ownership. S. V. c. 5, s. 8.

3.—CHANGE OF MASTER.—NAME OF VESSEL NOT TO BE CHANGED.

When Master is changed, his name to be indorsed on certificate of ownership.

9. When and so often as the master of any vessel, to which a certificate of ownership has been granted, is changed, the master shall deliver the certificate of ownership of such vessel to the person authorized to grant such certificate at the port where such change is to take place, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such vessel received its certificate of ownership, who shall likewise make a memorandum of the same in the book of registry of ownerships, hereby required to be kept. *Ibid.*, s. 9.

Name of vessel for which certificate of ownership has been granted, never after to be changed, and to be painted on the stern.

10. The owner of any vessel shall not give any name to such vessel other than that by which she was called when first granted a certificate of ownership; And the owner of every vessel to which a certificate of ownership has been granted, shall, before such vessel, after having received certificate of ownership, begins to take in any cargo, cause to be painted in white or yellow letters not less than four inches in length upon a black ground, on some conspicuous part of the stern, the name by which such vessel has been granted certificate of ownership, and the port to which she belongs, in a distinct and legible manner, and shall keep the same so painted; And if the owner or master of such vessel permits her to take in any cargo before her name has been so painted as aforesaid, or wilfully alters,

Penalty for contravention.

alters, erases, obliterates, or in any wise conceals such name, or causes, or permits the same to be done, or, in any paper or document, describes such vessel by any name other than that by which she was first named in her certificate of ownership, or verbally describes, or causes, or permits, such vessel to be described by any other name, to any officer of the revenue in the execution of his duty, then, and in every such case, such owner or master of such vessel shall incur a penalty of eighty dollars. S V. c. 5, s. 10.

#### 4.—BUILDER'S CERTIFICATE, &c.

11. Every person who applies for a certificate of ownership for any vessel, shall produce to the person authorized to grant the same a true and full account, under the hand of the builder of such vessel, of the proper denomination, and of the time when, and the place where such vessel was built, and also an exact account of the tonnage of such vessel, with the name of the first purchaser thereof, (which account such builder is hereby required to give under his hand, on the same being demanded by the person so applying for a certificate of ownership,) and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate, that the vessel for which such certificate is required, is the same with that so described by the builder; Provided always, that if by reason of the death or absence of the builder of any vessel, or other cause, it is not possible for the owner thereof to procure a builder's certificate, it shall be competent for the Governor, on application to him, and on being satisfied of its justice, to cause the Collector at any port to grant a certificate of ownership, notwithstanding the builder's certificate be not produced to him. *Ibid*, s. 11.

Builder's certificate of particulars of ship or vessel.

Declaration to be made therein.

Proviso.

12. If any vessel, after receiving certificate of ownership, is in any manner altered so as not to correspond with all the particulars contained in such certificate, the owner of such vessel shall return the said certificate to the Collector of the port where it was granted, and the Collector shall grant a certificate of ownership *de novo*, and for any neglect in contravention of this section, the owner of such vessel shall incur a penalty of eighty dollars. *Ibid*, s. 12.

When vessels are altered to a certain extent, certificates of ownership to be granted *de novo*.

#### 5.—SHARES AND TRANSFER OF SHARES.

13. When and so often as the property in any vessel or any part thereof, belonging to any of Her Majesty's subjects is, after being granted certificate of ownership, sold to any other of Her Majesty's subjects, the same shall be transferred by bill of sale or other instrument in writing, containing a recital of the certificate of ownership of such vessel, or the principal contents thereof, otherwise such transfer shall not be valid for any purpose either in law or equity; But no bill of sale shall

Property in vessels to be transferred by bill of sale.

Bill of sale not void by unim-

be

portant error in recital.

be void by reason of any error in such recital, or by the recital of any former certificate of ownership instead of the existing certificate, if the identity of the vessel intended be effectually proved thereby. 8 V. c. 5, s. 13.

Property in vessels to be divided in 64 parts or shares.

**14.** The property in every vessel belonging to more than one owner, shall be considered to be divided into sixty-four equal shares, and the proportion held by each owner shall be described in the certificate of ownership as being a certain number of sixty-fourth shares; and no person shall be entitled to be registered as an owner of any vessel, in respect of any shares in such vessel which shall not be an integral sixty-fourth share of the same; and upon the first application for a certificate of ownership of any vessel, the owner or owners who shall take and subscribe the declaration required before a certificate of ownership is granted, shall also declare the number of such shares then held by each owner, and the same shall be registered accordingly:

Declaration upon first registry to state the number of such shares held by each owner.

Proviso.

2. But if at any time the property of any owner of any vessel cannot be reduced by division into any number of integral sixty-fourth shares, the right of such owner to any such fractional parts shall not be affected by reason of their not having been registered:

Proviso.

3. And any number of owners named and described in the certificate of ownership, being partners in any house or co-partnership carrying on trade in any part of Her Majesty's Dominions, may hold any vessel or any shares in any vessel, in the name of such house or co-partnership as joint owners thereof, without distinguishing the proportionate interest of each of such owners; and such vessel or every share thereof so held in co-partnership, shall be deemed to be partnership property, to all intents, and shall be governed by the same rules, both in law and equity, as other partnership property in any other chattels. *Ibid.* s. 14.

Not more than 32 persons to be owner of any ship or vessel at one time.

Proviso.

**15.** No greater number than thirty-two persons shall be legal owners at the same time of any vessel, as tenants in common, or be registered as such; But nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors or others, exceeding the said number, duly represented by or holding from any of the persons within the said number, registered as legal owners of shares in such ship or vessel. *Ibid.* s. 15.

Bill of sale not to be effectual until produced to the Collector.

**16.** No bill of sale shall pass the property in any vessel, or in any share thereof, after a certificate of ownership has been granted to such vessel, or have any other effect, until it has been produced to the Collector of the port at which such vessel received a certificate of ownership, or to the Collector of the port at which she is about to receive certificate of ownership *de novo*,

nor



nor until such Collector has entered in the book of registry of ownership, in the one case, or in the book of registry of ownership *de novo*, after all the requisites of law for such Register *de novo* shall have been duly complied with, in the other case, (and which such Collector is hereby required to do upon the production of the bill of sale for that purpose,) the name, residence and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale, and of the production of it; and further, if such ship or vessel is not about to receive a certificate of ownership *de novo*, the Collector of the port where such ship is registered shall indorse the said particulars of such bill of sale on the certificate of ownership of the vessel, when the same shall be produced to him for that purpose, in the manner or to the effect following:

And entered in the book of registry of ownership.

Custom House (*port and date; name, residence and description of vendor or mortgagor,*) has transferred by (*bill of sale or other instrument,*) dated (*date,*) number of shares to (*name, residence and description of purchaser or mortgagor.*)

Form of indorsement.

#### A. B. Collector.

And shall forthwith give notice thereof to the Minister of Finance or other officer to whom the copies of certificates are to be transmitted; and if the Collector is desired so to do, and the bill of sale is produced to him for that purpose, he shall certify by indorsement thereon that the particulars before mentioned have been so entered in the book of registry of certificates of ownership, and indorsed upon the certificate of ownership as aforesaid. 8 V. c. 5, s. 16.

Notice to Minister of Finance.

17. When the particulars of any bill of sale, by which any vessel or any share thereof is transferred, has been so entered in the book of registry of certificates of ownership, such bill of sale shall pass the property thereby intended to be transferred, as against every person, and to all intents, except as against subsequent purchasers and mortgagees who first procure the indorsement to be made upon the certificate of ownership of such vessel as hereinafter mentioned. *Ibid*, s. 17.

Entry of bill of sale to be valid.

Except in certain cases.

18. When the particulars of any bill of sale, by which any vessel, or any share thereof is transferred, has been so entered in the book of registry of certificates of ownership, the Collector shall not enter in the said book the particulars of any other bill of sale, purporting to be a transfer by the same vendor or mortgagor, of the same vessel or share thereof, to any other person, unless thirty days have elapsed from the day on which the particulars of the former bill of sale were entered in the said book of registry, or, if the vessel was absent from the port

When a bill of sale has been entered for any share, 30 days shall be allowed for indorsing the certificate of ownership, before any other bill of sale for the same shall be entered.

port to which she belonged, at the time when the particulars of such former bill of sale were entered in the said book, then, unless thirty days have elapsed from the day on which the vessel arrived at the port to which she belongs; And in case the particulars of two or more such bills of sale have been entered in the book of registry, with respect to the same vessel, the Collector shall not enter in the book of registry the particulars of any other bill of sale, unless thirty days have elapsed from the day on which the particulars of the last of such bills of sale were entered in the book of registry, or from the day on which the vessel arrived at the port to which she belongs, in case of her absence as aforesaid:

2. And in every case where there are at any time two or more transfers by the same owner of the same property in any vessel so entered in the book of registry, the Collector shall indorse upon the certificate of ownership of such vessel, the particulars of that bill of sale, under which the person claims property, who produces the said certificate for that purpose, within the thirty days next after the entry of his bill of sale in the book of registry, or within thirty days next after the return of the vessel to the port to which she belongs, in case of her absence at the time of such entry, and if no person produces the certificate of ownership within either of the said spaces of thirty days, then the Collector shall indorse upon such certificate the particulars of the bill of sale to the person who has first produced the certificate for that purpose; it being the intent of this Act, that the several purchasers and mortgagees of any vessel or of any share thereof, when more than one appears to claim the same property, or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale by which such property was transferred to them, were entered in the book of registry, but according to the time when the endorsement is made upon the certificate of ownership;

Nature of the  
priority intended  
by this Act.

If the certificate  
be mislaid.

3. But if the certificate of ownership is lost, or detained by any person, so that the indorsement cannot in due time be made thereon, and if proof thereof is made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Minister of Finance or other officer to whom the copies of certificates of ownership are to be transmitted, the Minister of Finance or such other officer, may grant such further time as to him appears necessary for the recovery of the certificate of ownership, or for the registry of ownership *de novo*, of the vessel under the provisions of this Act; and thereupon the Collector shall make a memorandum in the book of registry of certificates of ownership of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same vessel, or the same share thereof, or for giving the same security thereon. 8 V. c. 5, s. 18.

19. If the certificate of ownership of such vessel is produced to the Collector of any port where she is, then after any such bill of sale has been recorded at the port to which she belongs, together with such bill of sale having upon it a notification of such record, signed by the Collector of such port as before directed, the Collector of such other port may endorse on such certificate of ownership, (being required so to do,) the transfer mentioned in such bill of sale; and such Collector shall give notice thereof to the Collector of the port to which such vessel belongs, who shall record the same as if he had made such indorsement himself, but inserting the name of the port at which such indorsement was made :

Bill of sale may be produced after entry at other ports than those to which vessels belong, and transfer indorsed on certificate of ownership.

2. Provided always, that the Collector of such other port shall first give notice to the Collector of the port to which such vessel belongs, of such requisition made to him to indorse the certificate of ownership, and the Collector of the port to which such vessel belongs shall thereupon send information to the Collector of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry with respect to such vessel, and the Collector of such other port, having such information, shall proceed as directed by this Act in all respects, to the indorsing of the certificate of ownership, as he would do if such port were the port to which such vessel belonged. 8 V. c. 5, s. 19.

Notice to collection at the Port to which the Vessel belongs.

6.—CERTIFICATE OF OWNERSHIP DE NOVO.

20. If it becomes necessary to grant a certificate of ownership to any vessel *de novo*, and any share of such vessel has been sold since she had last received certificate of ownership; and the transfer of such share has not been recorded and indorsed as hereinbefore directed, the bill of sale thereof shall be produced to the collector who is to make registry of such vessel, otherwise such sale shall not be noticed in the certificate of ownership *de novo*, except upon the future production of such bill of sale, and of the existing certificate of ownership when such transfer shall be recorded and indorsed, after such certificate of ownership *de novo* is granted. *Ibid*, s. 20.

If upon granting certificate of ownership *de novo*, any bill of sale has not been recorded, the same shall then be produced.

Exception.

21. If upon any change of property in any ship or vessel the owner desires to have a certificate of ownership *de novo*, although not required by this Act, and the owner or proper number of owners attend at the Custom House at the port to which such vessel belongs, for that purpose, the Collector at such port may grant a certificate of ownership *de novo* of such vessel at the same port, and record the same in the book of registry of certificates of ownership, the previous requirements of this Act being first complied with. *Ibid*, s. 21.

Upon change of property, certificate of ownership *de novo* may be granted, if desired, although not required by this Act.

## 7.—EVIDENCE OF OWNERSHIP, &amp;c.

**22.** And for avoiding inconvenience and expense at trials where the ownership of vessels comes in question—

Copies of declarations, &c., and of extracts from books of registry admitted in evidence.

The Collector of Customs at any Port or place shall, on the reasonable request of any person, produce and exhibit for such person's inspection and examination, any oath or declaration sworn or made by any owner, or other person, under this Act, and also any register or entry in any book of registry required by this Act, relative to any vessel, and shall permit such person to take copies or extracts thereof respectively; And the copy of any such oath or declaration, register or entry, shall, on being proved to be a true copy or copies thereof, be received as evidence upon every trial at law, without the production of the original, and without the testimony or attendance of the Collector or other person acting for him. 8 V. c. 5, s. 22.

Transfers by way of mortgage.

**23.** When a transfer of a vessel, or of any share thereof, is made only as a security for the payment of money, either by way of mortgage or of assignment in trust for the purpose of selling the same for the payment of such money, the Collector of the port where the vessel is registered, shall in the entry in the book of registry, and also in his indorsement on the certificate of ownership, state that such transfer is made only as a security for the payment of money, or by way of mortgage, or to that effect; and the person to whom such transfer is made, or any person claiming under him as a mortgagee, or as a trustee only, shall not by reason thereof be deemed to be the owner of such vessel, or share, nor shall the person making such transfer be deemed by reason thereof, to have ceased to be an owner of such vessel, except in so far only as may be necessary for the purpose of rendering the vessel, or share so transferred, available by sale or otherwise, for the payment of the money, for securing the payment of which such transfer was made. *Ibid*, s. 23.

Mortgagee not to be deemed an owner.

Transfers of ships for security of debts being registered, rights of mortgagee not affected by any act of bankruptcy of mortgagor, &c.

**24.** When any transfer of a vessel, or of any share thereof, is made as a security for the payment of money, either by way of mortgage or of assignment as aforesaid, and such transfer has been duly registered under this Act, the right or interest of the mortgagee or assignee, shall not be affected by any act of bankruptcy committed by such mortgagor or assignor, after such mortgage or assignment is so registered, notwithstanding such mortgagor or assignor, when he so becomes bankrupt has in his possession, order or disposition, and is the reputed owner of the vessel, or share thereof, so by him mortgaged or assigned; but such mortgage or assignment shall take place of and be preferred to any right, claim or interest of the assignee of such bankrupt in such vessel, or share thereof. *Ibid*, s. 24.

## 8.—OFFENCES AGAINST THIS ACT, AND PENALTIES.

**25.** Every person who falsely declares to any of the matters hereinbefore required to be verified by declaration, or counterfeits, erases, alters or falsifies any certificate or other instrument in writing, required or directed by this Act, to be obtained, granted or produced, or knowingly or wilfully makes use of any certificate or other instrument, so counterfeited, erased, altered or falsified, or wilfully grants such certificate or other instrument in writing knowing it to be false; shall, for every such offence, incur a penalty of one hundred pounds sterling. 8 V. c. 5, s. 25.

Penalty on persons making false declaration or falsifying any document.

**26.** The penalties incurred under this Act may be recovered and disposed of in the like manner as penalties incurred for offences committed against any law relating to the Customs; and the officers concerned in seizures or prosecutions under this Act, shall respectively receive the same share of the proceeds of such seizures, as in the case of seizures for unlawful importation, and such share of the proceeds of any pecuniary penalty for any offence against this Act, as any officers are entitled to upon prosecutions for pecuniary penalties. *Ibid.*, s. 26.

How penalties are to be recovered.

## 9.—DURATION OF THIS ACT,—AND INTERPRETATION.

**27.** Provided always, That this Act shall cease and determine as to any further registration under it, whenever the laws of the United Kingdom for the registering of British ships are extended to vessels navigating the inland waters of this Province, and not proceeding to sea; except that all things done under the provisions of this Act, and all rights acquired by virtue of such provisions, shall remain good and valid; and all penalties and forfeitures incurred, may be sued for and enforced; and all prosecutions for any such penalty or forfeiture incurred, may be continued and completed as if this Act had not so ceased. *Ibid.*, s. 27.

This act to cease when Imperial Acts regulating registration of British vessels are extended to the inland waters.

**28.** In this Act, the word "Vessel" means any vessel used in navigation and of a greater burthen than fifteen tons; the word "Owner" includes any number of owners, unless such construction is inconsistent with the context; the word "Master" means any person having the charge or command of a vessel, except merely as a pilot or for some other special and temporary purpose; the expression "Bill of Sale" includes any instruments intended to operate the transfer of a vessel or share; and the mention of any officer or person includes his deputy or other person who may lawfully act for him or instead of him in the case in question.

Interpretation.

## C.A.P. XLIV.

## An Act respecting the Navigation of Canadian Waters.

Preamble.

**F**OR the greater security of life and property in Vessels navigating Canadian waters Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

## LIGHTS FOR STEAM VESSELS.

Lights when under way.

1. All Steam Vessels, when under Steam, shall, between sunset and sunrise, exhibit the following Lights:

1. A bright White Light at the Mast Head, or, if the Vessel have more than one Mast, then at the Foremast Head;

A Green Light on the Starboard side;

A Red Light on the Port side;

Mast-head Lights described.

2. The Mast-head Light shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and shall show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, and it shall be so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side;

Side Lights described.

3. The Green Light on the Starboard side and the Red Light on the Port side shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and show an uniform and unbroken light over an arc of the horizon of ten points of the compass, and they shall be so fixed as to throw the light from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively;

Side Lights to have screens.

4. The side Lights are to be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent the lights from being seen across the bow;

Steamers under sail only.

5. Steam Vessels under Sail only are not to carry their mast-head Light. 22 V. (1859) c. 19, s. 1.

## FOG SIGNALS FOR STEAM VESSELS.

Signals in case of fog.

2. All Steam Vessels, whether propelled by paddles or screws, when their steam is up, and when under way, shall in all cases of Fog use as a Fog Signal a Steam Whistle placed before the Funnel at not less than eight feet from the deck, which

which shall be sounded once at least every five minutes; but when the steam is not up, they shall use a Fog Horn or Bell, as ordered for Sailing Vessels. *Ibid.*, s. 2.

#### LIGHTS FOR SAILING VESSELS.

3. 1. All Sailing Vessels when under-way or being towed shall, between sunset and sunrise, exhibit a Green Light on the Starboard side and a Red Light on the Port side of the vessel, and such Lights shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and shall show an uniform and unbroken light over an arc of the horizon of ten points of the compass, from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively;

Lights when  
under-way.

2. The Coloured Lights shall be fixed whenever it is practicable so to exhibit them, and shall be fitted with inboard screens projecting at least three feet forward from the Light, so as to prevent the Lights being seen across the bow;

Coloured  
Lights to be  
fixed if prac-  
ticable.

3. When the Coloured Lights cannot be fixed (as in the case of small vessels in bad weather), they shall be kept on deck between sunset and sunrise, and on their proper sides of the vessel, ready for instant exhibition, and shall be exhibited in such a manner as can be best seen on the approach of, or to, any other vessel or vessels, in sufficient time to avoid collision, and so that the Green Light shall not be seen on the Port side, nor the Red Light on the Starboard side. *Ibid.*, s. 3.

If not fixed.

#### FOG SIGNALS FOR SAILING VESSELS.

4. All Sailing Vessels, when under-way, shall, in all cases of Fog, use, when on the Starboard Tack, a Fog Horn, and when on the Port Tack shall Ring a Bell. These signals shall be sounded once at least every five minutes. 22 V. (1859) c. 19, s. 4.

Signals in case  
of fog.

#### PILOT VESSELS.

5. Sailing Pilot Vessels are to carry only a White Light at the Mast-head, and are to exhibit a Flare-up Light every fifteen minutes, observing also any Trinity House regulation not inconsistent with this Act. *Ibid.*, s. 5.

Lights.

#### VESSELS AT ANCHOR.

6. All Vessels when at anchor, shall, between sunset and sunrise, exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a White Light in a Globular Lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon, at a distance of at least one mile. *Ibid.*, s. 6.

Lights when at  
anchor.

## RAFTS.

Lights on Rafts.

**7.** The owner or conductor of every Raft shall have a bright fire kept burning thereon from sunset to sunrise, while drifting or at anchor on any navigable water. *Ibid*, s. 7.

## MEETING AND PASSING.

Rules as to ships meeting each other.

**8.** Whenever any vessel, whether a steam or sailing vessel, proceeding in one direction, meets another vessel, whether a steam or sailing vessel, proceeding in another direction, so that if both vessels were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both vessels shall be put to port so as to pass on the port side of each other;—And this rule shall be obeyed by all steam vessels, and by all sailing vessels whether on the port or starboard tack, and whether close-hauled or not,—unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing vessels on the starboard tack close-hauled, to the keeping such vessels under command,—And except that vessels entering and leaving the harbour of Sorel, shall take the Port side, unless the Trinity House of Montreal shall otherwise direct. *Ibid*, s. 8.

Exception.

Exception.

Rule for steamers in narrow channels.

**9.** Every steam vessel, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam vessel,—except that when two steam vessels of unequal speed are pursuing the same course, the slower vessel, if ahead, shall draw towards the Port side, and the faster vessel shall pass on the Starboard side;—and except in entering and leaving the Port of Sorel as aforesaid. 22 V. (1859) c. 19, s. 9.

Vessels, &c., not to approach too near each other.

**10.** Whenever any Vessel or raft is going in the same direction with another which is ahead, the Vessel or raft first mentioned shall not be so navigated as to come within twenty yards of the other, nor shall such other be so navigated as to come within twenty yards of that first mentioned. *Ibid*, s. 10.

## PENALTIES.

Penalty for contravention of Rules.

**11.** The Master or Person in charge of any Steam Vessel, Sailing Vessel or Raft, offending against any of the preceding provisions of this Act, shall incur a penalty not exceeding two hundred dollars nor less than twenty dollars. *Ibid*, s. 11.

If collision ensues from breach of the above rules, owner not to

**12.** If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the foregoing rules, the owner of the vessel by which such rule has been infringed shall not



not be entitled to recover any recompense whatever for any damage sustained by such vessel in such collision, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary. *Ibid*, s. 12.

be entitled to recover.

**13.** In case any damage to person or property arises from the non-observance by any vessel or raft of any of the foregoing rules, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft or of the deck of such vessel at the time, unless the contrary be proved, or it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary; and the owner of the vessel or raft in all civil proceedings, and the master or person in charge as aforesaid in all proceedings, civil or criminal, shall be subject to the legal consequences of such default. *Ibid*, s. 13.

Breach of such rules to imply wilful default.

Liability.

**14.** Except as hereinafter provided,—all penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector of Steamboats, or by any party aggrieved by any act, neglect or omission, on the evidence of one credible witness, before any two Justices of the Peace, and in default of payment of such penalty, such Justices may commit the offender to Gaol for any period not exceeding three months;—and, except as hereinafter provided, all penalties recovered under this Act shall be paid to the Receiver General, and shall be by him placed to the credit and form part of “The Steamboat Inspection Fund”.—Except always, that all penalties incurred for any offence against this Act, shall, if such offence is committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered and applied in like manner as penalties imposed for contraventions of the By-laws of the Trinity House within whose jurisdiction the offence is committed. 22 V. (1859) c. 19, s. 48.

Recovery and application of penalties.

Exception of offences incurred within jurisdiction of Trinity Houses.

**15.** In this Act, the word “Steam-Vessel” means any Vessel used in navigation, propelled wholly or in part by Steam; and the word “Owner” includes the Lessee or Charterer of any vessel. *Ibid*, s. 49.

Interpretation.

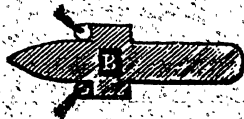
**16.** No Trinity House By-law or Rule inconsistent with this Act shall be of any force or effect. *Ibid*, s. 51.

## SCHEDULE

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them :

FIRST.—When both Red and Green Lights are seen :

A sees a Red and Green Light ahead;—A knows that a vessel is approaching her on a course directly opposite to her own, as B;

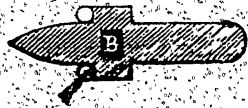


If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

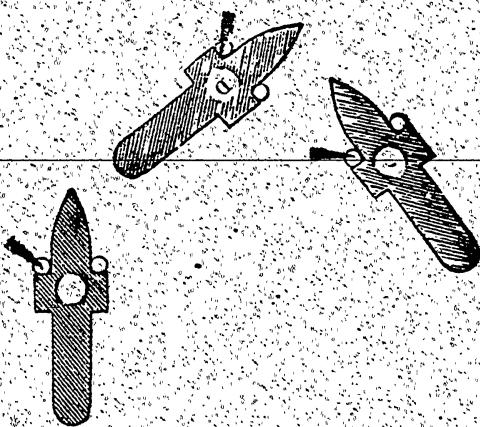
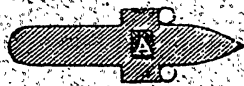
SECOND.—When the Red, and not the Green Light, is seen :

A sees a Red Light ahead or on the bow;—A knows that either,

1, a vessel is approaching her on her port bow, as B;



or, 2, a vessel is crossing in some direction to port, as D D D.



If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

THIRD.—When the Green, and not the Red Light, is seen :

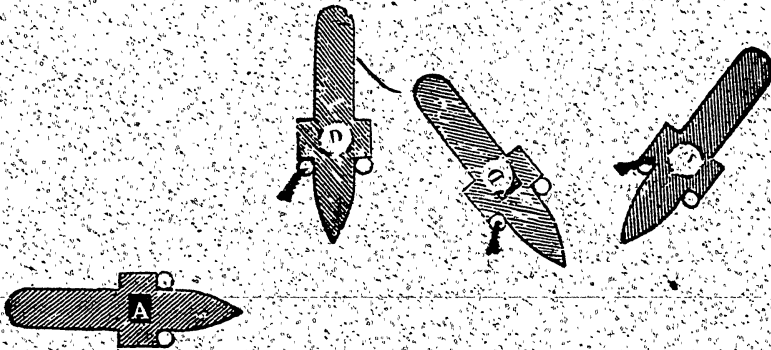
A sees a Green Light ahead or on the bow;—A knows that either,

1,

1, a vessel is approaching her on her starboard bow, as B



or 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D. 22 V. (1859) c. 19. Schedule.

CAP. XLV.

An Act respecting the Inspection of Steamboats; and for the greater safety of Passengers by them.

FOR the greater security of life and property on board Steamboats navigating Canadian Waters: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INSPECTORS.

1: The Governor in Council shall, from time to time, appoint at such places as he may find advisable, within the Province, one or more skilled persons competent to inspect steamboats, and the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and

Governor in Council may appoint Inspectors at such places as may be found advisable.

Inspectors to be sworn.

and to give to the owner or master duplicate certificates of such inspection; and every such Inspector, before entering upon his duties as such, shall take and subscribe an oath, before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties assigned to him by this Act. 22 V. (1859) c. 19, s. 14.

Inspectors to form a Board.

Chairman—

Quorum.

2. The Inspectors shall form a board to be called the "Board of Steamboat Inspection," of whom the Governor shall name the Chairman; Three of the members shall form a quorum, and the Chairman shall have the right to vote, and in case of equal division he shall also have a casting vote, and the minutes of the proceedings of the board shall be kept by him. *Ibid*, s. 15.

Meetings of the board, to make Regulations, &c.

Regulations not to be in force until approved by Governor in Council.

3. The board shall meet at least once every year in the Cities of Québec and Toronto, and at such other places as the Chairman may determine, to frame regulations for the uniform Inspection of Steamers, for the selection of Ports of Inspection, for granting Licenses to Engineers, and for such other purposes as may be necessary under this Act; and such regulations and selection shall come into force after they have been approved by the Governor in Council, but not before;—and copies of the minutes of the proceedings of the Board, certified by the Chairman, shall be transmitted to the Clerk of the Executive Council. *Ibid*, s. 16.

#### INSPECTION.

Hull, boilers and machinery to be inspected once a year— and duplicate certificate delivered to collector.

Penalty for default.

4. The Master or Owner of every Steamboat shall cause the hull, boilers and machinery thereof to be inspected at least once every year, and shall deliver to the Collector of the Port where such inspection is made, or at which such Steamboat shall arrive next after such inspection, where it has not been made in port, a duplicate certificate thereof; and for every neglect to cause such inspection to be made, and a duplicate thereof to be delivered to the proper Collector, such Master or Owner shall incur a penalty of four hundred dollars, and such Steamboat shall be liable for and chargeable therewith. 22 V. (1859) c. 19, s. 17.

Inspection to be thorough, and certificate thereof, containing certain particulars, to be given in duplicate on certain conditions.

5. The Inspector who inspects any Steamboat in the manner required by this Act, shall, after thorough examination of the Hull, Boilers and Machinery, make a certificate in which shall be stated—the age of such Steamboat,—when and where originally built,—the length of time she has been running,—whether each Boiler is sound and fit for use,—its age and the heaviest pressure of steam to which it may be safely subjected, as well when the Vessel is stationary as when running, thereby establishing a maximum rate of pressure in each of those cases, the period during which such inspection is to apply,—whether the machinery is sound and fit for use—and whether  
such

such steamboat is sound and in all respects seaworthy and fit for the transport of freight and passengers,—and he shall not make such certificate unless such steamboat be provided with such steam-gauge as is hereinafter required; And duplicates of such certificates shall be delivered to the Owner or Master of the Steamboat, one of which such Master or Owner shall deliver to the Collector as aforesaid, and the other he shall keep and cause to be posted up in some conspicuous part of the Steamboat for the information of the public. *Ibid*, s. 18.

Certificate to be posted up in the Steamboat.

6. Any Inspector may, whenever he deems it necessary so to do, and some one of them shall at least once in every year, subject the boiler of every steamboat to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and shall satisfy himself by examination and experimental trials, that such boiler is well made of good and suitable material; and the owner of the steamboat shall provide the necessary pump and apparatus for such test, to be worked by the crew of the vessel; and no Inspector shall make or deliver to the owner or master of any steamboat, any such duplicate certificate as is mentioned in the next foregoing section of this Act, without having first subjected the boiler of such vessel to such test by hydrostatic pressure. *Ibid*, s. 19.

Boiler to be tested by hydrostatic pressure, &c.

Certificate not to be given without such test.

7. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, at least one quarter of an inch thick, in the best manner and of the quality herein required,—and shall rate the working pressure of all boilers, whether of greater or less diameter, according to this standard; and in all cases the test applied shall exceed the working pressure allowed, in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees, Fahrenheit.

Rule to be observed in such test.

Proportion of test pressure to working pressure.

2. But if any such Inspector is of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two-thirds of the test pressure;

In what cases only exceptions may be allowed.

3. And these rules shall be observed in all cases, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that their application would be unjust, in which case the Inspector may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test;

Further exception.

Valves not to be loaded beyond certified pressure, &c.

4. And no valve under any circumstances shall at any time be so loaded or so managed in any way as to subject a boiler to a greater pressure than that allowed by the Inspector at the then last inspection thereof; and no boiler or pipe shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause;

Boilers to be made of plate bearing maker's name.

5. And no boiler made after the fourth day of May, 1859, shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof, nor shall a certificate be granted with respect to any boiler made wholly or in part of plate not so marked. 22 V. (1859) c. 19, s. 20.

INFORMATION TO BE GIVEN TO INSPECTORS.

Inspector may ask pertinent questions of persons on board any Steamer.

8. Any Inspector may at all times, when inspecting, visiting or examining the hull or the boiler and machinery of any steamboat, ask of any or all of the owners, officers or engineers of such vessel, or other person on board thereof and in charge, or appearing to be in charge of the same or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit; and every such person shall fully and truly answer every such question so put to him respectively, to the best of his knowledge and ability; And every person refusing to answer, or falsely answering any such question, or preventing any such inspection or obstructing any Inspector in the same, shall, by so acting, incur a penalty of forty dollars. *Ibid.*, s. 21.

Penalty for refusal to answer, &c.

Inspectors to be carried free of expense.

9. Any Inspector shall be carried free of expense on every Vessel which he shall desire to inspect while under-way, and during such period as may be necessary for such inspection and for his return to the Port at which he embarked on such Vessel for such purpose, or for his disembarkation at any Port at which such Vessel touches on her voyage. 22 V. (1859) c. 19, s. 22.

Owner, &c., to report certain matters affecting safety to Inspectors.

Penalty for default.

10. The Master or Owner of every Steamboat, or of the person in charge thereof, shall, within forty-eight hours after the occurrence of any event whereby the same, or the boiler, or machinery thereof, or any part of the same, is in any material degree injured, strained or weakened, report such matter to one of the said Inspectors; and in case of omission to give such notice, the Owner of the Vessel shall forfeit to Her Majesty two hundred dollars for every day during which such omission continues. *Ibid.*, s. 23.

PRECAUTIONS AGAINST EXPLOSION, &c.

A steam-gauge shewing the

11. In a conspicuous and easily accessible place in every Steamboat, there shall be a steam-gauge properly constructed and

and open to the view of all passengers and others on board such vessel, and shewing at all times the true pressure of the steam in the boiler thereof;

true pressure in the boiler to be open to Passengers.

2. And whenever such steamboat is stopped for any purpose, the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the said boiler down to ten pounds below the pressure limited by the Inspector's certificate in high pressure engines, and five pounds below the pressure limited as aforesaid in low pressure engines, under the penalty of two hundred dollars for every contravention of this provision;

Pressure to be reduced when Boat stops.

3. And if any master or engineer of any steamboat at any time allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited as aforesaid, or alters or conceals or otherwise deals with the said steam gauge, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, he shall thereby incur a like penalty of two hundred dollars for every such offence. *Ibid*, s. 24.

Penalty for contravention or for exceeding the licensed pressure.

12. The steam-gauge required by this Act to be open to the view of all passengers and others on board any steamboat, shall be put in such places and positions, and be of such construction, as the Inspector inspecting, visiting or examining such steamboat, shall from time to time direct. *Ibid*, s. 25.

Steam-gauge to be approved by Inspector.

13. Each boiler of every steam vessel shall be provided with a suitable water gauge, capable of showing the water level within each boiler at all times;—And all steam vessels navigating in brackish or salt water, shall be provided with surface blow-off-valves such as are commonly used on board seagoing steamers. *Ibid*, s. 26.

Water gauges.

Blow-off-valve in salt water.

14. Every Inspector, when inspecting, visiting or examining the boiler and machinery of any steamboat, shall satisfy himself that the safety-valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and only loaded so as to open at or below the certified working pressure; and he may, if he thinks proper, order and cause one of such safety-valves, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he approves, to be locked up and taken wholly away from the control of all persons engaged in navigating such vessel, and placed under his own sole control. 22 V. (1859) c. 19; s. 27.

Safety valves to be examined by Inspector.

He may order one to be under lock.

15. Every steam vessel carrying passengers and having a condensing engine shall be provided with a bilge injection valve and pipe of suitable dimensions leading from the floor frames of the vessel into the condenser of the engine. *Ibid*, s. 28.

Condensing engines to have bilge injection pipe.

## BOATS TO BE CARRIED BY STEAMERS.

Steamers to carry boats according to their tonnage.

**16.** The owner and master of every steamboat engaged in the transportation of freight and passengers on the Lakes Ontario, Erie, Huron, Simcoe and Superior, and on the River St. Lawrence or Ottawa, shall provide and carry with the steamboat, upon each and every voyage, two long-boats or yawls, each sufficient to carry at least twenty persons, if the burthen of such steamboat do not exceed two hundred tons, and not less than three long-boats or yawls, of the same or larger dimensions, if the tonnage of such steamboat exceeds two hundred tons; and for every failure in contravention of this section, the said master or owner shall incur a penalty of two hundred dollars;—But this section shall not apply to ferry-boats. *Ibid*, s. 29.

Such boats to be of a certain description.

**17.** At least one of the boats provided for and carried with every steamboat carrying passengers, in pursuance of the next preceding section, shall, if the Steamboat be upwards of one hundred tons burthen, be a life-boat, made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and out-side, fifty persons, with life-lines attached to the gunwale at suitable distances; and all of such boats shall be well furnished with oars and other necessary apparatus, and shall be good, substantial and safe boats, and in good condition at all times for service. *Ibid*, s. 30.

## PRECAUTIONS AGAINST FIRE.

Steamers to have fire-buckets, axes and life-preservers.

**18.** The owner and master of every such steamboat as aforesaid, shall provide and carry with the said steamboat, upon each and every voyage, at least twenty-five fire buckets and five axes, a good life-preserver made of suitable material, or a float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such steamboat, and in readiness for the use of the passengers. 22 V. (1859) c. 19, s. 31.

Combustible materials not to be within a certain distance of heated iron, &c.

**19.** Suitable and safe provisions shall be made throughout to guard against danger from fire; and no combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes or machinery, shall be placed at less than six inches distant from such heated metal or other substance likely to cause ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by some incombustible material, in such manner as to allow the air to circulate freely between such material and the wood; and metallic vessels or safes should be provided and kept in some convenient place to receive cotton, waste, hemp, and other inflammable substances, which are in use on board;



2. Provided, however, that when the structure of the Steamboat is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, Inspectors may allow deviations from the said requirements, if, in their judgment, it can be done with safety. *Ibid*, s. 32.

Proviso: Inspectors may allow deviation in certain cases.

20. Every steamboat carrying passengers shall have at least three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed independent of and not worked by the main engine, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidships, each having a suitable well-fitted hose, of at least two-thirds the length of the vessel, kept at all times in perfect order and ready for immediate use; each of the said pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when the vessel is afloat;

Every steamboat to have certain pumps for throwing water in case of fire.

2. Provided, that in vessels not exceeding two hundred tons measurement, engine-room included, two of such pumps (one of which may be the steam-pump) may be dispensed with; and in vessels of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the vessel. *Ibid*, s. 33.

Proviso: as to Vessel below a certain size.

21. Every steamboat shall also be provided with a blow valve and pipe attached to the boiler to blow steam into the hold in case of fire. *Ibid*, s. 34.

And a valve for blowing steam into the hold.

22. Every steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient to such passengers for their escape to the upper deck, in case of fire or other accident endangering life. 22 V. (1859) c. 19; s. 35.

Means of escape to the upper deck to be provided.

23. And on board every steamboat there shall be placed, in some conspicuous place, accessible to all the passengers, a printed paper shewing the number of pumps and boats with their capacity, and also the number of fire buckets, axes and life-preservers or floats on board of such steamboat, and a statement of the places where such buckets, axes and life-preservers or floats are kept. *Ibid*, s. 36.

Notice to be posted up as to pumps, boats, &c

#### ENGINEERS.

24. Any person claiming to be qualified to perform the duty of Engineer in Steamboats, shall apply for a certificate to the Board of Inspectors, who shall examine the applicant and the

Engineers to be examined, and if qualified

to receive a certificate.

the proofs that he produces in support of his claim, and if upon full consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorize the belief that the applicant is a suitable and safe person, to be entrusted with the powers and duties of such a station they shall give him a certificate to that effect for one year, under the hand and seal of the Chairman; and the said certificate, subject to the above conditions, shall be renewed yearly, or when applied for; and for every such certificate the applicant shall pay the sum of five dollars, and for every renewal one dollar, which shall go to the Steamboat Inspection Fund hereafter mentioned;

Fee.

License may be revoked for cause.

2. But the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskillfulness or drunkenness, or upon the finding of a Coroner's Inquest. *Ibid*, s. 37.

None but licensed engineers to be employed or act.

Penalty.

25. It shall be unlawful for any person to employ or for any person to serve as engineer on any steamboat who is not licensed by the said Board, and any one so offending shall incur a penalty of two hundred dollars; provided however, that if a steamboat leaves a port with a complement of Engineers, and on her voyage is deprived of their services or the services of any of them without the consent, fault or collusion of the master, owner or any one interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained. *Ibid*, s. 38.

When ss. 24 and 25 shall be in force and to whom to apply.

26. The two next preceding sections shall not come into force until after the navigation is closed in the year one thousand eight hundred and fifty-nine, and shall only apply to those who shall become Engineers after the fourth day of May, 1859. *Ibid*, s. 39.

#### MISCELLANEOUS PROVISIONS,—DUTY, PENALTIES, &c.— INTERPRETATION.

Inspector may examine steamers at any time.

Those reported unsafe may be stopped.

Penalty for running them.

27. Every Inspector may at any time visit, within the limits assigned to him, any steamboat, and inspect and examine the same, and if he considers such steamboat unsafe or unfit to carry passengers, he shall report thereon to the Governor in Council, who may, by Order in Council, direct that such steamboat shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by order of the Governor in Council; and any such steamboat run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any port, and to sale, in the same way as goods liable to forfeiture for non-payment of duties. 22 V. (1859) c. 19, s. 40.

Governor in Council may.

28. The Governor in Council may, by an Order or Orders in Council, from time to time, prescribe and regulate the number

number of Cabin or Steerage or other passengers that may be carried by any Steamboat or class of Steamboats in this Province, either in proportion to the dimensions or tonnage thereof, or both, or otherwise howsoever; But no such Order in Council shall take effect until after it has been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette*. *Ibid*, s. 41.

limit the number of passengers, &c.

Order to be published, &c.

**29.** The Owner or Master of every Steamboat in this Province shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding ten cents for every ton which such Steamboat measures, and an inspection fee of five dollars for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burthen, and of eight dollars for every Ferry or Passenger Steamboat over one hundred tons burthen, for each inspection made imperative by this Act;

Duty on steamboats and inspection fees.

2. And the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Customs at some one of the Ports in this Province, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums, so from time to time collected and paid over, shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund." *Ibid*, s. 42.

To be paid over and form an Inspection Fund.

**30.** Every Collector of Customs shall from time to time demand of the Owner or Master of every Steamboat, which he may have reason to think has not been inspected as required by this Act, or in respect of which he may have reason to think the rate or duty aforesaid is due and unpaid, the exhibition of the receipt and certificate in that behalf, appertaining to such Steamboat; and if receipts and certificates as aforesaid, to his satisfaction, are not produced within a reasonable time, then such Collector shall seize and detain such Steamboat until the same are procured and exhibited, and any penalty incurred and lawfully imposed in respect of such Steamboat, under the provisions of this Act, has been paid in full; and in default of payment such Collector shall sell such Steamboat, for the payment of such rate or duty or penalties, in the usual manner as if they were incurred for violation of the Customs' Laws. 22 V. (1859) c. 19, s. 43.

Collector may seize any steamboat on which duty is unpaid.

And sell the same in default of payment.

**31.** No Inspector shall make or deliver a certificate respecting any Steamboat under this Act, unless the receipt of a Collector of Customs for the rate or duty, payable in respect of such Vessel for the then current year, has been produced and shewn to him, nor unless he is satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with by and in respect of such Steamboat;

Inspector's certificate not to be granted for a steamer on which the duty for the year is not paid, &c.

Report to be made.

Steamboat; and every Inspector shall report to some one of the Collectors of Customs any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than one year from the date of the then last inspection, or of refusal to submit to inspection at any time, which at any time or in any way comes to his knowledge. *Ibid.*, s. 44.

Appeal from Inspector to Governor in Council.

**32.** Any person who feels himself aggrieved by any order or act of an Inspector, may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order. *Ibid.*, s. 45.

Liability for damages sustained by the non-observance of this Act.

**33.** If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act, the same shall be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the Master or other person having charge of the Steamboat, in respect of which such non-observance has occurred or by which such damage is done, and the Owner of such Steamboat in all civil proceedings, and the Master or other person having charge thereof in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default. *Ibid.*, s. 46.

Penalty for any contravention of this Act.

**34.** For every contravention in respect of any Steamboat in this Province, on any one voyage or trip thereof, of any provision in this Act or in any Order in Council made under it, the Owner or Master thereof shall incur a penalty of not more than two hundred and not less than forty dollars. *Ibid.*, s. 47.

Recovery and application of penalties.

**35.** All penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector or by any party aggrieved by any act, neglect or omission; on the evidence of one credible witness, before any two Justices of the Peace, and in default of payment of such penalty, such Justices may commit the offender to Gaol for any period not exceeding three months;—and all penalties recovered under this Act shall be paid to the Receiver General, and shall be by him placed to the credit and form part of “The Steamboat Inspection Fund.” 22 V. (1859) c. 19, s. 48.

Inspection not to apply to certain Vessels not belonging to the Province.

**36.** The provisions of this Act relating to the Inspection of Steamboats shall not apply to Steamboats belonging to and registered in Ports not within this Province, so long as such Steamboats ply between some other country and Canada, and are only transitorily within this Province. *Ibid.*, s. 50.

PROVISIONS APPLYING TO UPPER CANADA ONLY.

Steamboats or vessels carrying passengers to be provided with a gang-board.

**37.** Every steamboat or vessel carrying passengers shall be provided with good and sufficient gang-boards with substantial hand-rails; and the Master of such steamboat or vessel shall, on stopping at any wharf or landing place, cause a gang-board

board to be firmly secured to the vessel and wharf or landing place, for the safe and convenient transit of passengers; and he shall cause to be affixed to the gangway (in the night time) good and sufficient lights. U. C. 7 W. 4, c. 22, s. 3.

**38.** The Owner or Occupier of every such wharf or landing place, shall also (in the night time) cause to be shewn conspicuously, on such wharf or landing place, and at every angle or turn thereof, a good and sufficient light. U. C. 7 W. 4, c. 22, s. 3.

Owners of Wharves to exhibit lights at night.

**39.** For the purposes of the two next preceding sections of this Act, the night shall be deemed to extend from one hour after sunset, till one hour before sunrise, at all seasons of the year. 7 W. 4, c. 22, s. 2.

Word "Night" how to be construed.

**40.** Any person commanding or having charge of any steamboat, schooner or other vessel navigating the waters of any of the lakes or rivers in Upper Canada, who offends against the thirty-seventh section of this Act, shall be liable to a penalty of twenty dollars and costs, to be recovered on conviction before any two Justices of the Peace upon the oath of one credible witness. U. C. 7 W. 4, c. 22, s. 7.

Persons offending liable to a penalty of twenty dollars.

**41.** In default of payment of the penalty and the costs of and incident to the conviction, the Justices or one of them shall commit the offender to the Gaol of the County in which the conviction is had, for a period of not more than thirty days, unless such penalty and costs are sooner paid. U. C. 7 W. 4, c. 22, s. 7.

How penalties enforced.

**42.** The owner and owners of all steamboats and other vessels, the persons commanding or in charge of which neglect to comply with the provisions of the thirty-seventh section of this Act, shall be liable for all damages sustained by any person or persons from any accident arising from the non-compliance with or during such time as the provisions of this Act are not complied with; such damages to be recoverable at law, before either of Her Majesty Superior Courts of Common Law for Upper Canada. U. C. 7 W. 4, c. 22, s. 8.

Liability of owners of vessels for non-compliance with the 37th section of this Act.

**43.** The six next preceding sections apply to Upper Canada only.

#### INTERPRETATION OF WORDS IN THIS ACT.

**44.** In this Act, the word "Steamboat" means any Vessel used in navigation, propelled wholly or in part by Steam; and the word "Owner" includes the Lessee or Charterer of any such vessel; the word "Boiler" is to be construed as "Boiler or Boilers," in the case of a Steamboat having more than one; and the word "Year" means the calendar year, commencing on the first day of January and ending on the thirty-first day of December. 22 V. (1859) c. 19, s. 49.

Interpretation.

CAP. LIII.

An Act respecting certain Weights and Measures.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Hundred-weight to be 100 lbs. avoirdupois.

Ton weight to be 2,000 lbs.

Act to apply to duties, tolls, &c.

Laws in force as to weights and measures to apply to those hereby established.

Standard Weight of different kinds of Grain, &c.

1. The hundred-weight for weighing all goods, wares and other commodities whatsoever, sold by the hundred weight or ton weight in this Province, shall consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds as before the fourth day of May, 1859, and the ton weight used for the said purposes shall consist of twenty hundred weights, as hereinabove established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds as before the said day; and the said hundred-weight and ton weight as hereinabove established, with their parts, multiples and proportions, shall be the standard weights in this Province, for the weighing of all such goods, wares and commodities as aforesaid;—And in all cases in which a duty or toll is imposed by law upon or by the hundred-weight or the ton, such duty or toll shall be chargeable on the hundred-weight or ton as hereinabove established. 22 V. (1859) c. 21, s. 4.

2. All and every the laws in force in Upper and Lower Canada respectively, relating to the inspection and adjustment of weights and measures in the said sections of the Province, respectively, shall extend and apply to the standards of the ton weight and hundred-weight hereinabove established, and to the several parts and proportions thereof; the said standard weights hereinabove established being, as regards such inspection and adjustment and the duties of the Inspectors of weights and measures and others under the said Acts, and the penalties to be incurred for infraction thereof, in all respects substituted for the standard hundred-weight and ton in use before the fourth day of May, one thousand eight hundred and fifty-nine; and no other standard of the hundred-weight or ton than that hereinabove established, shall be used in any part of this Province. 22 V. (1859) c. 21, ss. 3, 5.

3. The following shall be the Standard Weights which in all cases shall be held to be equal to the Winchester Bushel of the Grain, Pulse or Seeds opposite to which they are set:

Wheat	Sixty pounds,
Indian Corn	Fifty-six pounds,
Rye	Fifty-six pounds,
Peas	Sixty pounds,
Barley	Forty-eight pounds,
Oats	Thirty-four pounds,
Beans	Sixty pounds,
	Clover

- Clover Seed..... Sixty pounds,
- Timothy Seed..... Forty-eight pounds,
- Buck Wheat..... Forty-eight pounds.

16 V. c. 193, s. 2, and 15 V. c. 15.

4. The following shall be the standard weights which in all cases shall be held to be equal to the Winchester Bushel of the articles opposite to which they are respectively set, namely : Standard weights of certain articles.

- Potatoes, turnips, carrots, parsnips, beets and onions..... Sixty pounds,
- Flax seed..... Fifty pounds,
- Hemp seed..... Forty-four pounds,
- Blue grass seed..... Fourteen pounds,
- Castor beans..... Forty pounds,
- Salt..... Fifty-six pounds,
- Dried Apples..... Twenty-two pounds,
- Dried Peaches..... Thirty-three pounds,
- Malt..... Thirty-six pounds.

22 V. (1859) c. 21, s. 1.

5. Upon any sale and delivery of any description of Grain, Pulse or Seeds or other articles mentioned in this Act, and in every contract for the sale or delivery of any such Grain, Pulse Seeds or other articles, the Bushel shall be taken and intended to mean the Weight of a Bushel as regulated by this Act, and not a Bushel in Measure, or according to any or greater or less Weight, unless the contrary appears to have been agreed upon by the parties. Effect of this Act upon contract. 16 V. c. 193, s. 3, and 22 V. (1859) c. 21, s. 2.

6. Upon any sale and delivery of any description of Grain, Pulse or Seeds or other articles mentioned in this Act, and in every contract for the sale or delivery of any such Grain, Pulse Seeds or other articles, the *Minot* shall be taken and intended to mean the weight of a Bushel as regulated by this Act, and not a *Minot* or Bushel in Measure, or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties. What shall be understood by the word "Minot." 18 V. c. 15, s. 2, and 22 V. (1859) c. 21, s. 2.

7. No part of this Act shall apply to any contract made in Upper Canada before the fifteenth day of June, one thousand eight hundred and fifty-three, or in Lower Canada before the first day of May, one thousand eight hundred and fifty-five, nor shall anything in the first, second and fourth sections of this Act, or in any other part thereof as referring to the said sections, apply to or affect any contract made before the fourth day of May, one thousand eight hundred and fifty-nine. This Act not to affect contracts before certain dates. 16 V. c. 193,—18 V. c. 15, and 22 V. (1859) c. 21, s. 6.

8. The provisions of Chapter fifty-six of the Consolidated Statutes for Upper Canada, (respecting Weights and Measures,) shall be subject to and controlled by those of this Act, as if they were incorporated in the said Act. Provision Cap. 56, Con. Stat. U. C. to be controlled by this Act.

## C A P. L X I.

## An Act respecting Pawnbrokers and Pawnbroking.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Pawnbrokers  
to be licensed.

**1.** Every person exercising the trade of a Pawnbroker in this Province, shall take out a license, under the hand of the Governor, to be issued by the Revenue Inspectors, and shall renew the same annually. 14, 15 V. c. 82, s. 1.

Penalty for  
neglect.

**2.** In case any Pawnbroker neglects to take out or renew such license, he shall forfeit Two hundred dollars for every pledge he takes without such license, to be recovered in any of Her Majesty's Courts. 14, 15 V. c. 82, s. 1.

Fee for license.

**3.** The sum of Sixty Dollars for every such license shall be paid into the hands of the Collector of Customs, nearest the residence of the Pawnbroker, and the same shall be accounted for to the Receiver General. 14, 15 V. c. 82, s. 2.

A single li-  
cense.

**4.** No person shall, by virtue of one license, keep more than one house or shop, or place for taking in goods to pawn. 14, 15 V. c. 82, s. 3.

Partners.

**5.** Any number of persons carrying on trade as Pawnbrokers in partnership in the same house, shop or place, need only take out a license for one house. 14, 15 V. c. 82, s. 3.

Pawnbroker,  
defined.

**6.** Every person who receives or takes, by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon, shall be deemed a Pawnbroker within the meaning of this Act. 14, 15 V. c. 82, s. 4.

To exhibit a  
sign.

**7.** Every Pawnbroker shall have a sign, with his name and the word "Pawnbroker" in large legible characters thereon, placed over the door outside of the shop, or other place used by him for carrying on such business. 14, 15 V. c. 82, s. 5.

Penalty for  
neglect.

**8.** In case any Pawnbroker neglects to have such sign so placed, he shall forfeit Forty Dollars for every shop or place made use of for one week without having the same so put up, to be recovered, with costs, on the oath of one witness, before any two Justices of the Peace, and if not forthwith paid, upon conviction, the same may, by Warrant under the hands and seals of two Justices of the Peace, be levied by distress and sale of the offender's goods, and one half of the penalty shall be paid to the informer, and the other half to the Queen. 14, 15 V. c. 82, s. 5.



**9.** If there be not a sufficient distress, or payment be not forthwith made, the offender shall be committed to the County or District Gaol, for a term not exceeding three months nor less than fourteen days, unless the penalty and reasonable charges be sooner paid. 14, 15 V. c. 82, s. 5. If no distress may be committed.

**10.** Every Pawnbroker may take the following rates above the principal sum advanced, before he is obliged to redeliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding Fifty Cents, the sum of one Half-penny (or  $\frac{1}{2}$  of a cent) for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the same proportion for every sum of Fifty Cents up to Twenty dollars. 14, 15 V. c. 82, ss. 6, 7. Pawnbroker's rates.

**11.** When the sum lent exceeds Twenty dollars, the Pawnbroker may take upon all beyond that amount after the rate of Five Cents for every Four Dollars by the month, and so on in proportion for any fractional sum. 14, 15 V. c. 82, s. 6. When the sum lent exceeds \$20.

**12.** Such sums respectively shall be in lieu of and taken as a full satisfaction for all interest due and charges for warehouse room. 14, 15 V. c. 82, s. 6. Which shall cover warehouse room.

**13.** The party entitled to and applying for the redemption of goods pawned, within fourteen days from the end of the first month after the same were pledged, may redeem such goods upon paying the rate or profit payable for one month and a half, but if redeemed after the expiration of the first fourteen days, and before the end of the said second month, the Pawnbroker may take a rate or profit of the whole second month, and the like regulation and restriction shall take place in every subsequent month wherein application is made for redeeming goods pawned. 14, 15 V. c. 82, s. 8. Time when and terms on which pawns redeemable.

**14.** In all cases where the lowest fraction of the sum to be received by any Pawnbroker from persons offering to redeem goods is less than one half penny (or  $\frac{1}{2}$  of a cent) the Pawnbroker may receive one half penny (or  $\frac{1}{2}$  of a cent) for the said fraction from the person redeeming the goods. 14, 15 V. c. 82, s. 9. Fractions.

**15.** Every Pawnbroker shall cause to be painted or printed in large legible characters the rate of profit by this Act allowed to be taken, and also the various prices of the notes or memorandums to be given according to the rates hereinafter mentioned, and an account of such as are to be given gratis, and of the expense of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and shall place the same in a conspicuous part of the shop. Rates to be exhibited.

shop or place where the business is carried on, so as to be visible to and legible by persons pledging goods. 14, 15 V. c. 82, s. 10.

Entries to be made by pawnbrokers.

**16.** Every Pawnbroker who takes any goods by way of pawn or pledge whereon a sum above one dollar is lent, shall, before he advances or lends the money thereon, enter in a fair and regular manner in a Book to be kept by him for that purpose, a description of the goods received in pawn, pledge or exchange, and the sum lent thereon, with the day and year, and name of the person by whom pawned, and the name of the street and number of the house, if numbered, where such person abides, and whether he be a lodger in or the keeper of such house, by using the letter L if a lodger, and the letter H if a housekeeper, and also the name and place of abode of the owner, according to the information of the person pawning the goods, into all which circumstances the Pawnbroker shall enquire of the party before any money is advanced, and if the sum lent does not exceed one dollar, a similar entry shall be made within four hours after the goods have been pawned. 14, 15 V. c. 82, s. 11.

If above two dollars lent.

**17.** Every pledge upon which there is lent above two dollars, shall be entered in a Book to be kept for that purpose, and to be kept separate from all other pledges, and every such entry shall be numbered in the Book progressively as such goods are pawned in the following manner, viz: the first pledge that is received in pawn No. 1, the second No. 2, and so on until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of the pledge so entered in the Book aforesaid.

Note to be given to the pawner.

**18.** At the time of taking any pawn, a note or memorandum written or printed, shall be given to the person pawning, pledging or exchanging the same, containing a description of the goods pawned, pledged or exchanged, and also of the money advanced thereon, with the day of the month and year, and the names and places of abode, and numbers of the houses of the parties, and whether lodgers or housekeepers by using the letters aforesaid, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of the Pawnbroker, which note or memorandum the party pawning the goods is required to take, and unless he takes the same, the Pawnbroker shall not receive and retain the pledge. 14, 15 V. c. 82, s. 11.

Fees therefor.

**19.** When the sum lent is under one dollar, the note aforesaid shall be given gratis.

If the sum lent is one dollar and under two dollars the Pawnbroker may take one half penny (or  $\frac{1}{2}$  of a cent);

If

If two dollars and under four dollars, he may take one penny (or  $1\frac{1}{2}$  of a cent);

If four dollars and under twenty dollars, he may take two pence (or  $3\frac{1}{2}$  of a cent);

If twenty dollars and upwards, he may take four pence (or 6 of a cent); 14, 15 V. c. 82, s. 11.

**20.** The note shall be produced to the Pawnbroker before he is obliged to re-deliver the goods, except as hereafter provided. 14, 15 V. c. 82, s. 11.

The note to be afterwards produced.

**21.** A duplicate of the said note or memorandum shall be affixed to the goods pledged, and in all cases where goods pawned are redeemed, the Pawnbroker shall write or indorse, or cause to be written or endorsed on every duplicate, the profit taken by him for the pledge, and shall keep the duplicate in his custody for one year next following. 14, 15 V. c. 82, s. 11.

A duplicate to be affixed to the goods.

**22.** If any person knowingly and designedly pawns, pledges or exchanges, or unlawfully disposes of the goods of any other person, not being employed or authorized by the owner so to do, any Justice of the Peace resident nearest to the place where the offence has been committed, may grant his Warrant to apprehend the offender; and if he is thereof convicted by the oath of one witness, or by confession, before a Justice of the Peace, he shall forfeit not more than Twenty dollars, nor less than Four dollars, and also the value of the goods pawned, and if not forthwith paid, the convicting Justice shall commit him to the common Gaol of the District or County where the offence was committed, there to remain and be kept to hard labor for not more than three months, unless the forfeiture be sooner paid. 14, 15 V. c. 82, s. 12.

Penalty for pawning goods of others.

**23.** The said forfeitures when recovered shall be applied towards making satisfaction thereout to the party injured, and defraying the costs of the prosecution, as may be adjudged reasonable by the convicting Justice. 14, 15 V. c. 82, s. 12.

Forfeitures, how applied.

**24.** If any person counterfeits, forges, or alters any note or memorandum given by a Pawnbroker for goods pledged, or causes or procures the same to be done, or utters, vends, or sells such note or memorandum, knowing the same to be counterfeited, forged or altered, with intent to defraud any person, such offender shall be punished as hereafter mentioned. 14, 15 V. c. 82, s. 13.

Forging pawnbroker's notes, &c.

**25.** In case any note or memorandum aforesaid is uttered, shown or offered to any person, and such person has reason to suspect that the same has been forged, he may seize the person offering the same, and deliver him to a Bailiff or Constable,

Persons suspected of forging—how dealt with.

who shall convey him before some Justice of the place where the offence has been committed, or nearest thereto, and if upon examination it appears to the satisfaction of such Justice that such person is guilty, he shall commit him to the Common Gaol of the District or County for any time not exceeding three months. 14, 15 V. c. 82, s. 13.

Consequences of not giving account of goods offered to be pawned.

**26.** If any person offers to any Pawnbroker, by way of pawn or pledge or of exchange or sale, any goods, and is not able or refuses to give a satisfactory account of himself or of the means whereby he became possessed of the goods, or wilfully gives any false information to the Pawnbroker or his servant as to whether such goods are his own property or not, or as to his name and place of abode, or as to the owner of the goods, or if there is any other reason to suspect that such goods have been stolen or otherwise illegally or clandestinely obtained, or if any person not entitled, nor having any color of title by law to redeem goods that have been pawned, shall attempt to redeem, the person to whom the goods first above mentioned are offered to be pawned or to whom the offer to redeem the goods in pawn is made, may seize and detain the person offering to pawn and the goods offered to be pawned, or the person offering to redeem as aforesaid, and shall convey such person and the goods offered to be pawned or the person offering to redeem, and immediately deliver the person so offering to pawn and the goods offered to be pawned, or the person so offering to redeem, into the custody of a Peace Officer or Constable, who shall, as soon as may be, convey such person and goods, or such person, as the case may be, before a Justice of the District or County. 14, 15 V. c. 82, s. 14.

If a J. P. suspects goods to have been stolen.

**27.** If such Justice, upon examination and enquiry, has cause to suspect that the said goods have been stolen or illegally or clandestinely obtained, or that the person offering to redeem hath not any pretence or color of right so to do, he shall commit the offender into safe custody for such reasonable time as may be necessary for obtaining proper information in order to be further examined, and if upon either examination it appears to the satisfaction of the Justice that the said goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem had not any pretence or color of right so to do, he shall, unless the offence authorises such commitment by any other law, commit the offender to the Common Gaol of the District or County where the offence was committed, for any time not exceeding three months. 14, 15 V. c. 82, s. 14.

Consequences of taking goods in pawn from journeyman.

**28.** If any person knowingly buys or takes in pawn, or exchange from any journeyman mechanic, any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials have been put into

into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which have been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and is convicted thereof upon confession, or on the oath of one witness, before a Justice of the District or County where the offence was committed, he shall forfeit the sum lent thereon; and forthwith restore the said goods or materials to the lawful owner. 14, 15 V. c. 82, s. 15.

**29.** If the owner of goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption; or of any linen or apparel which has been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or any other goods whatsoever, which have been unlawfully pawned or exchanged, makes out either on his oath or by the oath or solemn affirmation of one witness, before a Justice aforesaid where such offence has been committed, that there is just cause to believe or to suspect that any person hath taken to pawn or exchange any such goods without the owner's knowledge, and makes appear probable grounds for such suspicion, such Justice may issue his Warrant for searching within the hours of business, the books, house, warehouse or any other place of the person so charged as suspected of having received the same without the privity of the owner, and if the occupier of such place upon request made to him by any Peace Officer authorized to search, refuses to exhibit his pledge books, or to open such place as required to permit search to be made, the Peace Officer may break open the house, warehouse or other place on the said premises within the hours of business, and search as he may think fit for the goods suspected to be there, taking care to do no wilful damage, and no person shall oppose the same. 14, 15 V. c. 82, s. 16.

Proceedings  
by owners of  
goods illegally  
pawned.

Search war-  
rant.

**30.** If after such refusal and upon forced search, any goods so pawned or exchanged as aforesaid are found, and the property of the owner is made out to the satisfaction of the Justice, by the oath or solemn affirmation of one witness, or by the confession of the person charged, the Justice shall cause the goods to be forthwith restored to the owner, and the occupier shall be fined not less than Eight nor more than Twenty dollars, to be recovered as other fines before mentioned. 14, 15 V. c. 82, s. 16.

Of goods found,  
concealed.

**31.** In case within one year after any goods have been pawned or pledged for securing money lent, the pawner, or of her person

If goods not  
redeemed

on

within a year  
and pawn-  
broker refuses  
to restore.

on his behalf, tenders to the person who lent the money, the note or memorandum required to be given by this Act, and also the principal money borrowed, and the profit according to the rates of this Act, and the person who took the goods in pawn neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawner may make oath thereof before a Justice of the District or County where the offence has been committed, and such Justice shall cause such person to come before him, and shall examine on oath the parties themselves, and such other credible persons as appear before him touching the premises, and if tender of the note or memorandum, with the principal sum lent, and all profit thereon, is proved on oath to have been made within the time aforesaid, then on payment by the borrower of such principal money and the profit due thereon to the lender; and in case the lender refuses to accept thereof on tender before the Justice, such Justice shall thereupon, by order under his hand, direct the goods so pawned forthwith to be delivered to the pawner, and if the lender neglects or refuses to deliver up or make satisfaction for the goods as such Justice orders, the Justice shall commit him to the Common Gaol of the District or County where the offence was committed, until he delivers up the goods according to the order, or makes satisfaction for the value thereof to the party entitled to the same. 14, 15 V. c. 82, s. 17.

Holder of note  
to be consider-  
ed owner.

**32.** The person who produces the note or memorandum aforesaid and requires a delivery of the goods mentioned therein, shall be deemed the owner, so far as concerns the person who has the goods in pledge; and the Pawnbroker, on receiving the principal and profit aforesaid, shall deliver the goods to the person producing the note or memorandum, and he shall be indemnified, unless he has had notice in writing from the real owner not to deliver the goods to the person producing the note or memorandum. 14, 15 V. c. 82, s. 18.

Proceedings if  
pawnbroker  
notified not to  
deliver.

**33.** In case a Pawnbroker has had such previous notice, or in case the note or memorandum has been lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein are unredeemed :

1. The Pawnbroker with whom the goods have been pledged, shall, at the request of the person who represents himself as the owner thereof, deliver to such person a copy of the note or memorandum, with the form of an affidavit of the particular circumstances attending the case, written thereon, as the same are stated to him by the party applying for the goods :

2. The person receiving such copy and form of affidavit shall thereupon prove his property in or right to the goods to the satisfaction of some Justice of the Peace, and shall also make oath to such affidavit, before such Justice, of the truth of the particular circumstances attending the case therein mentioned :

3. The Pawnbroker shall then suffer the person proving such property to redeem the goods on leaving such copy of the note or memorandum, and the affidavit with him the Pawnbroker;

4. In case the money lent does not exceed One dollar, the Pawnbroker may receive for such copy and affidavit One Penny (or  $1\frac{2}{3}$  cents); if above One dollar, and not exceeding Four dollars, Two Pence (or  $3\frac{1}{2}$  cents); and if above Four dollars, Five Cents. 14, 15 V. c. 82, s. 19.

34. All pawned goods shall be deemed forfeited, and may be sold at the expiration of one year from the time of pawning the same, exclusive of the day on which they were pawned. When goods may be sold. 14, 15 V. c. 82, s. 20.

35. When the sum lent exceeds Two dollars, the goods shall be sold by the Pawnbroker at public auction, and not otherwise. At public auction. 14, 15 V. c. 82, s. 20.

36. Before such public sale, the goods shall be exposed to public view, and a catalogue thereof published, containing the name and place of abode of the Pawnbroker, a description of the goods separately, the month the goods were received in pawn, and the number of the pledge; and an advertisement giving notice of such intended sale, and containing the name and abode of the Pawnbroker, and the month the goods were received in pawn, shall be inserted on two several days in some public newspaper, two days at least before the day of sale. Before sale goods to be exposed to view. 14, 15 V. c. 82, s. 20.

37. In case the goods be not described separately in the catalogue, the Pawnbroker shall forfeit to the owner of the pledge not less than Eight dollars nor more than Forty dollars, to be recovered as other fines under this Act. Penalty for not properly describing. 14, 15 V. c. 82, s. 20.

38. Every Pawnbroker shall enter in a Book, to be kept for that purpose, a just account of the sale of such goods by auction, expressing therein the day of the month the same were pledged, the name of the person who pledged, the day when, and the money for which each pledge was sold, and the name and abode of the auctioneer. Account of sales to be kept and booked. 14, 15 V. c. 82, s. 21.

39. In case such goods have been sold for more than was due thereon, and in case of demand within three years after the sale, the overplus shall, after deducting the necessary costs and charges of the sale and catalogues, be paid, to the person by whom or on whose account the goods were pawned. Disposal of surplus. 14, 15 V. c. 82, s. 21.

40. The person who pawned such goods, or the person for whom they were pawned, shall be permitted to inspect the entry. Pawnner may inspect entries.

entry made of such sale, on paying Five Cents for the inspection. 14, 15 V. c. 82, s. 21.

Consequence  
of refusal to  
permit.

**41.** In case the Pawnbroker refuses an inspection of such entry to the person who pawned the goods, or to his executor, administrator or assignee, upon the production of the letters testamentary, letters of administration or assignment, or in case the goods were sold for more than the sum entered in such Book, or in case the Pawnbroker did not make such entry, or did not *bona fide* sell the goods according to this Act, or refuses to pay the overplus on demand, he shall forfeit Forty Dollars, and treble the sum the goods were originally pawned for, to the person by whom or on whose account they were pawned, to be recovered as other fines under this Act, and if such forfeiture is not forthwith paid, the sum shall be levied by distress by Warrant of the Justices before whom the conviction is had. 14, 15 V. c. 82, s. 21.

Pawnbrokers  
not to purchase  
goods except at  
public auction.

**42.** No Pawnbroker having goods in pledge shall, either by himself or by any other person for him, except at public auction, purchase such goods during the time they remain in his custody, as a pledge. 14, 15 V. c. 82, s. 22.

**43.** No Pawnbroker shall,—

Restrictions  
upon pawn-  
brokers.

1. Purchase, receive or take any goods in pledge, from any person who appears to be under the age of fifteen years old, or to be intoxicated with liquor; nor

2. Shall he purchase or take in pawn, pledge or exchange, the note or memorandum aforesaid of any other Pawnbroker;

3. Nor employ any servant or other person under sixteen years of age to take any pledge;

4. Nor receive any goods by way of pawn, pledge or exchange, on any Fast or Thanksgiving day appointed by authority, or on Sunday, nor on any other day, before eight o'clock in the morning, nor after eight o'clock in the evening, except on Saturday evenings, and the evenings preceding Good Friday and Christmas day, at which last times the Pawnbroker may keep his place of business open until ten o'clock in the evening. 14, 15 V. c. 82, s. 22.

If goods lost or  
damaged.

**44.** In case it appears or is proved on oath before a Justice of the Peace, that the goods pawned were sold before the time limited, or have been embezzled or lost, or have become of less value than when pawned, through the neglect or wilful misbehaviour of the Pawnbroker or his servants, the Justice shall award a reasonable satisfaction to the owner in respect of such damages. 14, 15 V. c. 82, s. 23.

Award.



**45.** In case the sum so awarded does not amount to the principal and profit due to the Pawnbroker, the pawner may pay or tender the balance; and on so doing, the Justice shall proceed as if the pawner had paid or tendered the whole money due for principal and profit as aforesaid. 14, 15 V. c. 82, s. 23.

Terms of redemption of such goods—tender of difference.

**46.** In case the satisfaction allowed is equal to or exceeds the principal and profit as aforesaid, the Pawnbroker shall deliver the goods so pledged to the owner without being paid any thing for the principal or profit, and also the excess; if any, under penalty of Forty Dollars to be recovered as penalties hereinbefore mentioned. 14, 15 V. c. 82, s. 23.

When without any tender.

**47.** When the Justice thinks the production of any pawn-book, note, voucher, memorandum, duplicate or other paper necessary, which is or ought to be in the hands, custody or power of any Pawnbroker, he shall summon him to attend with the same, and the Pawnbroker shall be bound to produce the same in the state it was when the pawn was received, and in case the Pawnbroker neglects or refuses to attend or to produce the same in its true and perfect state, he shall, unless he shews good cause to the satisfaction of the Justice, forfeit not less than twenty dollars nor more than forty dollars to be levied and recovered as fines hereinbefore mentioned. 14, 15 V. c. 82, s. 24.

Pawnbroker bound to produce.

**48.** No Pawnbroker shall be liable to any prosecution before a Justice under this Act, unless information be given within twelve months next after the offence committed. 14, 15 V. c. 82, s. 25.

Limitation of prosecutions.

**49.** Such prosecution shall be before some neighbouring Justice of the place where the offence was committed, but no person who has been convicted of fraud or felony shall prosecute or inform against any person for an offence against this Act. 14, 15 V. c. 82, s. 25.

What Justice may act.

Who cannot be informers.

**50.** The provisions of this Act shall extend to the executors, administrators and assigns of every deceased Pawnbroker, and also to the tutor, curator, executors, administrators and assigns of the Pawner, but such tutor, curator, executor, administrator or assign shall not be answerable for any penalty personally or out of his own estate, unless forfeited by his own act. 14, 15 V. c. 82, s. 26.

Act to extend to executors, administrators, &c.

**51.** No fee shall be taken for any Summons or Warrant granted by any Justice under this Act so far as the same relates to goods pawned, pledged or taken in exchange. 14, 15 V. c. 82, s. 27.

No fee on Justice's summons.

**52.** In case any person convicted of an offence punishable by this Act, thinks himself aggrieved by the judgment of the Justices

Appeal to Quarter Sessions.

Justices before whom he has been convicted, he may appeal to the next General Quarter Sessions of the Peace for the District or County where the offence was committed. 14, 15 V. c. 82, s. 28.

Stay of execution pending appeal.

**53.** In case of an appeal, the execution of the judgment shall be suspended, upon the person convicted entering into a recognizance, at the time of the conviction, with two sureties, in double the sum he has been adjudged to pay, to prosecute the appeal with effect, and to be forthcoming to abide the judgment and determination of the Court, and to pay such costs as may be awarded at the Sessions. 14, 15 V. c. 82, s. 28.

J. in S. to decide finally.

**54.** The Justices in Sessions shall hear and finally determine the matter of appeal, and may award either party to pay such costs as may be reasonable. 14, 15 V. c. 82, s. 28.

If judgment affirmed.

**55.** In case the judgment be affirmed, the appellant shall immediately pay the sum adjudged to be forfeited, together with such costs as the Court awards, or, in default thereof, he shall suffer the penalties inflicted by this Act upon persons who do not upon conviction pay the forfeitures hereby imposed. 14, 15 V. c. 82, s. 28.

Pawn not to be taken from Indians for liquor.

**56.** No pawn taken of any Indian in Upper Canada for any spirituous liquor shall be retained by the person to whom such pawn may be delivered, but the thing so pawned may be sued for and recovered with costs of suit by the Indian who may have deposited the same, before any Court of competent jurisdiction. 13, 14 V. c. 74, s. 7.

## C A P. L X I I . -

### An Act respecting Fisheries and Fishing.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

#### PROTECTION OF FISHERIES.

Governor in Council may grant fishing licenses, &c.

**1.** The Governor in Council may grant special fishing leases and licenses on lands belonging to the Crown, for any term not exceeding nine years, and may make all and every such regulation or regulations as may be found necessary or expedient for the better management and regulation of the Fisheries of the Province. 22 V. c. 86, s. 4.

Appointment and duties of Superintendents of Fisheries.

**2.** The Governor may, as occasion shall require, appoint two Superintendents of Fisheries, one for Upper and one for Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it; but any appointment made under the fourth section of the Act twentieth

Victoria,

Victoria, chapter twenty-one, shall remain valid as if made under this Act; Four Overseers may be appointed by the Commissioner of Crown Lands, in such places, and in such divisions of territory, as may be considered necessary, to perform such duties under this Act, and the regulations to be made under it, as may be required by the Commissioner of Crown Lands, and the salary of such Overseers shall not exceed four hundred dollars per annum. 22 V. c. 86, s. 5.

And of Overseers of Fisheries.

3. All subjects of Her Majesty, but none other, may, for the purposes of trade and commerce--

Rights of Fishermen.

1. Take bait and fish in any of the harbours, roadsteads, bays, creeks or rivers of the Province;

Taking bait and fishing.

2. Land anywhere on public property for the purpose of salting, curing and drying fish;

Landing and curing fish.

3. Cut wood there for the purpose of repairing stages, drying places, flakes, hurdles, cook-rooms and other purposes necessary or useful for preparing or dealing with fish;

Cutting wood.

4. Take possession of any unoccupied portion of the beach which may be necessary for curing fish, and hold the same so long as the same shall not have been abandoned during twelve consecutive months;

Occupying beaches.

5. Any such subject having so occupied any such portion of the beach may, during the year next after he shall have been twelve months without occupying it, demand personally or by his Attorney the value of his flakes and stages and other property, of which a new occupant shall have taken possession; and

Recovering value of stages, &c.

6. Carry away his buildings and improvements, after the close of the fishing season, after having so demanded the value thereof, if he shall not have received the same from the new occupant. 22 V. c. 86, s. 6.

Carrying away improvements, &c.

4. But nothing contained in the third section shall affect private property or prevent the Crown from disposing or taking possession of any public land or beach so occupied for fishing purposes. *Ibid.*, s. 7.

Sect. 3 not to affect private or Crown property, &c.

5. The Governor in Council may cause to be set apart any river or other water for the natural or artificial propagation of Salmon, Trout, or other fish. *Ibid.*, s. 8.

Waters may be set apart for propagation of fish.

6. The Governor in Council may grant permission to fish in the Rivers within the King's Posts. *Ibid.*, s. 9.

Fishing within the King's Posts.

Throwing ballast, offal, &c., prohibited.

**7.** Whoever throws overboard ballast in any river, harbour or roadstead, where fishing is carried on, or the remains of offal of fish, in any such river, or within three miles of the coast of the mainland, or of any island, or on any fishing bank, shall incur a fine not exceeding eighty dollars, and the Master or Owner of such Vessel or Boat, from which such ballast or offal of fish shall have been thrown, shall be held liable for every such offence; Provided always that it shall be lawful for any person to bury such offal of fish on the mainland or any island at a distance of not less than an acre from the beach thereof. *Ibid.*, s. 11.

Impeding fishing.

**8.** No one shall anchor near the shore in such a manner as to impede the throwing and hauling of seines, or the setting of standing nets. *Ibid.*, s. 12.

The same.

**9.** No one shall set standing nets in such a manner as to impede the throwing or the hauling of seines. *Ibid.*, s. 13.

Impeding navigation.

**10.** No one shall set seines or nets in such a manner as to impede the navigation or anchorage in any bay, harbour or roadstead, or other place required for navigation. *Ibid.*, s. 14.

Penalty for contravening sects. 8, 9, 10.

**11.** Any person contravening any of the three next preceding sections, shall for each offence incur a fine not exceeding twenty dollars, and shall nevertheless remain liable for any damage which the party injured by such contravention may recover against him by Law. 22 V. c. 86, s. 15.

Penalty for removing fishing stakes.

**12.** Any person who shall for fishing purposes have placed in any river, or in the sea, near the shore, any stake or other timber whatever, shall, on pain of a fine not exceeding twenty dollars, remove the same within eight days from that on which it shall have been last used. *Ibid.*, s. 16.

Exemption of fishing tackle from seizure, &c.

**13.** No one shall, between the first of May and the first of November in any year, seize or attach any boat or vessel, tackle, net, seine or other fishing utensils, or any provisions belonging to any fisherman, or necessary for his subsistence, or his fishing operations, except for the recovery of penalties or fines imposed under this Act. *Ibid.*, s. 17.

Exception.

Penalty for deserting fishing service.

**14.** Any person who, having been engaged by any written agreement to fish on any conditions, or assist in any fishing, refuses to fulfill any such engagement, or shall abandon his employer's service, during the term of his engagement, shall thereby incur a fine not exceeding forty dollars, or imprisonment for not more than one month. *Ibid.*, s. 18.

Or seducing away persons engaged therefrom.

**15.** Whoever engages or endeavours to engage any person then engaged as aforesaid in any way to fish, or assist in any fishery, shall thereby incur a penalty not exceeding forty dollars,

dollars, or imprisonment for not more than one month. *Ibid.*, s. 19.

**16.** Any person engaged to fish, or assist in any fishery, shall, for securing his wages, or share, have a first lien, preferable to that of any other creditor, upon the produce of his employer's fishery, and may recover the sum or share due to him before the nearest competent tribunal. *Ibid.*, s. 20.

Lien in favor of fishermen.

**17.** With a view to protect the Oyster Beds to be formed in the different parts of the Canadian bays and coasts, it shall not be lawful for any person to take Oysters, or in any way to injure or disturb such Oyster Beds, until permitted to do so, by an order from the Commissioner of Crown Lands, which order shall be published in the Official Gazette and in such other newspapers as the Commissioner may direct, under a penalty of not more than one hundred dollars, nor less than forty dollars, together with the forfeiture of the vessel and all the apparatus employed therein. *Ibid.*, s. 21.

Penalty for disturbing oyster beds, except at times permitted by order of the Commissioner of Crown Lands.

**18.** No one shall use Mackerel, Herring, nor Caplin seines, for the taking of Codfish; and no Codfish seine shall be of a less sized mesh than three inches in extension in the arms, and two and a half inches in the bunt or bottom of the seine, under penalty, and on pain of the forfeiture of the seine. 22 V. c. 86, s. 22.

Meshes of cod seines not to be under a certain size.

**19.** No one shall fish with any kind of net or seine in Burlington Bay nor in Dundas Marsh, nor shall any person set any net or other device whatsoever, so as to prevent the free passage of the fish to and from the said Bay. *Ibid.*, s. 23.

Nets not to be used in Burlington Bay, &c.

**20.** No one shall fish for, catch or kill salmon in any way whatever, between the first day of August and the first day of March in any year; Except only, that it shall be lawful to fish for salmon, with a rod and line, in the manner known as fly-surface-fishing, from the first of March to the first of September in any year, in Upper or Lower Canada. *Ibid.*, s. 24.

Period for salmon fishing limited.

Exception as to fly-fishing.

**21.** No one shall use any net, or take salmon in any way whatever, at any salmon-leap, or where any artificial salmon pass shall have been constructed, nor in any pools or ponds where salmon are wont to spawn. *Id.*, s. 25.

Also killing at certain places.

**22.** Whoever obstructs the main channel or course of any river, either by placing therein nets or fishing apparatus of any kind, or any obstacle of any kind whatever, for the purpose of taking salmon or any other species of fish, shall thereby incur for each offence, a fine not exceeding twenty dollars, and the forfeiture of his fishing apparatus; and in no case shall the said channel or course so left open be less than one third of the whole breadth of such river. *Ibid.*, s. 26.

Main channel of Rivers not to be obstructed.

Penalty.

Fishways to be attached to dams.

**23.** The owner of any dam or slide where fish may ascend, shall, for the purpose of affording a passage to the fish, attach and maintain to each dam or slide, a fishway of such form and dimensions as shall be determined by the Superintendent of Fisheries, under a penalty of four dollars for each day on which he shall fail so to do after two months' notice by the Superintendent. *Ibid.*, s. 27.

Penalty.

Penalty for taking salmon in contravention of sec. 20.

**24.** Any Salmon taken in contravention of the twentieth section of this Act, shall subject all parties concerned in the breach of the said section, whether the actual transgressors or accessories, to a penalty of not more than forty dollars, nor less than twenty dollars, together with the forfeiture of the fish, canoe, boat or other vessel in which the fish may have been placed, or to imprisonment for a period of not more than six months, nor less than three months. *Ibid.*, s. 28.

Penalty.

Size of meshes of salmon nets.

**25.** The meshes of any net used for the taking of Salmon shall not be less than five inches in extension, knot to knot, under penalty and on pain of forfeiture of the nets. *Ibid.*, s. 29.

No net to be less than two inches mesh.

**26.** No one shall fish with any net or seine whatever, of a less sized mesh than one and a half inches on the square in any Lake, River or Bay, or in any of the waters of Upper Canada. 22 V. c. 86, s. 30.

Period for killing trout;

**27.** No one shall fish for, catch or kill any kind of trout in any way whatever, between the twentieth of October and the first of February in any year, in Lower Canada. *Ibid.*, s. 31.

And for killing speckled trout.

**28.** No one shall kill any kind of speckled trout in any way whatever, between the twentieth of October and the first of April in any year; nor shall any Speckled Trout be killed at any time by means of nets or seines in any Inland Lake, River or Stream in Upper Canada. *Ibid.*, s. 32.

Not to be taken with nets in U. C.;

Not in L. C., at certain places.

**29.** No one shall catch trout, by means of nets or seines, in any lake or river, or at the outlet or inlet of any lake, or in any river except the River St. Lawrence, in Lower Canada. *Ibid.*, s. 33.

Time for catching salmon-trout, &c.

**30.** Except in the Lakes Huron and Superior, no one shall catch Salmon-trout between the fifteenth day of November and the first day of February. *Ibid.*, s. 34.

And for certain other fish.

**31.** Except as aforesaid no one shall catch Maskinongé, Pickerel, nor Black Bass, between the fifteenth of March and the fifteenth day of May. *Ibid.*, s. 35.

Fish not to be bought or sold in the close season.

**32.** No one shall buy, sell or have in possession any Salmon, Salmon-Trout, nor any kind of Trout, Bass, nor Maskinongé, taken in contravention of this Act, and any fish so taken may be

be declared forfeited by any Magistrate whomsoever, and any person so found in possession of any of the aforementioned fish, or of any part or portion thereof, shall be held to have obtained the same in violation of the provisions of this Act, except only upon legal proof to the contrary, which proof shall devolve wholly upon the person accused. *Ibid.*, s. 36. Proof.

**33.** No one shall construct any fish pound in any river. *Ibid.*, s. 37. Fish-pounds.

**34.** The Superintendent of Fisheries may grant written permission to any person or persons who may be desirous of obtaining spawn for *bona fide* artificial or scientific purposes, to fish for that purpose, during the close season; And any person who wilfully injures or destroys any place set apart for the artificial propagation of fish, shall incur a fine of not less than twenty dollars nor more than forty dollars. *Ibid.*, s. 38. Permission may be given to take fish for spawn in the close season, &c.

**35.** Every subject of Her Majesty, who was in peaceable possession of any fishing Station on the sixteenth of August, one thousand eight hundred and fifty-eight, shall be deemed the owner thereof, for the purposes of this Act, and he shall be deemed so to be if he has not abandoned it during twelve consecutive months; and no other person shall set therein any apparatus for catching fish so as to injure his fishery. 22 V. c. 86, s. 39. Right of possession in fishing-stations.

**36.** No one shall throw lime, or any chemical substance or drug, into any water frequented by any one of the kind of Fish mentioned in this Act, and any person found guilty of having thrown lime or any other chemical substance or drug in such waters shall be subjected to a penalty of not less than twenty dollars and not more than forty dollars for each offence. *Ibid.*, s. 40. Lime and drugs not to be used to catch fish. Penalty.

**37.** Every penalty or forfeiture imposed by this Act or the regulations to be made under it, may be recovered on complaint before the Superintendent of fisheries, or any Stipendiary or other Magistrate, in a summary manner, upon the oath of one credible witness; and the proceedings and the costs to be recovered shall be the same as provided by law in either Section of the Province in other cases where summary jurisdiction is given to Magistrates, except in so far as it may be otherwise herein provided. *Ibid.*, s. 41. Recovery of penalties.

**38.** In every case of contravention of this Act, or of the regulations to be made under it, for which no other penalty is provided, the offender shall incur a fine of not less than eight dollars nor more than twenty dollars. *Ibid.*, s. 42. Penalty where no other is provided.

**39.** All penalties incurred under this Act must be sued for within twelve months from the commission of the offence. *Ibid.*, s. 43. Limitation of prosecutions for penalties.

Committal for non-payment.

**40.** Any offender who does not forthwith pay the fine and costs he has been condemned to pay, shall be committed to Gaol for a term of not less than one month, nor more than six months, at the discretion of the Magistrate before whom the offender has been convicted. *Ibid.*, s. 44.

Delay between service and return.

**41.** There shall not be less than three days between the service and the return of the Summons to any Defendant, for the first five leagues, and one day more for each additional five leagues, of the distance between the place at which the Summons is dated and the place where it is served. *Ibid.*, s. 45.

Conviction on view.

**42.** The Superintendent of Fisheries, or any Stipendiary or other Magistrate, may convict upon view of any of the offences punishable under the provisions of this Act. *Ibid.*, s. 46.

Defendant compellable to appear immediately in certain cases.

**43.** When the defendant is not a resident in the Province, and it is expedient to proceed against him without delay, the Superintendent of Fisheries, or any Stipendiary or other Magistrate may, upon complaint, issue a Summons returnable immediately, to compel the defendant to appear before him without delay, or he may issue a Warrant for the apprehension of such defendant simultaneously with the Summons. 22 V. c. 86, s. 47.

Searches and search warrants in certain cases.

**44.** The Superintendent of Fisheries, or any Stipendiary or other Magistrate, may search, or grant a warrant to have searched, any vessel or place where he may have cause to believe that any fish taken in contravention of this Act, may have been concealed. *Ibid.*, s. 48.

Application of fines and forfeitures.

**45.** One moiety of the pecuniary fines and of the forfeitures under this Act, or under the regulations to be made by virtue thereof, shall belong to Her Majesty, and the other moiety to the complainant. *Ibid.*, s. 49.

Power to make regulations transferred to Governor in Council.

**46.** The Governor in Council may from time to time make rules and regulations for preventing or regulating the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish in any harbour, river or public water within Upper Canada, and for regulating fisheries carried on either upon the sea shore or upon any waters adjacent to or passing through any County in Lower Canada. 22 V. c. 86, ss. 10, 60,—12 V. c. 81, s. 60, No. 18,—18 V. c. 100, s. 19, No. 7.—See 20 V. c. 21.

#### WHITE-FISH IN THE RIVERS NIAGARA, DETROIT AND ST. CLAIR.

Penalty of \$500 imposed on persons using seines in certain rivers ;

**47.** Any person who uses, or employs, or causes to be used or employed, any seine or other nets of a greater length than fifty fathoms, for the taking of White-Fish in any of the Rivers Detroit, Saint Clair, or Niagara, within Upper Canada, shall, for



for every such offence, forfeit the sum of five hundred dollars. 3 W. 4, c. 29, s. 1;—22 V. c. 86, s. 30.

**48.** Any person found fishing for White-Fish in either of the said Rivers within Upper Canada, with seines, gill-nets or other nets, on the first day of the week, called Sunday, shall forfeit for every such offence the sum of two hundred dollars. 3 W. 4, c. 29, s. 2.

Penalty for fishing on Sunday.

#### WHITE-FISH IN UPPER CANADA.

**49.** Any person who attempts to divert the natural progress or running of the White-Fish within Upper Canada, by shingling or other device, shall forfeit for every such offence the sum of five hundred dollars, or be imprisoned, not exceeding three months, at the discretion of the Court. 3 W. 4, c. 29, s. 3.

\$500 penalty for diverting the progress of fish from their accustomed channel.

**50.** All forfeitures incurred under the three last preceding sections of this Act may be recovered by action of debt, with costs of suit, before any Court having competent jurisdiction; one moiety thereof to the person who sues for the same, and the other moiety to be paid into the hands of the Receiver General. 3 W. 4, c. 29, s. 5.

Penalty how to be recovered and applied.

#### FORMS WHICH MAY BE USED UNDER THIS ACT.

**51.** Complaints under this Act may be in the form A;— Summonses in the form B;—Subpœnas in the form C;—Convictions in the form D;—and Warrants in the form E., of the Schedule hereunto annexed, or in any other form; and in other respects the Consolidated Statute of Canada respecting the duties of Justices of the Peace out of sessions in relation to Summary Convictions and Orders shall apply to cases under this Act, and the Superintendent of Fisheries shall, as regards such cases, be deemed a Justice of the Peace for that section of the Province for which he is appointed, whether otherwise qualified or not; and in any proceeding under this Act, an offence against any regulation made under this Act may be stated as an offence against this Act. 22 V. c. 86, s. 51.

Forms.

#### DEVELOPEMENT AND ENCOURAGEMENT OF FISHERIES.

And for the further developement of the fisheries of the Province, and for the encouragement of all parties, residents of Canada, who may engage therein, it is further enacted, That—

**52.** The owner or owners of a vessel built in Canada, when employed in the following fisheries, viz: Seals, Codfish, Mackarel, Herring or Whale, for at least three consecutive months, shall be entitled to a bounty of:

Bounty to Canadian fishing vessels.

1. Three dollars per ton, for three months consecutive fishing;

2. Three dollars and a half per ton for three months and a half, consecutive fishing;

3. And four dollars per ton for four months consecutive fishing; But no vessel shall receive the bounty for more than one voyage. *Ibid.*, s. 52.

How such vessels must be manned:

**53.** All vessels, to be entitled to the bounty, must be manned in accordance with the following rates, viz:

Vessels from 20 to 40 tons, to carry 8 men ;

Vessels from 40 to 60 tons, to carry 10 men ;

Vessels from 60 to 80 tons, to carry 12 men ;

And registered.

And such vessel or vessels must be registered in the Office of the Collector of Customs in accordance with the provisions of this Act and of the Law, and the tonnage for the purposes of this Act shall be calculated as provided by the Consolidated Statute of Canada "respecting The Registration of Inland Vessels." 22 V. c. 86, s. 53

And licensed.

**54.** The owner or owners of all vessels about to be employed in the Fisheries having conformed to the regulations of this Act, must obtain a license from the Superintendent of Fisheries or from the nearest Collector of Customs. *Ibid.*, s. 54.

Crew to be three-fourths Canadian.

**55.** The vessel, to be entitled to the bounty, must be manned by at least three-fourths British Canadian subjects. *Ibid.*, s. 55.

And the vessel Canadian owned.

**56.** No vessel, not the property of a Canadian British subject, shall be entitled to the bounty. *Ibid.*, s. 56.

Not under 20 tons.

**57.** No vessel, under twenty tons register, shall be entitled to receive the bounty. *Ibid.*, s. 57.

No bounty for more than 50 tons.

**58.** The bounty shall not be given for more than eighty tons, even should the vessel exceed that tonnage. *Ibid.*, s. 58.

Fish must be inspected.

**59.** No owner of a vessel shall be entitled to receive the bounty, unless the fish taken have been inspected in accordance with the Consolidated Statute of Canada respecting the Inspection of Fish and Oil. *Ibid.*, s. 59.

Fishermen must be under articles.

**60.** No vessel, employed as aforesaid, shall be entitled to the allowance granted by this Act, unless the master or owner thereof, before he proceeds on any fishing voyage, makes an agreement in writing or print with every fisherman employed therein. *Ibid.*, s. 60.

**61.** If any duly licensed vessel be wrecked on her homeward voyage, upon its being proved (under oath) that she has been engaged in the fisheries, the owner thereof shall receive such portion of the bounty as he is proved to be legally entitled to. *Ibid.*, s. 61. As to fishing vessels wrecked.

**62.** No trading vessel or vessels engaged in carrying cargoes during the fishing season, shall be entitled to receive the bounty. *Ibid.*, s. 62. As to fishing vessels carrying cargoes.

**63.** One third of such bounty shall be distributed between the crew of the fishing vessel in equal proportions, and the remaining two thirds to the owner thereof--or the bounty may be distributed, as agreed upon by an instrument or declaration to be made in writing by the parties. *Ibid.*, s. 63. Bounty divided between crew and owner.

**64.** When any vessel has ended her fishing voyage, the owner thereof must report to the Superintendent of Fisheries or to the nearest Collector of Customs who, upon proof given under oath, may grant a certificate that the owner of such vessel is entitled to the bounty. 22 V. c. 86, s. 64. Report when the voyage is ended.

**65.** Any company formed for the purpose of carrying on the fisheries, shall receive such portions of the bounty, as accords with the number of shares, individually held by the members of such association. *Ibid.*, s. 65. As to Fishing Companies.

**66.** All parties entitled to a bounty shall transmit or cause to be transmitted to the Superintendent of Fisheries, the certificate shewing that they are entitled to a bounty; and upon the receipt of such certificate, the Superintendent of Fisheries may pay to such party, or his representatives, the sum to which he is entitled, after having obtained the approval of the Commissioner of Crown Lands. *Ibid.*, s. 66. By whom and on what proof, &c., the bounty shall be paid.

**67.** The said bounty shall be paid out of the revenue arising or that may arise from the lease or license of any Salmon or other fishery, but the amount of bounty to be paid shall not exceed fourteen thousand dollars per annum. *Ibid.*, s. 67. Out of what funds.

**68.** Any person who makes a false oath or affirmation, with intent to obtain the bounty fraudulently, upon being duly convicted thereof, in any Court of Justice having jurisdiction of such offence, shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly. *Ibid.*, s. 68. False swearing, &c., to be perjury.

**69.** If any Vessel licensed to carry on the fishery be found within three miles of the coast with any goods, wares or merchandise of foreign produce or manufacture, except such as are necessary for the maintenance and use of the crew, such vessel, together with such goods, wares or merchandise, shall be subject to seizure and forfeiture. *Ibid.*, s. 69. Licensed vessels found with foreign goods on board to be forfeited, &c.

Custom House  
Officers, &c.,  
to be found in  
provisions, &c.

**70.** Any Custom House, or other officer, while performing duty on board of any such vessel shall be entitled to receive from the master thereof, such provision and other accommodation, free of expense, as are usually supplied to passengers, or as the state and condition of the vessel will admit. *Ibid.*, s. 70.

Special regis-  
try of fishing  
vessels, &c.

**71.** A special registry of all vessels licensed for the Fisheries, shall be kept by the Collectors of Customs, who shall cause correct copies of the same to be sent to the Superintendent of Fisheries, on or before the first day of January in each year. *Ibid.*, s. 71.

Formation of  
oyster beds.

**72.** The sum of six hundred dollars per annum (for three years) may be applied for the formation of Oyster Beds in the various bays and waters of the Province that may be found best adapted for that purpose. *Ibid.*, s. 72.

Title of Act.

**73.** This Act shall be known and cited as "The Fisheries Act."

### SCHEDULE A.

#### *Form of Complaint.*

Upper (or Lower) Canada, }  
County (or District of) . }

This day of , 18

To J. S., Superintendent of Fisheries,  
(or a Justice of the Peace for the said County or District.)

A. B., of , complains that C. D. of , hath (state the offence briefly in any intelligible terms, with the time and place at which it was committed,) in contravention of the Fisheries Act; Wherefore the complainant prays that judgment may be given against the said C. D. as by the said Act provided.

(Signature)

A. B.

## SCHEDULE B.

*Summons to Defendant.*

Upper (or Lower) Canada, }  
 County (or District) of . }

To C. D., of , &c.

Whereas complaint hath (*this day*) been made before me that you (*state the offence in the words of the complaint, or to like effect*) in contravention of the Fisheries Act; Therefore you are hereby commanded to come before me, at , on the day of , at o'clock in the , to answer the said complaint and be dealt with according to Law.

Witness my hand and seal, this day of , 18 .

J. S., Superintendent of  
 Fisheries for Lower Canada, (or  
 Justice of the Peace for ,  
*as the case may be.*)

[L. S.]

## SCHEDULE C.

*Subpoena to a Witness.*

Upper (or Lower) Canada, }  
 County (or District) of . }

To E. F., of , &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case; Therefore, you are commanded to appear before me, at , on the day of , at o'clock in the to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this day of , 18 .

J. S., Superintendent, &c.,  
*(as in Summons.)*

[L. S.]

SCHEDULE

SCHEDULE D.

Form of Conviction.

Upper (or Lower) Canada, }  
 County (or District) of }

Be it remembered, that on this            day of  
 18            , at            , in the said County (or District,) C. D.,  
 of            , is convicted before me, for that he did, &c.,  
 (stating the offence briefly, and the time and place where committed,) in contravention of the Fisheries Act; And I adjudge  
 the said C. D. to forfeit (and pay) the sum of            (or  
 mention the thing forfeited under this Act,) to be applied accord-  
 ing to law, and also to pay to A. B. (the complainant) the sum  
 of            for costs:

If the penalty be not forthwith paid, add,—and the said C. D.  
 having failed to pay the said penalty and costs forthwith after  
 the said conviction, I adjudge him to be committed to and im-  
 prisoned in the Common Gaol of the County (or District) of  
    for the period of

Witness my hand and seal, this            day of            , 18            .

J. S.  
 (as in Summons.)

[L. S.]

SCHEDULE E.

Form of Warrant of Commitment for non-payment of penalty  
 or forfeiture, and costs.

Upper (or Lower) Canada, }  
 County (or District) of }

To the Constables and Peace Officers of the County (or  
 District) of            , and the Keeper of the Common  
 Gaol of the said County (or District), at

Whereas C. D., of            , was, on the            day of  
 18            , convicted before me, for that he, &c.  
 (as in Conviction,) and I did thereupon adjudge the said C. D.  
 to forfeit and pay to A. B. &c., (as in Conviction;) And whereas  
 the said C. D. hath not paid the said penalty or forfeiture and  
 costs; Therefore, I command you the said Constables and Peace  
 Officers, or any of you, to convey the said C. D. to the Common  
 Gaol for the            of            , at            , and  
 deliver him to the keeper thereof with this warrant; And I  
 command you the said keeper of this said Gaol, to receive the  
    said

said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of \_\_\_\_\_, and for so doing, this shall be your sufficient warrant.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

J. S.  
(as in Summons.)

[L. S.]

SCHEDULE F.

No. 1.

FORM OF APPLICATION FOR FISHING LICENSE.

A. B., \_\_\_\_\_, owner of the \_\_\_\_\_, built at \_\_\_\_\_, \_\_\_\_\_ Tons register, and carrying \_\_\_\_\_ men, being about to engage in the Fisheries of the Province, requests that you will grant him a License under the Fisheries Act.

To C. D., \_\_\_\_\_  
Collector of Customs.

No. 2.

FORM OF FISHING LICENSE.

Your application for a License being in accordance with the requirements of the Fisheries Act \_\_\_\_\_, in virtue of the authority given me, I hereby grant you the said License to fish in conformity therewith.

To A. B.  
Owner of the \_\_\_\_\_

C. D.  
Collector of Customs.

No. 3.

FORM OF CERTIFICATE.

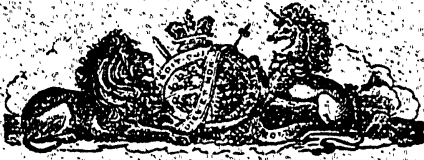
A. B., owner of the \_\_\_\_\_ of \_\_\_\_\_ Tons register, and carrying \_\_\_\_\_ men, having conformed in every respect to the requirements of the law relating to bounties, and having been engaged \_\_\_\_\_ months constant fishing, is entitled to the sum of \_\_\_\_\_ dollars \_\_\_\_\_, in accordance with the Fisheries Act.

F O R M

FORM OF RETURN.

NAME OF VESSEL.	OWNER'S NAME.	Tonnage.	Men.	Months.	Quantity of Fish.	Species.	Quality.	By whom inspected	REMARKS.





ANNO REGNI GEORGII III  
TRICESIMO NONO.

CAP. VII.

An Act for the better regulating the Weights and Measures of this Province.

[3rd June, 1799.]

**W**HEREAS great inconveniences have arisen from the Preamble. uncertainty of the Weights and Measures now used in this Province, and from the want of just and true standards, whereby the same might be adjusted and regulated, for remedy whereof, divers Beans, Weights and Measures have been imported from London, under different votes of the Assembly, and the same have been compared, examined and found just and true, and are of the following description: three pair of neat sight Hole Box and Scales, adjusted to weigh from half a grain to one ounce; three pair of neat sight Hole Scales adjusted to weigh from one dram to one ounce; six pair round sight Hole Box and scales adjusted to weigh from one ounce to four pounds; six round sight hole box and counter beams fitted with brass chains and copper scales, proper for adjusting weights from fifty-six pounds downwards; four sets of avoirdupois brass weights from one dram to four ounces; four sets of like weights from a quarter of an ounce to four pounds; four sets of like weights, each set consisting of one of four, one of seven, one of fourteen, one of twenty-eight, and one of fifty-six pounds; four sets of Troy weights, in brass, from half a grain to one ounce; four sets of like weights from a quarter of an ounce to sixty-four ounces; four sets of like weights, each set consisting of one of seven, one of fourteen, and one of twenty-eight pounds; four sets of wine measures, in brass, from one gill to one gallon; four sets of Winchester measures, in brass, from one gill to one gallon; four Winchester half bushels in brass; three like measure bushels; four sets of Canada measures, in brass, from a poisson to a pot; four half minots of the like measure in brass; three minots of the like measure in brass; four English standard foot rules in brass; four Paris standard foot rules in brass; four English standard yards in brass; four English standard ells in brass,

That two sets of Beams, Weights and Measures, be delivered over by the Clerk of the Assembly to such person as may be appointed by the Governor, for regulating, &c., the Beams, &c., within the Districts of Quebec and Montreal.

brass, for the conveniency of regulating weights and measures in the different Districts of this Province: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain, intituled, *An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province'*, and it is hereby enacted by the authority of the same, that two sets of the aforesaid beams, weights and measures, each consisting of one pair of neat sight hole box and scales adjusted to weigh from half a grain to one ounce; one pair of neat sight hole scales adjusted to weigh from one dram to one ounce; one pair round sight hole box and scales adjusted to weigh from one ounce to four pounds; one round sight hole box and counter beam fitted with brass chains and copper scales proper for adjusting weights from fifty-six pounds downwards; one set of avoirdupois, brass weights from one dram to four ounces; one set of like weights from a quarter of an ounce to four pounds; one set of like weights, each set consisting of one of four, one of seven, one of fourteen, one of twenty-eight, and one of fifty-six pounds; one set of Troy weights, in brass, from half a grain to one ounce; one set of like weights, from a quarter of an ounce to sixty-four ounces; one set of like weights, each set consisting of one of seven, one of fourteen, and one of twenty-eight pounds; one set of wine measures, in brass, from one gill to one gallon; one set of Winchester measures, in brass, from one gill to one gallon; one Winchester half bushel, in brass; one bushel like measure; one set of Canada measures, in brass, from a poisson to a pot; one half minot of the like measure, in brass; one minot of the like measure, in brass; one English standard foot rule, in brass; one Paris standard foot rule, in brass; one English standard yard, in brass; one English ell, in brass, shall be, by the Clerk of the Assembly aforesaid, delivered over to such fit person as shall be appointed by the Governor, Lieutenant Governor, or person administering His Majesty's Government in this Province, for regulating, adjusting, stamping and marking beams, weights and measures, within the districts of Quebec and Montreal, respectively, taking a sufficient receipt for the same, from every such person; and one other set of the said beams, weights and measures consisting one pair neat sight hole box and scales adjusted to weigh from half a grain to one ounce; one pair round sight hole box and scales adjusted to weigh from one ounce to four pounds; one round sight hole box and counter beam fitted with brass chains and copper scales, proper for adjusting weights from fifty-six pounds downwards; one set of avoirdupois, brass weight, from one dram to four ounces; one set of like weights, from a quarter of an ounce to four

four pounds ; one set of like weights, each set consisting of one of four, one of seven, one of fourteen, one of twenty-eight and one of fifty-six pounds ; one set of Troy weights, in brass, from half a grain, to one ounce ; one set of like weights, from a quarter of an ounce to sixty-four ounces ; one set of like weights, each set consisting of one of seven, one of fourteen and one of twenty-eight pounds ; one set of Wine measures, in brass, from one gill to one gallon ; one set of Winchester measures, in brass, from one gill to one gallon ; one Winchester half bushel, in brass ; one set of Canada measures, in brass, from a poisson to a pot ; one half pint of the like measure, in brass ; one English standard foot rule, in brass ; one Paris standard foot rule, in brass ; one English standard yard, in brass, and one English standard ell in brass, shall be delivered over by the said Clerk of the Assembly, to such fit person as shall be appointed in like manner by the Governor, Lieutenant Governor, or person administering His Majesty's Government in this Province, for regulating, adjusting, stamping and marking beams, weights and measures, within the district of Three-Rivers, and every person so appointed, before he enters on the execution of his office, shall take and subscribe an Oath before one of His Majesty's Justices of the Court of King's Bench, for the districts of Quebec or Montreal, or the Provincial Judge of the district of Three-Rivers, as the case may be, (which Oath such Justice or Judge is hereby authorized and required to administer,) well and truly to keep and preserve the beams, weights and measures, deposited in his charge, and justly and faithfully to execute and perform the trust reposed in him by virtue of this Act ; and shall cause a Certificate of such Oath to be deposited in the office of the Clerk of the Court of King's Bench for the district of Quebec or Montreal, or in the office of the Clerk of the Provincial Court of Three-Rivers, as the case may be ; And he shall also enter into a Bond to His Majesty, His Heirs and Successors, in the sum of two hundred pounds current money of this Province, with two good and sufficient securities, that in case of his death or removal from his office aforesaid, he, his heirs, executors or the guardians of his estate or effects, will, well and faithfully, deliver over to his Successor in office, or such other person as shall be appointed for that purpose, by the Governor, Lieutenant Governor, or person administering His Majesty's Government in this Province, all the standard beams, weights and Measures, intrusted to his charge in virtue of this Act, within eight days after he shall be thereunto required by his successor in office, or other person appointed for that purpose, as aforesaid, which Bond shall be deposited in the Office of the Receiver General of this Province ; And it shall at all times be lawful for the Governor, Lieutenant Governor, or person administering His Majesty's Government in this Province, to remove from office, any person appointed in virtue of this Act, and in case of death or removal from office, to appoint such other fit person as he may deem expedient.

And another set to such person as may be appointed by the Governor, &c., for regulating, &c., the Beams, &c., in the District of Three-Rivers.

Persons so appointed to take an Oath to keep and preserve the Beams, &c., deposited in his charge, and to cause a certificate of the Oath to be lodged with the Clerk of the Court of King's Bench, or Provincial Court of Three-Rivers.

To enter into a bond to His Majesty of £200, with two securities, that in case of death or removal he or his guardians to deliver over to his Successor in office, &c., all the Standards, Beams, &c., intrusted to his care.

Governor empowered to remove from office persons appointed by this Act, &c., and to appoint others.

The Clerk of the Assembly to have the custody of the residue of the Beams and Scales.

The present Clerk of Assembly, and his successors, to take an Oath to keep and preserve the Beams, &c., under lock and key, and no person to have access thereto; but a sworn stamper.

A certificate of the present Clerk and his successors to be deposited with the Clerk of the King's Bench of Quebec.

Duty of persons appointed by virtue of this Act, to adjust and regulate the Beams, Weights and Measures.

To be paid certain fees.

The Fees.

2. And be it further enacted by the authority aforesaid, that all the residue of the before mentioned beams and scales, weights and measures, shall remain in the custody of the Clerk of the Assembly, to be for ever hereafter kept by the Clerk of the Assembly, for the time being, and they shall be and are hereby declared to be and remain standards for weights and measures, to be used in this Province, any law, usage or custom, to the contrary notwithstanding; and the present Clerk of the Assembly, and each and every of his successors, in office, before he enters on the execution of his office, shall make Oath before His Majesty's Chief Justice, or one of His Majesty's Justices of the Court of King's Bench, for the district of Quebec, that he will, well and faithfully keep and preserve the said beams, weights and measures, under lock and key, and not suffer any person to have access to, or make use of the same, except a public sworn stamper and marker of weights and measures, in his presence, and for the purpose only of recomparing and adjusting the district standards of beams, weights and measures hereinbefore mentioned, when the same shall be deemed necessary by the Governor, Lieutenant Governor, or person administering His Majesty's Government in this Province, and the present and every subsequent Clerk of the Assembly, shall cause a certificate of such Oath, to be deposited in the office of the Clerk of the Court of King's Bench, for the district of Quebec.

3. And be it further enacted, by the authority aforesaid, That it shall be the duty of every person appointed in virtue of this Act, to adjust and regulate or to cause to be adjusted and regulated according to the standard weights and measures, deposited in his charge, all beams, weights and measures, which shall be offered to him, by any person or persons to be adjusted and regulated, between the hours of nine of the clock in the morning, and two of the clock in the afternoon, of any day, Sundays and Holydays excepted, and to seal and stamp the same; in all cases where the quality and dimensions of the weights and measures will admit thereof, with the Letters *G. Q. R.*, when the said beams, weights and measures, shall be adjusted in the district of Quebec with the Letters *G. M. R.* when the said beams, weights and measures, shall be adjusted in the district of Montreal, and with the Letters *G. R. R.*, when the said beams, weights, and measures, shall be adjusted in the district of Three-Rivers; and every person appointed to regulate weights and measures, shall give notice thereof, by an advertisement inserted three successive weeks in the *Quebec Gazette*, or in some newspaper printed in the district where he resides, and there shall be paid to the person so adjusting beams, weights and measures, for his labour and trouble in so doing, by the person presenting the same, the following fees: for every weight not exceeding four pounds, one penny, current money of this Province; for every weight exceeding four pounds, two pence like money; for every liquid measure, two pence,

pence, like money; for every half bushel or half minot, six pence, like money; for every bushel or minot, one shilling, like money; for every beam and scales, six pence; for every beam and scales and set of small weights for weighing Gold, one shilling and three pence, like money; for every measure of length, one penny.

**4.** And be it further enacted by the authority aforesaid, That if any person or persons, shall counterfeit any stamp or mark, used by any person appointed in virtue of this Act, for stamping or marking any beam, weight or measure, or shall in any manner whatever, with a fraudulent intention, alter, diminish or augment any beam, weight or measure, stamped or marked in pursuance thereof, or shall sell, barter or exchange any goods, wares, merchandize or commodity whatever, by any beam, weight or measure, stamped or marked with any counterfeit stamp or mark, or by any beam, weight or measure altered, diminished or augmented, as aforesaid, every person so offending and being thereof duly convicted, shall, for the first offence, forfeit the sum of five pounds, current money of this Province; and for the second offence ten pounds, like current money, and for the third and every subsequent offence, ten pounds, like current money, and suffer two months' imprisonment.

Penalty on persons who shall counterfeit the stamp used by the persons appointed by this Act, or who shall alter any Beam, &c., marked in pursuance thereof, or who shall sell, &c., any goods with a counterfeited stamp.

**5.** And be it further enacted by the authority aforesaid, That, from and after the first day of September, one thousand eight hundred, it shall not be lawful for any Merchant, Shop-keeper, Butcher, Baker, Tavern-keeper, Miller or other Trader, to sell, barter or exchange any goods, wares, merchandize, or commodity whatever, or to pay any gold or silver coin, current in this Province, by any beam, weight or measure which has not been adjusted and regulated, pursuant to the directions of this Act, and every such person selling, bartering or exchanging or offering to sell, barter or exchange, any goods, wares, merchandizes or commodities whatever, or to pay any gold or silver coin, current in this Province, by any weight or measure, which has not been so regulated and adjusted, shall forfeit the sum of forty shillings, current money of this Province, to any person who shall sue for the same.

After 1st Sept. 1800, Merchants, &c., not to sell goods, &c., but by a Beam, regulated according to this Act.

Penalty on persons selling, &c., by any Weight, not regulated and adjusted.

**6.** And be it further enacted by the authority aforesaid, That the standard pound, avoir-du-pois weight hereinbefore mentioned, with its parts, multiples and proportions, shall be held and considered as the standard weight of this province, for weighing all goods, wares, merchandize, butcher's meat, flour, meal, bread, biscuit and other commodities whatever, commonly sold by weight, (gold and silver in coin bullion, drugs and precious stones, only excepted); the standard pound troy weight, also hereinbefore mentioned, with its parts, multiples and proportions, shall be held and considered as the standard weight of this Province, for weighing gold and silver

Standard weights established. The Standard pound, avoir-du-pois.

The Standard pound Troy.

The Standard  
Wine Gallon.

The Canada  
Minot.

The English  
Winchester  
Bushel.

The Paris Foot.

The English  
Foot.

The English  
Yard.

The English  
Ell.

in coin or bullion, drugs and precious stones; the standard (Wine Gallon) also hereinbefore mentioned, with its parts, multiples and proportions, shall be held and considered as the standard liquid measure of this Province, for measuring wine, cider, beer and spirituous liquors of all kinds, treacle or molasses, and all other liquids, commonly sold by guage or measure of capacity; the Canada Minot herein also before mentioned, with its parts, multiples and proportions, shall be held and considered as the standard measure of this Province, for measuring all rents payable in wheat or other grain of any kind, and also for measuring of all salt, wheat, oats, peas, barley, flax seed or other grain or seeds, fruits or roots whatever; and likewise for measuring lime, sand, coals, ashes or any other kind of commodity, usually sold by measure of capacity, where no special contract or agreement has heretofore been or shall hereafter be made to the contrary; the English Winchester Bushel, hereinbefore also mentioned, with its parts, and multiples and proportions shall be held and considered as a standard measure of capacity in this Province, for measuring all salt, wheat, oats, peas, barley and other grain or seeds, when such articles have heretofore been or shall hereafter be specially sold or contracted for, by such measure; the Paris Foot, hereinbefore also mentioned, with its parts, multiples and proportions, shall be held and considered as the standard measure of length, of this Province, for measuring all land and lots of ground, granted or sold, prior to the conquest of this Province, or which have been since granted or sold, or shall be hereafter granted or sold, by the arpent or foot, or the parts, multiples or proportions thereof, and also for measuring all kinds of wood, timber and stone, and all manner of masons, carpenters and joiners' work, or any other article or any other kind of work, commonly measured by the foot, or other measure of length, being parts, multiples or proportions thereof, where no special contract or agreement to the contrary has heretofore been or shall be hereafter entered into; the English foot hereinbefore also mentioned, with its parts, multiples and proportions, shall be held and considered as a standard measure of length in this Province, for measuring all lands granted or that shall be hereafter granted by His Majesty, his Heirs or Successors, or the division thereof, heretofore, or that shall hereafter be made; and also for measuring all kinds of wood, timber or stone, and all manner of masons, carpenters and joiners' work, or any other kind of work whatever, where a special contract or agreement has been heretofore made or shall be hereafter made for that purpose; the English yard hereinbefore also mentioned with its parts, shall be held and considered as the standard measure of length of this Province, for measuring all kinds of cloth or stuffs made of wool, flax, hemp, silk or cotton, or any mixture thereof, and all other kind of goods, wares or merchandize, commonly sold by measure of length; the English Ell containing three feet nine inches of the standard English foot hereinbefore mentioned, with

with its parts, shall be held and considered as a standard measure of length in this Province, for measuring all kinds of cloth or stuffs made of wool, flax, hemp, silk or cotton, or any mixture thereof, and all other kinds of goods, wares or merchandizes, which have been heretofore sold or contracted for, or shall be hereafter specially sold or contracted for, by such measure.

7. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Clerks of the several markets in this Province, respectively, shall and are hereby directed to weigh and measure the different articles that are sold and disposed of, in the said markets, when they shall be thereunto required by the parties interested therein, or either of them, and not otherwise, any law, custom or regulation to the contrary notwithstanding, and they shall be paid for weighing or measuring as aforesaid, agreeably to the rates that shall be fixed by the Justices in their Courts of General Quarter Sessions of the Peace.

Clerks of the Markets to weigh and measure articles sold in the markets.

To be paid for the same.

8. And be it enacted by the authority aforesaid, That all and every action or suit, that shall or may be instituted under this Act, shall be prosecuted, tried and adjudged in and according to the course of His Majesty's Courts of Quarter Sessions of the Peace, in and for the Districts of Québec, Montreal and Three-Rivers, as the case may arise therein respectively.

Actions instituted under this Act to be tried, &c., in the Quarter Sessions.

9. And be it further enacted by the authority aforesaid, That no complaint or prosecution shall be brought against any person or persons for any fine or penalty by this Act imposed, unless the same shall be commenced within three calendar months after the offence committed.

Persons exempted from prosecution for any fine imposed, unless the same is commenced within three months after the offence committed.



ANNO DUODECIMO

VICTORIÆ REGINÆ.

C. A. P. LIV.

An Act to amend the Law relative to the Inspection of Weights and Measures in Lower Canada.

[30th May, 1849.]

Preamble.

**W**HEREAS the Laws now in force in Lower Canada, with respect to the appointment and duties of Inspectors of Weights and Measures, are found to require amendment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the third and eighth sections of the Act of the Legislature of Lower Canada, passed in the thirty-ninth year of the Reign of King George the Third, and intituled, *An Act for the better regulating the Weights and Measures of the Province*,—and so much of the said Act as authorizes any other person than the Revenue District Inspectors hereinafter mentioned to perform the duty of regulating, adjusting, stamping and marking Beams, Weights and Measures in Lower Canada, or as may be in any way inconsistent with the provisions of this Act,—shall be, and the same are hereby repealed.

Sections 3 and 8 of Act L. C., 39 G. 3, c. 7, repealed.

And certain other provisions.

Standards to be kept by the Clerk of the Legislative Assembly.

2. And be it enacted, That the Clerk of the Legislative Assembly for the time being shall have the custody of the standard Weights and Measures in the said Act directed to be kept in the custody of the Clerk of the Assembly of Lower Canada, and shall perform all the duties by the said Act assigned to the officer last mentioned; and if any of the standard Weights or Measures or of the Beams or Scales in the said Act directed to be kept in the custody of the said Clerk shall be found wanting, the Governor of this Province may cause others to be imported



imported or procured at the Public cost, and placed in the custody of the Clerk of the Legislative Assembly for the purposes of the said Act and of this Act.

3. And be it enacted, That from and after the passing of this Act, the several Revenue District Inspectors in Lower Canada shall, within their respective Districts and by virtue of their office as District Inspectors, and without any other appointment, become and be Inspectors of Weights and Measures within the same, and shall have all the powers and perform all the duties assigned by the said Act to the persons appointed under it for regulating, adjusting, stamping and marking Beams, Weights and Measures, or assigned by this Act to Inspectors of Weights and Measures, and such duties shall be deemed part of their duties as District Inspectors, and any Bonds they may have given or give for the faithful performance of the duties of their office shall be held to extend to the duties hereby assigned to them.

Revenue District Inspectors to be Inspectors of Weights and Measures.

Their present Bonds to extend to their duties under this Act.

4. And be it enacted, That it shall be the duty of each Inspector, at all proper times when application shall be made to him for that purpose, carefully to examine all Beams and Scales or Weighing Machines of any kind, and to examine and compare any and all Weights and Measures which shall be presented to him for that purpose within his District as such Inspector with the standard provided by law, and when found correct and just and of the true weight and measure, to mark, stamp or brand the same (if a measure, as near the two ends, top and bottom, as may be) with the stamp or brand to be provided for that purpose.

Duty of Inspectors under this Act.

5. And be it enacted, That it shall be the duty of each and every such Inspector of Weights and Measures, upon such day or days, and in such place or places within their respective Districts, as shall be from time to time appointed by the Governor in Council, to attend with the stamps and copies of such standard Weights and Measures in his custody, to examine and compare, and stamp if found correct, all such Beams, Scales and Weighing Machines, Weights and Measures as shall be brought to him for that purpose, and such stamp shall bear such letters or device as the Governor in Council shall from time to time direct, and shall be held to be stamps used by persons appointed under the Act aforesaid, and the counterfeiting thereof shall be punishable under the said Act accordingly.

Inspectors to attend with Stamps, &c., at the places and times to be appointed by the Governor in Council.

6. And be it enacted, That it shall be lawful for every such Inspector, at any reasonable times, to enter any shop, store, warehouse, stall, yard or place whatsoever within his District, where any commodity shall be bought, sold, weighed, exposed or kept for sale, and there to examine all weights, measures, beams, scales, steel-yards or other weighing machines, and to compare

Inspectors may enter shops, &c., to examine weights, measures, scales, &c.

False weights, &c., may be seized.

Penalty for having them.

How recoverable.

Penalty on any person refusing access to the Inspector.

Penalty on Inspector marking weights, &c., without examination.

Fee for examination and marking.

Notice to be given by Inspectors.

Present Inspectors to give over

compare and try the same with the copies of the standard Weights and Measures provided by law; and if upon such examination it shall appear that the same or any or either of them are unstamped or are false, light or otherwise unjust, the same shall be liable to be seized and forfeited, and the person or persons in whose possession the same shall be found, shall on conviction forfeit a sum not exceeding two pounds for the first and five pounds for every subsequent offence, which penalty, together with all reasonable costs, shall be recoverable before any Justice of the Peace, on the oath of the Inspector or of any other credible witness, and shall, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, and such penalty when recovered shall belong to the Crown for the public uses of the Province, and shall be paid over to the Inspector, and by him accounted for in the same manner as other public moneys coming into his hands by virtue of his office; and any person or persons who shall neglect or refuse to produce for such examination, when thereto required, all Weights, Measures, Beams, Scales, Steel-yards or other Weighing Machines, which shall be in his, her or their possession, or shall otherwise obstruct or hinder such examination, shall be liable to a like penalty, to be recovered and applied as aforesaid.

7. And be it enacted, That if any Inspector shall stamp, brand or mark any weight or measure without having first duly compared and verified the same with and by the copies of the standard weights and measures provided by law for that purpose, or shall be guilty of a breach of any duty imposed upon him by this Act, he shall, on conviction, forfeit a sum not exceeding five pounds, to be recovered and applied as aforesaid.

8. And be it enacted, That for every Weight, Beam or Scale, marked or stamped by any such Inspector, he shall be entitled to demand and receive six pence, and for every Measure four pence, and no more.

9. And be it enacted, That every such Inspector shall give one month's notice in one or more newspapers of the District in which he is acting, (if any there be, there published, and if not, then in some adjoining District,) from time to time, and at least once in each year, of the different days and places to be appointed as aforesaid, when and where he will attend with the stamps and copies of the standard Weights and Measures, to examine, compare and stamp all Beams, Scales and Weighing Machines, Weights and Measures made use of in buying or selling, if found correct.

10. And be it enacted, That every person appointed for regulating, adjusting, stamping and marking Beams, Weights and Measures, under the provisions of the Act hereinbefore mentioned

mentioned and in part repealed, shall, on reasonable demand, hand over to the proper Inspector appointed under the provisions of this Act, all and every standard Weight and Measure, or copy thereof, and all and every balance, and all and every stamp, brand or other machine, in his custody as such Inspector, under a penalty of five pounds for every refusal, to be recovered and applied in the same manner as other penalties imposed or arising under the provisions of this Act; and any deficiency in such Weights and Measures required for supplying each and every District Inspector with a complete copy of such standards as aforesaid, shall be supplied by copies to be made at the public costs from the standards in the custody of the Clerk of the Legislative Assembly, and by him to be stamped and certified.

standards in their custody.

Penalty for not doing so.

Copies of standards to be furnished to each Inspector.

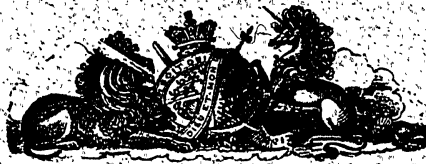
**11.** And be it enacted, That whenever any District Inspector shall be removed from office or shall resign, it shall be the duty of the person so removed or resigning to deliver to his successor in office all the Beams and standard Weights and Measures, or copies thereof, and Stamps in his possession as such Inspector, and that in case of the death of such Inspector, his representatives shall in like manner deliver the same to his successor in office, and that in case of refusal or neglect to deliver such standards or copies entire and complete, in addition to the penalties hereinbefore provided, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and recover double the value of such standards or other articles aforesaid as shall not have been delivered, and in every such action in which judgment shall be rendered for the plaintiff, he shall recover double costs, and one moiety of the damages recovered in every such action shall be retained by the person recovering, and the other shall be applied in supplying such standards as may be required in his office.

Inspectors removed or resigning, to give over their standards, &c., to their successors.

Penalty: and action given to the successor.

**12.** And be it enacted, That the penalties imposed by the Act hereinbefore cited and in part repealed, may be sued for and recovered in the manner hereinbefore provided with regard to any penalty imposed by this Act, before any one Justice of the Peace, who may condemn the offender to the imprisonment provided by the said Act for the offence, and may cause such penalty to be levied and the payment thereof enforced in the manner provided by this Act as to penalties hereby imposed; any thing in the said Act to the contrary notwithstanding.

Penalties under the amended Act, may be recovered as if imposed by this Act.



ANNO QUARTO-DECIMO & QUINTO-DECIMO

VICTORIÆ REGINÆ.

C A P . C .

An Act to make better provision for granting Licenses to Keepers of Taverns, and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance.

[30th August, 1851.]

Preamble.  
13 & 14 Vict.  
c. 27.

**W**HEREAS the Act passed in the now last Session of the Provincial Parliament, intituled, *An Act for the more effectual suppression of Intemperance*, has been found defective; and whereas it is expedient that other provisions of law be made for the regulation of Taverns and other Places of Public Entertainment, and for the more effectual repression of Intemperance: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act first cited in the Preamble to this Act, and the twenty-first clause of the thirty-third section of the Act passed in the Session of the said Parliament held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and all Acts, Ordinances or Provisions of Law inconsistent with or repugnant to this Act, shall be and the same are hereby repealed, except as to licenses issued and penalties already incurred under and by virtue of any such Acts or Ordinances, but no Act or Ordinance thereby repealed shall revive.

Inconsistent  
enactments  
repealed.  
10 & 11 V. c. 7.

Unlicensed  
persons not to  
sell spirituous

2. And be it enacted, That except Distillers duly licensed under the provisions of the Act passed in the ninth year of the reign

reign of Her Majesty, intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the spirituous liquors made by them, and to provide for the collection of such Duties*, who are and shall be hereby empowered, as such Licensed Distillers, to sell in the same quantities as Storekeepers or Merchants who may be duly licensed under this Act to sell spirituous liquors, no person shall sell or retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, in a less quantity than three gallons at any one time, nor shall any person keep any Inn, Tavern, Temperance Hotel or other House of Public Entertainment for the reception of travellers and others, without a license as hereinafter provided for.

liquors in small quantities.

9 Vict. c. 2.

3. And be it enacted, That over and above such duty as may in any of the cases hereinafter mentioned, be payable under the authority of an Act passed in the Parliament of Great Britain and Ireland, in the fourteenth year of the reign of His late Majesty King George the Third, 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*, there shall be paid by every person who shall take out a License for keeping a House or any other place of Public Entertainment, or for the retailing of brandy, rum, whiskey or other spirituous liquors, or wine, ale, beer, porter, cider or other vinous or fermented liquors, the following duty or duties respectively, that is to say: for every license to keep an Inn, Tavern or other House or Place of Public Entertainment, and for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds current money of this Province; for every license to keep an Inn, Tavern, or other House or Place of Public Entertainment, and for retailing wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings currency; for every license to keep a "Temperance Hotel" for the reception of travellers and others, but not for retailing brandy, rum, whiskey or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of One Pound currency; for every license to vend or retail in any store or shop, brandy, rum, whiskey or other spirituous liquors, and wine, ale, beer, porter, cider or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time, the sum of Three Pounds currency; for every license to retail on board any Steamboat or other Vessel, brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds; and for every license to retail on board any Steamboat or other Vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings;

Duty on licenses for different purposes.

Imp. Act, 14 Geo. 3, c. 88.

To be over and above Imperial duty.

Proviso.

Shillings; and whenever the Act of the Imperial Parliament hereinbefore mentioned shall be repealed, the duty thereby imposed shall nevertheless continue in force by virtue of this Act, as if herein re-enacted; Provided always, that any person who may be desirous of taking out a license under this Act for the remainder of the year, ending on the first day of May, one thousand eight hundred and fifty-two, shall be at liberty to do so, on paying to the Revenue Inspector one half the amount to be paid for one whole year, and on first obtaining a Certificate as hereinafter provided in the case of licenses for a whole year, and on complying with the requirements for a license hereinafter mentioned.

By whom licenses shall be issued.

4. And be it enacted, That the licenses before mentioned shall be granted under the authority of the Governor of this Province, and the duties thereon shall be paid to; and the licenses shall be issued by the Revenue Inspector or Inspectors in the District in which such Houses or Places of Public Entertainment, Stores or Shops shall be situate, and for Steamboats and other Vessels as hereinafter provided, or by such other person, persons or authority only as the Governor may appoint; any law, usage or custom to the contrary notwithstanding.

By whom the certificate required before a license can issue, may be granted.

5. And be it enacted, That no license shall be granted to any person for keeping an Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment in any part of Lower Canada, unless the person applying for the same shall produce to the Revenue Inspector, a Certificate signed by fifty Municipal Electors of the parish, township or town, or of the ward of the city, in which such House of Entertainment is situated, and approved after due deliberation by the Municipal Council or Corporation of the County or Division of the County, or of the Incorporated City, Town or Village within the limits of which such Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment is intended to be kept, in the form expressed in Schedule (B) annexed to this Act, and signed by the Mayor and Secretary of such Council or Corporation.

Provision in case there is no quorum of Municipal Council, &c.

6. And be it enacted, That if on the day appointed for holding a meeting of a Municipal Council there be no quorum present, any Certificate in the form (B) by this Act prescribed, submitted to such Council for confirmation on such day, may be confirmed by the Mayor of such Municipal Council and two Justices of the Peace not being Municipal Councillors, residing in the County where the house for which such Certificate is granted, is situate; and in case of a vacancy in the office of Mayor, by any three such Justices of the Peace, and such Council or such Mayor and Justices, or such Justices, as the case may be, may refuse to confirm any such Certificate, if they see fit so to do.

7. And be it enacted, That every such Certificate shall set forth that the applicant is a subject of Her Majesty,—that he is personally known to the signers thereof,—that he is honest, sober and of good repute,—and is a fit and proper person to keep a House of Public Entertainment; and every such Certificate shall also state, if it refer to country parts, that a House of Public Entertainment is required at the Place where it is intended to be kept, and that the house for which a license is required contains the accommodation required by this Act; and such Certificate shall be accompanied by an Affidavit from the person applying for the same, that he is duly qualified according to law to obtain such license, which Affidavit shall be in the form (A) annexed to this Act.

What shall be set forth in the certificate.

8. And be it enacted, That before any license shall be granted for keeping an Inn, Tavern, Temperance Hotel, or any House or place of Public Entertainment, the person applying for the same shall enter into a Bond to Her Majesty, in the sum of Fifty Pounds currency, with two good and sufficient Sureties in the sum of Twenty-five Pounds each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this Act, or of any Act, Ordinance or provision of law, relative to Houses of Public Entertainment now or hereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all Rules and Regulations that may be established by competent authority in such behalf; and such Bond, to be drawn in the form expressed in the Schedule (C) annexed to this Act, shall be executed in the presence of, and the Sureties shall be approved of by one or more of the Municipal Councillors or Justices granting the Certificate, which Bond, with the Certificate and Affidavit required by this Act, shall be filed in the office of the Revenue Inspector.

Bond to be given by person obtaining license.

9. And be it enacted, That if any person shall keep an Inn, Tavern, Temperance Hotel, or any other House or Place of Public Entertainment, or shall sell, vend or barter by retail, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, or shall cause or suffer the same or any of the same to be sold, vended or bartered by retail in his house or premises, or in any boat, barge, craft or other construction floating on or moored in any river, lake or stream, or in any house, shanty, hut, or other building erected upon any frozen water, without the license required by the provisions of this Act, or according to its true intent and meaning, such person shall be liable to a penalty of Twelve Pounds Ten Shillings for every such offence; and any person who shall knowingly purchase any spirituous, vinous or fermented liquor in any quantity less than three gallons at any one-time, from any person not being duly licensed to retail the same, shall be liable to a penalty of Two Pounds Ten Shillings for every such offence, unless he give information

Penalty on persons selling liquors without license.

of such purchase to the District Revenue Inspector within forty-eight hours thereof.

What accommodation must be kept at every Inn, &c.

**10.** And be it enacted, That every licensed Inn or Tavern, Temperance Hotel or House of Public Entertainment, situated in Villages and country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family; and the Keeper of every such Inn, Tavern, Temperance Hotel, or other House of Public Entertainment shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and the Keeper of such house shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle, and in default of any one or more of the foregoing requirements, the Keeper of such house shall be liable to a penalty of Five Pounds.

Penalty.

Sign to be kept up by persons licensed to keep Inns, &c.

**11.** And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment, shall at all times, on demand, exhibit his license to the Revenue Inspector, his Deputy or Deputies, hereinafter authorized to be employed, and shall cause the same to be constantly exposed to public view in the Bar-room in a conspicuous place and manner to the satisfaction of the Revenue Inspector, and shall also cause to be painted in legible characters of not less than three inches in height, and of proportionate width, immediately over the door of such house, his name at full length with the following words in addition, as the case may be: "LICENSED TO RETAIL SPIRITUOUS LIQUORS," "LICENSED TO RETAIL WINES AND FERMENTED LIQUORS," "LICENSED TO KEEP A TEMPERANCE HOTEL;" and whenever such house is situate in country parts, the Keeper thereof shall also expose or cause to be exposed, and keep so exposed, during the whole time of the duration of his license, a like sign in letters not less than four inches in height, and of proportionate width, in a conspicuous place near the house, to indicate the same to travellers, and shall, in default of complying with any of the foregoing requirements, incur a penalty of Five Pounds for each and every offence.

Penalty.

Keepers of Inns to keep orderly houses, &c.

**12.** And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel, or other House or Place of Public Entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his, her or their house to play any game whatsoever at which money or any thing which can be valued in money shall be lost or won, nor shall the Keeper of any house licensed to retail spirituous liquors, or ale or vinous and fermented liquors, be at liberty to keep a Bar or Bars in more than one house, or to vend at any time any such liquors to any intoxicated person, or on Sundays to any person whomsoever, except sick persons or travellers, nor to any soldier, seaman, apprentice

or



or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of Five Pounds for each offence. Penalty.

**13.** And be it enacted, That no person holding a license to keep an Inn, Tavern, Temperance Hotel, or other House of Public Entertainment, shall refuse to receive and accommodate any traveller without just cause, under a penalty of Five Pounds for each offence. Penalty for refusing to receive travellers.

**14.** And be it enacted, That if any person not being duly licensed under the provisions of this Act, expose or cause or suffer to be exposed in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose such house to be a duly licensed House or Place of Public Entertainment, or that spittuous liquors or vinous or fermented liquors are sold, vended or bartered by retail therein, such person shall be liable to a penalty of Five Pounds for each such offence. Penalty on persons not licensed putting-up signs, &c.

**15.** And be it enacted, That for every license issued under the provisions of this Act, there shall be paid to the Revenue Inspector, issuing the same, a Fee of Five Shillings, by the person to whom it shall be issued. Fee on licenses.

**16.** And be it enacted, That the licenses issued under the provisions of this Act, shall expire on the first day of the month of May in each and every year. Duration of licenses.

**17.** And be it enacted, That in case any person licensed under this Act shall die before the expiration of his license, or shall remove from his house, such person, his heirs, executors, administrators or assigns may transfer such license to any other person, who, under such transfer, may exercise the rights granted by such license, until the expiration thereof, in the house and premises for or in respect of which such license was granted, but in no other place; Provided that the person in whose favor such transfer is made shall produce to the Revenue Inspector a Certificate, and enter into a Bond, with Sureties such as was required of the original holder of such license; such transfer being endorsed on the license by the Revenue Inspector; Provided also, that if such transfer be not executed within three months after the death or removal of the original holder of the license, the said license shall be null and void. Persons dying, &c., during the time for which they have licenses. Proviso. Proviso.

**18.** And be it enacted, That no Revenue inspector shall issue any license under the provisions of this Act, after the expiration of thirty days from the date of such Certificate, if obtained on or after the first day of May in any year, nor after the thirtieth day of May, if such Certificate is obtained before the first day of the said month of May; and any such Certificate upon Revenue Inspector not to issue licenses in certain cases.

upon which no license shall have been taken out within the period hereby prescribed, shall become unavailable, void and of no effect.

Proof in prosecution facilitated:

**19.** And be it enacted, That it shall not be necessary, in any suit or action instituted under the authority of this Act, to prove the precise day specified in such action or suit as the day on which the offence is alleged to have been committed, to obtain judgment against the Defendant; Provided always, that it be proved that the said offence was committed on or about the day set forth in and by the Summons, information or declaration in the said suit or action, and before the commencement of such suit or action.

Proviso.

Keepers of Temperance Hotels not to suffer spirituous liquors to be drunk on their premises, &c.

**20.** And be it enacted; That if any Keeper of a licensed Temperance Hotel knowingly suffer to be drunk any brandy, rum, whiskey or other spirituous liquor, wine, ale, beer, porter, cider or any other vinous or fermented liquor, in the said house or on the premises thereto belonging; or if any keeper of a licensed Inn, Tavern or other House or place of Public Entertainment, not licensed to retail brandy, whiskey, rum, or other spirituous liquors, knowingly suffer to be drunk any brandy, rum, whiskey or other spirituous liquor, within such house, or any out-building, or in any part of the premises belonging to such Inn, Tavern or House or Place of Public Entertainment, each and every such person shall be liable to a penalty of Five Pounds for each and every offence.

Inspector to visit Taverns once a year.

**21.** And be it enacted, That every Revenue Inspector, either in person or by his deputy or Deputies, shall visit once at least in each year, every Inn, Tavern, Temperance Hotel, and every other House or Place of Public Entertainment within the District or division of District for which such Revenue Inspector is appointed, shall examine the same, and shall prosecute every Keeper of any such Inn, Tavern, Temperance Hotel, or Place of Public Entertainment, or other person who may offend against the provisions of this Act.

Revenue Inspectors may appoint Deputies.

**22.** And be it enacted, That every Revenue Inspector, may, with the consent and approval of the Inspector General of the Province for the time being, appoint one or more Deputy or Deputies for the performance of the duties relating to his office under the provisions of this or of any other Act, and that every such Revenue Inspector and every Deputy to be appointed by him, shall take and subscribe the following oath, which oath shall be taken before any Judge of the Superior Court or of the Circuit Courts, or before the Commissioner of Customs, who is hereby authorized to administer the same; and every such oath shall be deposited in the office of the Inspector General of Public Accounts:

He and they shall take an oath of Office.

"I, \_\_\_\_\_, Revenue Inspector for \_\_\_\_\_ District, \_\_\_\_\_, The oath.  
 "do swear, that I will well and truly execute and perform the  
 "duty of Revenue Inspector, relating to Inns, Taverns,  
 "Temperance Hotels, and other Houses and places of Public  
 "Entertainment, according to the best of my skill and know-  
 "ledge, and that in all cases of fraud or suspicion of fraud that  
 "shall come to my knowledge, I will spare no person from  
 "favor or affection, nor will I aggrieve any person from hatred  
 "or ill-will, and that I will in all things, to the best of my skill  
 "and ability, comply with and enforce the law in this behalf.  
 "So help me God."

**23.** And be it enacted, That if the Keeper of any licensed Inn, Tavern, Temperance Hotel, or of any licensed House or Place of Public Entertainment, refuse admittance to the Revenue Inspector, or to his Deputy or Deputies, or if any person in any way oppose, or hinder, obstruct or molest the Revenue Inspector, his Deputy or Deputies, in the execution of his or their duty, such keeper, or person shall be liable to a penalty of Ten Pounds for every such offence.

Penalty on persons refusing admittance to Inspector, or molesting him.

**24.** And be it enacted, That every Revenue Inspector shall, upon receipt of the duties and the fee hereinbefore mentioned, issue to every person applying for the same, a license for retailing in any one shop, store or place, to be accurately designated in such license, brandy, rum, whiskey and other spirituous liquors, and wine, ale, beer, porter, cider and other vinous or fermented liquors, in quantities of not less than three half pints at any one time, and if any person holding any such license sell any such liquor in quantity less than three half pints, or allow any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license, or sell any such liquor in any quantity less than three gallons in any shop, store or place not designated in such license, such person shall be liable to a penalty of Twelve Pounds Ten Shillings currency, for every such offence.

Inspector to issue licenses for retailing liquors in shops, &c.

**25.** And be it enacted, That if any person who has purchased any brandy, whiskey, rum or other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, in any shop or store, licensed under the provisions of the preceding section, drink the same or any part thereof, or allow the same or any part thereof to be drunk in the said shop, store, house or out-buildings, or on the premises appertaining thereto, such person shall be liable to a penalty of Two Pounds Ten Shillings for every such offence.)

Penalty on drinking in shops liquor purchased therein.

**26.** And be it enacted, That the Owner or Keeper of every such shop or store shall cause to be painted in legible characters, immediately over the door of such shop or store, his name \_\_\_\_\_ at \_\_\_\_\_

Persons having shop licenses to have signs.

at full length, with the addition "LICENSED WINE AND SPIRIT STORE," and shall cause his license to be constantly exposed in a conspicuous place and manner within such shop or store, and shall allow the Revenue Inspector, his Deputy or Deputies to have free access thereto at all reasonable hours, under a penalty of Five Pounds for every offence.

Penalty.

Persons intending to sell liquors on board any steamboat, &c., to take out licenses.

Proviso: they shall not sell in winter.

Penalty on persons selling on board steamboats, &c., without license.

How levied:

Revenue Inspector may visit steamboats, &c.

Penalty for assaulting, resisting, &c., Revenue Inspector on duty.

**27.** And be it enacted, That every owner, master, or person in charge of any Steamboat or Vessel, who shall intend to retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, on board such Steamboat or Vessel, shall, upon applying for the same, receive from any Revenue Inspector a license for such purpose, as specified in the third section of this Act, without entering into the Bond required for keeping a House or place of Public Entertainment, which license shall be constantly exposed in the Bar-room or Bar-cabin of such Steamboat or Vessel, under a penalty of Five Pounds; Provided always that if any owner, master or person in charge of any Steamboat or Vessel shall allow any brandy, whiskey, rum or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors to be sold on board such Steamboat or Vessel during the time the same shall be laid up in winter, shall be liable to a penalty of Ten Pounds for each offence.

**28.** And be it enacted, That every owner, master or person in charge of a Steamboat or Vessel, who shall, after the passing of this Act, retail or allow to be retailed or vended, any spirituous, vinous or fermented liquors, on board of any such Steamboat or Vessel, without having previously obtained a license, such owner, master or person in charge, shall be subject to a penalty of Twelve Pounds Ten Shillings currency, for each and every offence, which penalty shall be sued for and recovered as hereinafter prescribed, and the amount thereof, with costs, if not forthwith paid, shall be levied by distress and sale of the tackle and furniture of such Steamboat or Vessel, on board of which such spirituous, vinous or fermented liquors shall have been retailed or vended, by Warrant under the Hand of the Justice or Justices of the Peace before whom the offender shall have been convicted.

**29.** And be it enacted, That it shall be lawful for any Revenue Inspector, his Deputy or Deputies, at all reasonable hours, to go on board any Steamboat or Vessel to examine whether a license be exhibited, and to ascertain whether all other requirements of this Act be complied with.

**30.** And be it enacted, That if any person by force or violence, or in any way assault, resist, oppose, molest, hinder or obstruct any Revenue Inspector, his Deputy or Deputies, in the exercise of his or their office, or any person acting under him or them, such person shall be liable to a penalty of not more

more than Ten Pounds, nor less than Two Pounds for every such offence.

**31.** And be it enacted, That with the exception of the duties arising from licenses, otherwise appropriated by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal*, or which may be otherwise appropriated by any other Act passed, or to be passed in the present Session; the Duties arising from Licenses for Inns, Taverns, Temperance Hotels and other Houses and Places of Public Entertainment, to be levied and collected under the provisions of this Act, shall belong to the respective Municipal Councils or Corporations of the Cities, Towns, Villages, Counties or Divisions of Counties within which the houses for which such licenses shall be issued are situate, and the same shall be accounted for and paid over to the Treasurer of the respective Municipalities of such Cities, Towns, Villages, Counties or Divisions of Counties having a right thereto, at such time or times, and in such manner as may be directed by the Governor; Provided that an amount equal to ten per centum of the gross proceeds thereof shall be paid over to the Receiver General, or shall be retained and accounted for by the Revenue Inspectors respectively, to be applied under the directions of the Inspector General of the Province, for the purpose of defraying the expenses of collection and of supervision, and the disbursements consequent on or attending prosecutions for breaches of this Act; and the surplus of such per centage, if any remain, shall form part of the Consolidated Revenue Fund of the Province.

Appropriation of certain duties under this Act.

Proviso: ten per cent. to be retained for expenses of collection.

**32.** And be it enacted, That the duties arising from Stores or Shops, licensed to retail not less than three half-pints of spirituous liquors, or of wine, ale, beer, porter, cider or other vinous or fermented liquors to be consumed out of such shop or stores, and the duties on Steamboats or Vessels on board of which wines and spirituous liquors, or ale, beer, porter or cider are vended or retailed, shall, after deducting such charges and expenses of collection as may be authorized by the Governor, be paid over to the Receiver General for the public uses of the Province.

Shop license duties to belong to the Province.

**33.** And be it enacted, That any Municipal Councillor or Elector, who being a common Brewer, Distiller or Retailer of any Spirituous Liquors, or Keeper or Proprietor of any House or Place of Public Entertainment, shall sign any Certificate for a license for any Inn, Tavern, Temperance Hotel, or House or Place of Public Entertainment, or for the transfer of a license for any such House or Place of Public Entertainment, shall be

Brewers, distillers, &c., not to act as Magistrates under this Act.

liable

liable to a penalty of Twelve Pounds Ten Shillings for every such offence.

Penalty on un-qualified persons signing certificates.

**34.** And be it enacted, That any person who shall knowingly sign any Certificate for a license or for the transfer of a license, without being duly qualified to do so, shall be liable to a penalty of Five Pounds for every such offence.

Licenses of persons convicted under this Act to be revoked.

**35.** And be it enacted, That if any person licensed under the provisions of this Act to keep an Inn, Tavern, Temperance, Hotel, or other House or Place of Public Entertainment, be convicted of any breach or non-fulfilment of the requirements of this Act, or of any felony, it shall be lawful for the Governor of this Province to cancel, revoke or suspend the license granted to such person; and if such person after being duly notified of such revocation or suspension of his license, shall continue to keep open a House of Public Entertainment, or to retail spirituous liquors, wine, ale, beer, porter or cider, such person shall be liable to the same pains and penalties as are imposed on persons for keeping a House of Public Entertainment, or for retailing such liquors without license.

List of licensed houses to be published.

**36.** And be it enacted, That a list of the Licensed Houses of Public Entertainment shall be published by the several Revenue Inspectors once a year, or oftener, at such time or times and in such newspapers as may be directed by the Inspector General of Public Accounts.

Liability of persons who give liquor to others, who afterwards, being intoxicated, commit suicide, &c.

**37.** And be it enacted, That whenever any person has drunk spirituous or other intoxicating liquors to excess in any Inn, Tavern or other House or Place of Public Entertainment, vendd, sold or retailed, by or with the permission or sufferance of the Keeper thereof, for the gain or reward of such Keeper, and while in a state of intoxication or drunkenness arising out of the use of such spirituous or intoxicating liquors, has come to his death by committing suicide or by drowning, perishing from cold, or by any accident occurring in consequence of his being so intoxicated or drunk, the Keeper of such Inn or Tavern shall be liable to be indicted and tried before the Court of Queen's Bench sitting in the District in which such person resides, for a misdemeanor, and if convicted thereof, shall be liable to a penalty of not less than Fifty Pounds, nor more than Two Hundred and Fifty Pounds, to be paid to the heirs or legal representatives of the deceased person, or to be imprisoned for a period not less than one month nor more than six months.

Penalty.

How long present licenses shall be in force.

**38.** And be it enacted, That all licenses to Shop-keepers, Merchants and others, for vendding and retailing wine and spirituous liquors, issued for the current year prior to the passing of this Act, shall be held to be in force until the first day of May next, and no longer, and shall empower and license the holders thereof to retail brandy, rum, whiskey and other

other spirituous liquors, wine, ale, beer, porter and cider or other fermented liquors, in any quantity not less than three half-pints at any one time.

**39.** And be it enacted, That all licenses for keeping Temperance Hotels, which shall have been issued by any Municipal Council or proper authority, since the first day of January last past, shall, provided the person or persons holding the same record or cause the same to be recorded at the office of the Revenue Inspector, for the District or Division of the District within which such Temperance Hotels shall be situate, within three months after the passing of this Act, remain in force until the first day of the month of May of the next ensuing year, and no longer; and the Revenue Inspector shall endorse on the license the date when it shall be so recorded, for which he shall be entitled to a fee of Two Shillings and Six Pence, to be paid by the holder of the license; and every license for a Temperance Hotel issued as aforesaid, which shall not be recorded in the manner and within the period herein prescribed, shall, at the expiration of three months after the passing of this Act, be null and void, and of no effect.

Licenses how granted for keeping Temperance Hotels; to be recorded with Inspector.

**40.** And be it enacted, That from and after the passing of this Act, all the provisions thereof, so far as they may be applicable, shall apply to all licenses now in force issued by the authority either of the Governor of the Province, or of any Municipal Council, for keeping Inns, Taverns, Temperance Hotels, or other Houses or places of Public Entertainment, or for vending or retailing spirituous, vinous or fermented liquors, and the holders of such licenses shall be liable to each and every of the pains and penalties imposed by this Act, for the non-fulfilment or infraction of the provisions thereof.

Act to apply to licenses now in force.

**41.** And be it enacted, That if the moneys appropriated by the Act passed in the last session of this Parliament, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses, in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal*, should at any time be found to yield less than the amount produced from the same when the fund was so appropriated, it shall and may be lawful for the Governor in Council to increase the Rate of Duty to be paid for every license to keep an Inn, Tavern or other House or Place of Public Entertainment for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors within the county and city of Montreal, to any amount not exceeding, in the whole, the sum of Twelve Pounds currency, for each license.

Governor in Council may increase duties in the County and City of Montreal in certain cases.

**42.** And be it enacted, That all suits, actions or prosecutions under any of the provisions, except those of the thirty-seventh section of this Act, shall, within six months after the alleged

Suits, &c., to be commenced in the name of the Inspector

within six months after the alleged offence.

alleged offence, be commenced in the name of one of the Revenue Inspectors, and shall be heard and determined in a Summary manner, either upon the confession of the Defendant or upon the evidence of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace for the District, and in the County in which such offence has been committed, if such offence has been committed elsewhere than in or on board of a Steamboat or Vessel, and before any one or more Justice or Justices of the Peace for any District in Lower Canada, if such offence has been committed in or on board of any such Steamboat or Vessel, and in default of immediate payment of the penalty, and such costs as shall be awarded to the Prosecutor, the amount thereof shall be levied by Warrant of Distress out of the goods and chattels of the Defendant; and in default of such goods and chattels, or in case of their being insufficient, the Defendant shall be imprisoned under the Warrant of any such Justice for a period of not less than two months, and not exceeding six months; Provided always, that the Defendant may at any time obtain his liberation from such imprisonment by making full payment of the said penalty and of all costs, whether incurred upon or after conviction; and every such suit, action or prosecution may be served, and the service thereof certified under his Oath of Office by any Constable or Peace Officer duly appointed for the District in which the same is brought or instituted.

Proviso.

Certain suits not to be dismissed for informality.

**43.** And be it enacted, That no suit, action or prosecution under any of the provisions, except those of the thirty-seventh section of this Act, shall be dismissed or set aside for any alleged defect, informality, error or omission; but if it appear that the party summoned has or may have been thereby deceived or misled, it shall be lawful for the presiding Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

As to appeals.

**44.** And be it enacted, That any person against whom any judgment is rendered under the authority of any of the provisions of this Act, (except the provisions contained in the thirty-seventh Section thereof,) who shall, within twenty-four hours from the date of such judgment, give notice to the Clerk, or the person acting as Clerk of such Justice or Justices, of his intention to appeal therefrom, and shall, within fifteen days from the date of such judgment, deposit with the Clerk of the Peace for the District within which such judgment has been pronounced, the amount of the penalty and costs awarded by such judgment, may appeal to the Court of General or Quarter Sessions of the said District, at its next ensuing term, if such term is not to be held within twenty days, or at the second next term, if the first is to be held within twenty days from the date of such judgment.



**45.** And be it enacted, That the forms of Declaration, Summons, Conviction, Warrant of Distress and Commitment, D, E, F, G, H, annexed to this Act, or any other form to the like effect, shall be and are hereby declared to be good and sufficient, and shall be used in any action, suit or prosecution, under this Act, or in proceedings antecedent to, or consequent thereon.

Forms in  
Schedule to be  
valid.

**46.** And be it enacted, That all fines and penalties recovered under the provisions of this Act, shall be paid to the Revenue Inspector who shall sue for the same, and shall be by him disposed of, in the following manner, that is to say: One third thereof shall belong to the person upon whose information the suit shall have been instituted, and such person shall not, on account of his interest in the event of such suit, be considered incompetent to give evidence therein; one third shall belong to and be retained by the Revenue Inspector, being the Prosecutor, and the remaining third shall belong to the Crown; and if there be no informer, then one half shall belong to the Revenue Inspector, being the prosecutor, and the other half to the Crown; but in cases where the Revenue Inspector or his Deputy shall have been the sole Witness, the whole of the penalty shall belong to the Crown, and the share belonging to the Crown shall be paid to the Receiver General for the public uses of the Province.

Appropriation  
of penalties.

Exception.

**47.** And be it enacted, That if any person shall tamper with a Witness, either before or after he shall be summoned as such Witness in any trial under this Act, or shall by the offer of money, or by threats, or in any way, either directly or indirectly, induce, or attempt to induce any such person to absent himself or herself, or to swear falsely, such person or persons shall be liable to a penalty of Twelve Pounds Ten Shillings for each and every offence.

Penalty for  
tampering with  
witnesses.

**48.** And be it enacted, That no suit, action or prosecution shall be brought, instituted or commenced against any Revenue Inspector for any thing done by him in the exercise of his office, unless the same be brought within six calendar months after the cause thereof, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff become non-sued, or discontinue the action, or judgment be given against the Plaintiff, the Defendant shall receive costs; and if judgment be given for the Plaintiff, and the Judge or Court before whom the suit, action or prosecution has been tried, certify that the Revenue Inspector had reasonable grounds for the act or proceeding complained of, the Plaintiff shall not be entitled to any costs of suit, nor to more than nominal damages.

Protection of  
Inspectors in  
suits brought  
against them  
for things done  
in the exercise  
of their office.

**49.** And be it enacted, That in every action, suit, or prosecution which may be instituted or commenced by, or against

Appeal given  
to Revenue  
Inspector.

any Revenue Inspector under the provisions of this Act, or for any thing done in pursuance of this Act, it shall be lawful for such Revenue Inspector to appeal from the judgment given therein, within three months thereafter, to any Court having competent jurisdiction.

Removal of doubts under 13 & 14 V. c. 27.

**50.** And whereas various doubts and difficulties have arisen with regard to the true intent and meaning of several provisions of the Act passed in the last Session of this Parliament, intituled, *An Act for the more effectual suppression of Intemperance*: Be it therefore enacted, That all and every person or persons who have been concerned in the granting or issuing of Licenses or Certificates for License under the same, shall be and are hereby saved harmless, and shall not be liable to any action, suit or prosecution, for any act or thing done by him or them in respect thereof, and all Licenses and Certificates for License granted or issued under the same before the passing of this Act, shall be held to have been legally granted and issued, notwithstanding any misunderstanding or misinterpretation of the provisions of the said Act.

To apply to Lower Canada only.

**51.** And be it enacted, That this Act shall apply to Lower Canada only.

SCHEDULES.

(A.)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF OBTAINING A LICENSE TO KEEP A HOUSE OR PLACE OF PUBLIC ENTERTAINMENT.

Province of Canada, }  
District of                    }

I, \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, in the District of \_\_\_\_\_, who am desirous of obtaining a License to keep\* \_\_\_\_\_ situated at \_\_\_\_\_, being duly sworn, do make oath and say, that I am a subject of Her Majesty, and that I am in all respects duly qualified according to law, to keep a House or Place of Public Entertainment.

(Signature.)

Sworn to before me, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and fifty \_\_\_\_\_

J. P. District of \_\_\_\_\_

(B.)

(B.)

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO KEEP AN INN  
OR TAVERN, OR TEMPERANCE HOTEL, (as the case may be.)Province of Canada, }  
District of }

We, the undersigned Municipal Electors of the \_\_\_\_\_ of  
\_\_\_\_\_, in the County of \_\_\_\_\_, do hereby certify  
that \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, in  
the District of \_\_\_\_\_, who is desirous of obtaining a Li-  
cense to keep\* \_\_\_\_\_ at † \_\_\_\_\_, is personally known  
to each of us, that he is a subject of Her Majesty, is honest,  
sober, and of good repute, and is a fit and proper person for  
keeping a House of Public Entertainment, (where in country  
parts, add: that we have visited or are acquainted with the  
house and premises situated at \_\_\_\_\_, for which the license is  
required, and that he has in and in the same, bedding, stabling  
and accommodation for travellers, as required by law.)

If in country parts, add: We further certify that a House of  
Public Entertainment is required at the place where the said  
house is situate.

Given under our hands, the \_\_\_\_\_ day of \_\_\_\_\_, in the  
year one thousand eight hundred and fifty \_\_\_\_\_

\_\_\_\_\_  
} Municipal Electors for  
} the County of \_\_\_\_\_

The foregoing Certificate having been this day submitted to  
the Municipal Council of (or to the Corporation of) \_\_\_\_\_ and  
the said Council (or Corporation) being duly assembled, and  
having deliberated thereon, confirm the same Certificate in  
favor of \_\_\_\_\_ therein mentioned.

Signed at \_\_\_\_\_, this day of \_\_\_\_\_, one thousand  
eight hundred and fifty \_\_\_\_\_

\_\_\_\_\_  
P. Q., Major.  
R. S., Secretary.

WHEN

NOTE.—At the mark \*, insert "a House or Place of Public Entertainment for  
"retailing spirituous liquors, &c.," or, "a House or Place of Public Entertain-  
"ment, and for retailing vinous and fermented liquors," or, "a Temperance  
"Hotel," as the case may be. At the mark †, describe the exact locality as  
nearly as possible.

The Note is common to the forms A. B. and C.

WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVISIONS OF THE SIXTH SECTION.

The foregoing Certificate, having been this day submitted to us, conformably to the sixth clause of the Provincial Act 14 & 15 Victoria, ch. , we do hereby confirm the same.

(Signature.)

(C.)

Know all Men by these presents, that we T. U. of V. W. of , and X. Y. of , are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of One Hundred Pounds of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of Fifty Pounds, the said V. W. in the sum of Twenty-five Pounds, and the said X. Y. in the sum of Twenty-five Pounds, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas, the above bounden T. U. is about to obtain a license to keep\* , the condition of this Obligation is such, that if during all the time such license shall remain in force, the said T. U. shall pay all fines and penalties he may be condemned to pay for any offence or breaches of the law relative to Houses of Public Entertainment now or hereafter to be in force, and shall do, perform and observe all the requirements thereof, and shall conform to all Rules and Regulations that are or may be established by competent authority in such behalf, then this Obligation to be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our Hands and sealed them with our Seals, this day of

, 185

T. U. [L. S.]  
 V. W. [L. S.]  
 X. Y. [L. S.]

Signed, Sealed and Delivered, }  
 in the presence of us }

(D.)

FORM OF DECLARATION.

Province of Canada, }  
 District of }

Special Sessions of the Peace.

(Name of Revenue Inspector,) of the City, Town, Township or Parish of (Name of the City, Town, Township or Parish,) in the

the District of (*name of the District*.) Revenue Inspector for the (*Division if the District be divided*.) District of (*name of District*.) in behalf of our Sovereign Lady the Queen, prosecutes (*name of Defendant*.) of the City, (Town, Township or Parish) of \_\_\_\_\_, in the District of \_\_\_\_\_

For that whereas the said (*name of Defendant*.) did at the City, (Town, Township or Parish,) of \_\_\_\_\_, in the District aforesaid \_\_\_\_\_, on \_\_\_\_\_, and at sundry times before and since (*here state succinctly the offence*), contrary to the Statute in such case made and provided; Whereby and by force of the said Statute, the said \_\_\_\_\_ hath become liable to pay the sum of \_\_\_\_\_ Pounds, \_\_\_\_\_ Shillings.

Wherefore the said Revenue Inspector prays judgment in the premises, and that the said (*name of Defendant*.) may be condemned to pay the sum of \_\_\_\_\_ Pounds, \_\_\_\_\_ Shillings for the said offence, with costs.

Revenue Inspector,  
for the District of \_\_\_\_\_

, *Prosecutor*.

(E.)

FORM OF SUMMONS.

Province of Canada, }  
District of \_\_\_\_\_ }

To (*name of Defendant*.) of the (City, Town, Township or Parish,) of (*name of the City, Town, Parish or Township*.) in the District of (*name of District*.)

You are hereby commanded to be and appear before me, the undersigned Justice of the Peace for the said District, at (*name of place*.) on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, or before such other Justice or Justices of the Peace for the said District, as may then be there to answer to the complaint made against you by (*name of Revenue Inspector*.) Revenue Inspector, who prosecutes you in Her Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed, otherwise judgment will be given against you by default.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord, one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_, in the District aforesaid.

J. P. [Seal.]

## CERTIFICATE OF SERVICE.

I, the undersigned \_\_\_\_\_, do hereby certify, upon my oath of Office, that on the \_\_\_\_\_ day of \_\_\_\_\_, I did serve the within Summons, and the Declaration thereto annexed, on the within named Defendant, at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, by leaving a true and certified copy of the said Summons and of the said Declaration at the domicile of the said Defendant, in the \_\_\_\_\_ speaking to \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

NOTE.—*The Copy left with or for the Defendant is to be certified as a "true copy" by the Justice of the Peace signing the Summons.*

(F.)

## FORM OF CONVICTION.

Province of Canada, }  
District of \_\_\_\_\_ }

Be it remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_, at (*name of place where convicted,*) in the said District, \_\_\_\_\_ is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace for the said District, for that he, the said (*name of Defendant or Defendants*) did (*state the offence succinctly of which he or they were convicted*) and (I or we) adjudge the said (*name of Defendant or Defendants*) for his said offence, to forfeit and pay to the sum of \_\_\_\_\_, and also to pay to the said \_\_\_\_\_ the sum of \_\_\_\_\_, for his costs in this behalf.

Given under Hand and Seal, the day and year first above mentioned.

Signature, J. P. (*Seal or Seals.*)  
or Signatures.

(G.)

## FORM OF WARRANT OF DISTRESS.

Province of Canada,  
District of \_\_\_\_\_

(*Name of Justice or Justices*) Esquire \_\_\_\_\_ of Her Majesty's Justices of the Peace in and for the said District.

To any Bailiff, Constable, or other Officer of the Peace, in and for the said district :

Whereas (*name of Defendant or Defendants*) of the Parish of (*name of Parish or Township,*) in the said District, hath (*or have severally*)

severally) been convicted before (one) of Her Majesty's Justices of the Peace for the said District, of having (*state the offence*) whereby the said (*name of Defendant or Defendants*) hath forfeited and hath by the said Justice been adjudged to pay the sum of Pounds Shillings , and further the sum of (*amount of costs allowed*, by me or us) the said Justice allowed and adjudged to be paid by the said (*Defendant or Defendants*) to (*name of Officer*) Revenue Inspector, for costs by him laid out about the conviction aforesaid (\*); These are therefore to command and require you, and each and every of you, to distrain the goods and chattels of the said (*name of Defendant or Defendants*) wheresoever they may be found within the said District; and on the said goods and chattels so distrained to levy the said penalty and costs, making together the sum of Pounds Shillings and Pence; and if within the space of four days next after such distress by you made, the said last-mentioned sum of Pounds Shillings and Pence, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale that you do pay the said sum of Pounds Shillings and Pence unto the said Revenue Inspector, returning to the said the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to with the Return of this Precept what you shall have done in the execution thereof. Hereof fail not.

Given under Hand and Seal , at , in the said District, this day of , in the year one thousand eight hundred and

Signature, J. P. [*Seal or Seals.*]  
or Signatures.

(H.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs, Constables and other Peace Officers, in the District of , and to the Keeper of the (*House of Correction*) at , in the said District of

Whereas (&c. as in the foregoing *Distress Warrant to the* (\*) and then, this): And whereas afterwards, on the in the year aforesaid, I, or, as the case may be, issued a Warrant to all or any of the Bailiffs, Constables or other Peace Officers of the District of , commanding them or any of them, to levy the said sums of and by distress and sale of the goods and chattels of the said ; And whereas

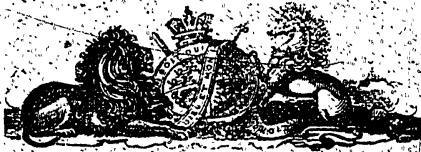
it

it appears to me, as well by the return to the said Warrant of Distress by the (*Constable*) who had the execution of the same, as otherwise, that the said (*Constable*) hath made diligent search for the goods and chattels of the said \_\_\_\_\_, but that no sufficient distress whereon to levy the sums above mentioned could be found; These are therefore to command you, the said Bailiffs, Constables or Peace Officers, or any one of you, to take the said \_\_\_\_\_ and him safely to convey to the (*House of Correction*) at \_\_\_\_\_ aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you the said Keeper of the said (*House of Correction*) to receive the said \_\_\_\_\_ into your custody, in the said (*House of Correction*), there to imprison him, (*and keep him to hard labor*) for the space of \_\_\_\_\_, unless the said several sums, and all the costs and charges of the said distress, (*and of the commitment and conveying of the said \_\_\_\_\_ to the said House of Correction*) amounting to the further sum of \_\_\_\_\_, shall be sooner paid unto you the said Keeper; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the District aforesaid.

Signature, J. P. [L. s.]





ANNO DECIMO-OCTAVO  
VICTORIÆ REGINÆ.

CAP. III.

An Act for the abolition of feudal rights and duties in Lower Canada.

[Assented to 18th December, 1854.]

EXTRACTS.

18. The moneys arising from the following sources of Revenue, shall be and are hereby specially appropriated to make good to the said Consolidated Revenue Fund, the amount which may be taken out of the same for the purpose of paying the sums charged upon it under the next preceding section, that is to say:

Special appropriated money from certain sources.

All moneys arising from the value of the rights of the Crown, from *droit de Quint* and other dues, in or upon the Seigniories of which the Crown is Seignior *Dominant*, and which are to be commuted by this Act as such value shall be fixed by the Schedules of the said Seigniories respectively, and all arrears of such dues ;

Crown rights in Seigniories.

All moneys arising from the Revenues of the Seignior of Lauzon, or from the sale of any part of the said Seignior which may hereafter be sold, and all arrears of such Revenues ;

Lauzon.

All moneys arising from Auction Duties and Auctioneers Licenses in Lower Canada ;

Auction duties.

All moneys arising in Lower Canada from licenses to sell spirituous, vinous or fermented liquors by retail in places other than places of Public Entertainment, commonly called Shop or Store Licenses ;

Shop licenses.

All moneys which shall arise from Tavern Licenses in Lower Canada, after the present charges on that Fund shall have been paid off, except however such portion of that Fund as shall be levied in the Townships.

Tavern licenses in certain cases.

ANNO



ANNO VICESIMO  
VICTORIÆ REGINÆ.

CAP. XLVI.

An Act to amend the Lower Canada Tavern License Act of 1851.

[Assented to 10th June, 1857.]

Preamble.

14 & 15 V.  
c. 100.

**W**HEREAS it is necessary to amend the Act of 1851, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of intemperance*, and to make further provision in relation to prosecutions and appeals from decisions under the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Recital.

**I.** Whereas by the forty-second section of the said Act, it is provided that all suits, actions or prosecutions for offences committed against the same, shall be commenced in the name of one of the Revenue Inspectors, and in the County in which the offence has been committed; And whereas it is necessary to amend the said section in this particular: It is therefore enacted, That any prosecution for an offence against the said Act committed within the limits of any County, Parish, Township, Town, or Village Municipality, may be instituted by or in the name of any Revenue Inspector of the District, before any one or more Justices of the Peace, or the Inspector and Superintendent of Police, or a Stipendiary Magistrate, within the District wherein the offence has been committed,—or by or in the name of the Secretary or Treasurer, or Secretary-Treasurer, or the Mayor or any one of the Councillors or Officers of such Municipality, before any Justice of the Peace therein or in the neighbouring Parish or Township,—and in every such latter case, the share which would otherwise have accrued to the Revenue Inspector, shall be retained by the said Secretary or other officer and paid over to the Municipality to be appropriated to such purposes as they may deem proper; Provided that the Municipality shall be answerable for all the costs of prosecution.

Section 42  
amended.

Penalties may be sued for by Revenue Inspector or by certain Municipal Officers, and the prosecutor's shares retained by the Municipality for municipal purposes.

Proviso.

**2.** Whenever any judgment shall be rendered under the said Act, for the amount of any penalty and costs, the Justice or Justices trying the case may call upon the Defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the judgment and costs, and in the event of his refusing to answer to the satisfaction of such Justice or Justices, he may be forthwith imprisoned in the Common Gaol for a period not exceeding three months; but no execution shall, in such case, issue against his goods and chattels.

Imprisonment of defendant convicted and declaring that he has not goods to satisfy judgment.

**3.** If the Defendant declare that he possesses sufficient goods and chattels to satisfy the judgment and costs, execution in default of immediate payment may issue against them; and if upon the return of the Bailiff or other officer charged with the execution of the writ in that behalf, it appear that there has not been a sufficient levy, and the Justice be satisfied by affidavit or otherwise that there has been misrepresentation, concealment or fraud on the part of the Defendant, the Justice may imprison such Defendant until the judgment and costs be fully paid, or for a period not exceeding three months.

Execution in default of immediate payment, if he declares that he has goods sufficient.

Imprisonment if his declaration prove false.

**4.** It shall also be lawful for such Justices, if they shall deem it expedient, in the event of such penalty and costs not being immediately paid, to appoint some future day for the payment thereof, and to order the offender to be detained in safe custody until the day so appointed, unless such offender shall give security for his or her appearance on such day, to the satisfaction of the said Justices, who are hereby empowered to take such security by way of recognizance or otherwise at their discretion; and if at the time so appointed the penalty shall not be paid, it shall be lawful for the same, or any other Justice of the Peace, by Warrant under his hand and seal, to commit the offender to any Common Gaol or House of Correction within his jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty and costs.

Justices may fix day for payment and detain defendant.

Or take security.

Commitment on failure to pay.

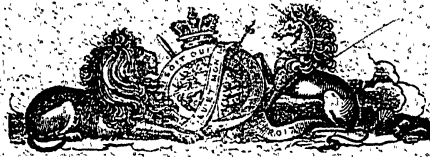
**5.** In all prosecutions to be instituted after this Act shall have come into force, for any contraventions of the provisions of the above mentioned Act, and in all cases wherein the proof shall not have been commenced before that day, the depositions of the witnesses shall be reduced to writing by the Clerk of the Peace, or some one appointed by him, or by the Justice trying the case, and shall be filed of record in the cause, in like manner as if the same had been taken in the Superior Court for Lower Canada.

Evidence in cases under the said Act to be taken in writing and filed of record.

**6.** No appeal from any conviction, order or judgment for any offence against the said Act shall be hereafter allowed under the forty-fourth Section thereof, nor under any other Law or Statute whatever, in any case wherein the trial shall be had

Appeal not allowed in case tried before two Justices, &c.

before,



ANNO VICESIMO  
VICTORIÆ REGINÆ.

CAP. XLVI.

An Act to amend the Lower Canada Tavern License Act of 1851.

[Assented to 10th June, 1857.]

Preamble.

14 & 15 V.  
c. 100.

**W**HEREAS it is necessary to amend the Act of 1851, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of intemperance*, and to make further provision in relation to prosecutions and appeals from decisions under the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Recital.

1. Whereas by the forty-second section of the said Act, it is provided that all suits, actions or prosecutions for offences committed against the same, shall be commenced in the name of one of the Revenue Inspectors, and in the County in which the offence has been committed; And whereas it is necessary to amend the said section in this particular: It is therefore enacted, That any prosecution for an offence against the said Act committed within the limits of any County, Parish, Township, Town, or Village Municipality, may be instituted by or in the name of any Revenue Inspector of the District, before any one or more Justices of the Peace, or the Inspector and Superintendent of Police, or a Stipendiary Magistrate, within the District wherein the offence has been committed,—or by or in the name of the Secretary or Treasurer, or Secretary-Treasurer, or the Mayor or any one of the Councillors or Officers of such Municipality, before any Justice of the Peace therein or in the neighbouring Parish or Township,—and in every such latter case, the share which would otherwise have accrued to the Revenue Inspector, shall be retained by the said Secretary or other officer and paid over to the Municipality to be appropriated to such purposes as they may deem proper; Provided that the Municipality shall be answerable for all the costs of prosecution.

Section 42  
amended.

Penalties may be sued for by Revenue Inspector or by certain Municipal Officers, and the prosecutor's shares retained by the Municipality for municipal purposes.

Proviso:

particular; and the Information or Plea may be amended before plea to the merits in any matter of form or substance upon motion in writing of the complainant, setting forth the required amendment, but without obliterating or altering the original pleading; and if the amendment be allowed, the Defendant, if he require it, may have a further delay to plead to the merits, or for plea and proof as it may be ordered; and if the pleading, in the opinion of the Justice, be so defective either in form or substance, that a legal conviction cannot be based upon it, and be not amended or reformed, the Justice may dismiss the case, the whole with or without costs in his discretion.

1851 may be altered.  
Amendment allowed and further time to plead, &c.

9. Any person examined or called as a witness on any such prosecution shall be bound to answer all questions put to him which are deemed pertinent to the issue, notwithstanding any declaration on his part that his answers may disclose facts tending to subject him to the penalty imposed by the ninth section of the above mentioned Act; Provided that such evidence shall not be used against him in any prosecution under the said section.

Persons examined must answer even if they disclose facts subjecting them to penalty.  
Proviso.

10. This Act shall come into force on, from and after the first day of September next, and not before.

Commencement of Act.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

C. A. P. L. V.

An Act to make better provision for regulating the measurement of Coal, and for other purposes therein mentioned.

[Assented to 4th May, 1859.]

Preamble.

**W**HEREAS the laws now in force which regulate the measurement of coal are frequently productive of great trouble and difficulty, and give rise to many abuses and frauds, more especially with respect to measurement for the purpose of estimating cargoes and calculating the freight thereupon, and it is therefore expedient to make new provisions for such measurement, and to make further provisions for the benefit of owners of vessels engaged in the carriage of coal and other freight on certain waters of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of Act of L. C. 6 W. 4, c. 36, repealed.

**1.** So much of the Act of Lower Canada, Sixth William the Fourth, Chapter thirty-six, regulating the measurement of coal, as defines the exact contents of a chaldron thereof, and regulates the dimension of the bushel by which the contents of such chaldron are to be ascertained, is hereby repealed.

Chaldron defined.

**2.** From and after the passing of this Act, the chaldron of coal shall contain thirty-six Imperial Winchester bushels.

Coal measures must be inspected and stamped.

**3.** Hereafter no tub or other measure shall be used for the purpose of measuring coal which shall not have been previously inspected by some one of the Inspectors of Weights and Measures appointed under the Acts in force in Lower Canada, relating to the inspection of weights and measures, and by him stamped or branded, with the proper mark, after having been first compared and verified with and by the copies of the standard of the Imperial bushel or half bushel provided by law for that purpose; And all the provisions of the said Acts with respect to inspection and the enforcing thereof by penalties or

Inspection Laws to apply.

otherwise,

otherwise, shall apply to the measures used for the measurement of coal.

4. Whenever any sailing vessel or steamer shall have arrived at its destination and the master thereof or his agent shall have notified the person to whom the freight is consigned or his agent, either by public advertisement or otherwise, that such freight has reached the place designated in the bill of lading, the person to whom the freight is consigned shall be bound to receive the same within twenty-four hours after notice to that effect shall have been given to him as aforesaid, and thereafter such freight, so soon as placed on the wharf either direct from the vessel or otherwise, shall be at the risk and charges of the consignee or owner.

Consignee bound to receive goods consigned, within a certain time.

5. When the cargo of the vessel shall consist of coal, such coal shall be discharged at the rate of forty chaldrons *per diem*; When the cargo shall consist of metal the freight of which is estimated by the ton, not less than sixty tons shall in like manner be discharged daily; If the cargo consist of salt or grain, not less than two thousand minots shall be discharged daily; If it consist of salt in sacks, not less than one thousand sacks shall be discharged daily; If of sawed lumber, not less than fifty thousand feet shall be discharged daily; And if of bricks, not less than twenty thousand of such bricks shall be discharged daily.

Time for discharging certain cargoes.

6. All proceedings for the recovery of fines and penalties imposed by this Act shall be had and taken before one or more Justices of the Peace, Superintendent of Police or Recorder, at the place at which the infraction of this Act shall have occurred, and shall be summary.

Proceedings under this Act to be summary, &c.

7. This Act shall be a Public Act, and shall apply to Lower Canada only.

Public Act, and extent thereof.

## CAP. XLVI.

### An Act relating to Ferries.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. No license of Ferry in Upper Canada shall in future be granted to any person or body corporate beyond the limits thereof, and all grants of Ferry on the Frontier line of Upper Canada, shall be issued to the Municipality within the limits of which such Ferry exists, and in case of the establishment of any additional Ferry on such Frontier, then to the Municipality in which such additional Ferry is established, and shall be so construed

No license to be granted, &c.

construed as to extend and apply to all such Ferries on the Provincial Frontier, the circumstances of which do not permit or warrant the peremptory use of Steamboats. 20 V. c. 7, s. 5,—22 V. c. 41, (1859.)

License to be issued by the Governor under the Great Seal.

2. Every grant or license of Ferry shall be issued by the Governor under the Great Seal, and under the foregoing section may be granted for any period not exceeding fifty years. 8 V. c. 50, ss. 2, 3,—20 V. c. 7, ss. 1, 2, 8.

Ferries to be leased by public competition and only for a limited time.

3. Except as herein otherwise provided, no Ferry in Upper Canada shall hereafter be leased by the Crown, nor shall the Lease thereof be renewed, or any License by the Crown to act as a Ferryman thereat be granted, except by public competition, and after notice of the time and place at which tenders will be received for the Lease or License for such Ferry, inserted at least four times in the course of four weeks in the *Canada Gazette*, and in one or more of the newspapers published in the County in which the Ferry may be situate, and to parties giving such security as the Governor in Council may require; nor shall any such Ferry be leased or the License thereof granted for a longer term than seven years at any one time. 9 V. c. 9, s. 2.

Limits of Ferries.

4. In every case, except in the case of Municipalities as hereinafter provided, where the limits to which the exclusive privilege of any Ferry extends are not already defined, such exclusive privilege shall not be granted for any greater distance than one mile and a half on each side of the point at which the Ferry is usually kept, but nothing herein contained shall invalidate or infringe upon any existing grant or right of Ferry. 8 V. c. 50, ss. 5, 3.

Governor may grant a license to have a ferry communication between two Municipalities.

5. In all cases where a ferry is required over any stream or other water within Upper Canada, and the two shores of such stream or other water are in different Municipalities, such Municipalities not being in the same County, the Governor in Council may grant a license to either of such Municipalities exclusively, or to both conjointly, as may be most conducive to the public interest. 20 V. c. 7, s. 1.

License to confer a right, &c.

6. Such license shall confer a right on the Municipality or Municipalities to establish a ferry from shore to shore on such stream or other water, and with such limit and extent as may appear advisable to the Governor in Council, and be expressed in such license. 20 V. c. 7, s. 1.

Condition of license as to steam.

7. Such license shall be upon condition that the craft to be used for the purpose of such ferry shall be propelled by steam, and be of such dimensions, and the engine thereof be of such power as the Governor in Council may direct; and upon such further



further conditions as the Governor in Council may think fit and express in such license. 20 V. c. 7, s. 1.

8. The Council of the Municipality to which municipality any such license may be issued, may pass By-laws, not contravening the terms of the license, declaring their determination to sub-let the said ferry, and may sub-let the same for the price, and upon the terms, and to the parties, and on the conditions, and at the rates of ferriage to be paid, which the said Council may deem best. 20 V. c. 7, s. 3.

Municipalities may sub-let ferries.

9. In all cases where the one shore of such stream or other water is within the limits of a City, Town, or incorporated Village, and the other shore thereof in a Township or rural Municipality, the license shall be issued to the City, Town, or incorporated Village; But in case the Rural Municipality opposite to any such City, Town, or incorporated Village, be an Island, then the license shall be granted to the Island Municipality. 20 V. c. 7, s. 4.

Incorporated Cities, Towns and Villages to have the preference as to such license.

10. If any person unlawfully interferes with the rights of any licensed Ferryman, by taking, carrying, and conveying at any such Ferry, across the river or stream on which the same is situate, any person, cattle, carriage, or wares, in any boat, vessel, or other craft, for hire, gain, reward, profit, or hope thereof, or unlawfully does any other act or thing to lessen the tolls and profits of any Lessee of the Crown of any such Ferry, such offender, upon conviction thereof before a Justice of the Peace, shall forfeit and pay such sum of money not exceeding twenty dollars, as the Justice may direct, which sum shall be paid to the party aggrieved, except where he has been examined in proof of the offence, in which case the money shall be applied and accounted for in the same manner as any penalty imposed for a breach of the peace. 8 V. c. 50, s. 1.

Penalty for interfering with licensed ferryman.

11. Any person may keep at any such Ferry a boat, vessel, or other craft, for his own private use, or may use, for the accommodation of himself or of his employer, his own or his employer's boat, vessel or craft, to cross the river or stream on which such Ferry is situate; but such privilege shall in no wise be used to take, carry or convey any other persons or property for hire, gain, reward or profit, or hope thereof, or directly or indirectly to enable any of such other persons to evade the payment of tolls at such Ferry. 9 V. c. 9, s. 1,—8 V. c. 50, s. 1.

Parties may keep boats for their own use.

12. In case the sum forfeited be not paid immediately after conviction, the convicting Justice may commit the offender to the Common Gaol of the County, there to be imprisoned for a term not exceeding two months, unless the forfeiture, and the costs, be sooner paid. 8 V. c. 50, s. 2.

Offender to be committed if penalty be not paid.

Aggrieved party may appeal.

**13.** Any party aggrieved by any conviction or decision under this Act, may appeal from such conviction or decision in the manner and under the conditions and provisions of the Act respecting appeals in cases of summary conviction. 8 V. c. 50, s. 4.

Title to the ferry.

**14.** On the trial of any offender against this Act, every license heretofore issued or issued under this Act, shall be *prima facie* evidence of title to the Ferry. 8 V. c. 50, s. 3.

Municipal Councils may pass By-laws regulating ferries in certain places.

**15.** The Council of every County, City and Town separated from the County, under the Act respecting the Municipal Institutions of Upper Canada, may pass By-laws for regulating Ferries between any two places in the Municipality; and establishing the rates of ferriage to be taken thereon; but no such By-law shall have effect until assented to by the Governor in Council; and until the Council of the County, City or Town separated as aforesaid pass a By-law regulating such Ferries and in the cases of Ferries not between two places in the same Municipality, the Governor, by order in Council, may from time to time regulate such ferries respectively, and establish the rates to be taken thereon subject to the provisions of this Act. 22 V. c. 99, s. 277, No. 4, and s. 278.

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Law Printer to the Queen's Most Excellent Majesty.



INSPECTOR GENERAL'S OFFICE,

CUSTOMS DEPARTMENT,

Toronto, 30th March, 1850.

NOTICE is hereby given, that HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, has been pleased to approve of the following Regulations for the Inland Navigation of this Province, and for carrying of Goods Coastwise and for other purposes, under the authority of the Act passed in the 10th & 11th years of the Reign of Her Majesty, Queen Victoria, intitled, *An Act for repealing and consolidating the present Duties of Customs of this Province, and for other purposes therein mentioned*, and of an Act for amending the same.

By Command,

J. W. DUNSCOMB.

REGULATIONS.

Section 1. Be it ordered, That the Collector or proper Officer of the Customs at any *Port of Entry*, shall receive entries of the following Goods, that is to say: Grain, Flour or Meal, Beef or Pork, and Wood or Staves for Exportation within such time as may be agreed upon, not exceeding Six Calendar Months, under bond, (which bond may be taken by the Collector at the Port of Entry, or by the Collector at the place of Export, as may best suit the convenience of the parties interested,) to the satisfaction of such Officer in double the amount of the duty, which would otherwise be chargeable on such Goods, and if such bond shall have been given at the place of Export, a Certificate thereof under the hand of the Collector or proper Officer, of Customs, shall at the time of entering such Goods, be produced to the Collector at the Port of Entry.

Section

(\*) NOTE.—Superseded by exemption of those articles from duty.

Section 2. And be it further ordered, that the Collector or proper Officer of Customs at any Port at which Goods may have been entered for *Exportation*, shall grant to the party entering such Goods, a Certificate under his hand, containing a full and particular statement in detail of such Goods, when and from where, and by what vessel imported, the amount of and names of sureties contained in the bond, which Certificate must be deposited with the Collector of the port, from which the Goods are to be finally shipped with the outward entry: and the Collector of such Port shall on the due *Exportation* of such Goods, grant the party a Certificate under his hand to that effect, stating the name of Shipper, Vessel, Master, day of Shipment, and to what Port bound; which Certificate shall be authority for the Collector or proper Officer to cancel the bond given on the introduction of the Goods for their *Exportation*.

Section 3. And be it further ordered, That Vessels or Boats built and owned in this Province, and employed in the transport of Goods or Passengers in this Province, shall be considered as employed in the Coasting Trade. And that such Vessels may carry Goods, the produce of this Province, excepting Spirits or Distilled Waters, from and to any part thereof without entry or clearance, provided always, the owners of such Vessels obtain a License for the season for that purpose from the Collector at the nearest Port of Entry at which they reside, conditioned that such Vessels shall not be employed in the foreign trade or in the transport of other than the above described Goods.

Section 4. And be it further ordered, That all such Vessels or Boats may carry, as aforesaid, all other goods, the duty on which has been paid without entry or clearance, provided the Master shall keep a *Cargo Book* to be registered with the Collector of Customs at the Port at which the Vessel may belong, according to the annexed form, in which shall be entered an account of all Goods taken on board his Vessel or Boat, noting the place and day, at and on which the same were laden, the marks and numbers of the several packages, the description of Goods therein, the quantity and description of any Goods stowed loose, particularizing the name of Shippers and Consignees, and also when and where any such Goods shall have been discharged, and to whom delivered.

Section 5. And be it further ordered, That the Master of any such Vessel shall produce his *Cargo Book* to any Officer of the Customs whenever the same shall be demanded, and answer all questions put to him, and such Officer of Customs shall be at liberty to note any remark therein which he may deem proper, and if the *Cargo Book* shall not be kept in the manner here required and the particulars of all cargo laden and unladen, duly noted therein, the Goods and Vessel shall be forfeited, and the Master shall incur the penalty prescribed by law in that behalf.

Section 6. And be it further ordered, That Goods arriving at a Port of Entry *in transitu* for another Port, may be transhipped for such other Port, in any registered Vessel upon the Vessel reporting outwards for the Port to which the goods may be destined; and taking a clearance for the goods; the Collector at the Port of arrival, being required to forward by Mail, copies of such clearance together with all particulars and description of the goods in his possession.

Section 7. And be it further ordered, That the entries inwards for such goods for warehouse or for duty, may be made at the Port for which the goods may be intended, and if for duty, the same may be paid at the Port of destination; and the Collector of such Port, shall, in such case, forward a copy of such entry, to the Collector at the Port of arrival, together with a Certificate of the duty having been paid on the goods, or bonds having been taken for the warehousing of the Goods; which entry and Certificate, shall be a sufficient Warrant for landing and transhipment of the Goods; the Collector at the Port of arrival, being required to cause such Goods to be marked with the first letters of the Port for which they may be destined, under the letter B, and over the No. of the entry.

Section 8. And be it further ordered, That the Collector or proper Officer at any Port of Entry, shall receive a *report outwards* from any party desirous to take out of the Province wheat or other grain grown in this Province for the purpose of being ground, and shall admit the flour, meal or other produce of such wheat or grain or the equivalent thereof, to entry free of duty, provided that such flour, meal or other produce is brought into this Province and duly reported inward within two days from the outward report of the wheat or other grain.

Section 9. And be it further ordered, That in like manner, the Collector or other proper Officer shall receive *outward reports* of any logs or timber grown in this Province, and shall admit to entry free of duty the boards, planks or scantling, the produce of such logs or timber, or the equivalent thereof, provided always that such boards, planks or scantling, are brought into this Province, and duly reported inward within seven days of the date of the *outward report*, the logs or timber from which the same has been made.

Section 10. And be it further ordered, that the net proceeds of all seizures and forfeitures to be divided as follows: one third to be paid to the credit of the Receiver General; one third to the seizing officer or officers; and one third to the informer or informers: in the event of the seizure having been made without information two thirds of the proceeds shall be paid to the seizing officer or officers. The Collector of Customs, or officer in charge of Ports, to be allowed Five *per centum* on the gross proceeds of Seizures and Forfeitures, for making sales and

and for receiving, distributing and rendering accounts of the same. The Collectors of Customs to distribute proceeds of Seizures on receiving an order, and pay the several Officers the proportion they may be entitled to, annexing the Officers' receipts to the account thereof on a distribution sheet to be furnished them for that purpose. The proceeds of sales of Seizures are not to be distributed without a special order to that effect.

Section 11. And be it further ordered, That all Penalties and Fines, after deducting the expenses of prosecution, shall belong to Her Majesty for the public uses of the Province, and be paid into the credit of the Receiver General.

Section 12. And be it further ordered, That whenever a place or warehouse is offered to the Collector of Customs at any Port, for approval as a Customs Warehouse, the Landing Surveyor, (or principal officer of the Waterside Department) and Warehouse Keeper (or person performing that duty) at such Port, shall carefully inspect the same and ascertain that such place or Warehouse is sufficiently secure, and otherwise fit for the purpose intended. The Collector of Customs will cause the Proprietor or Occupant to place over the gate or door leading into, or on some conspicuous place on every Customs Warehouse so appointed, a Board or Sign with the following painted thereon :

“ V. R.

No—

Customs Warehouse ”

and to furnish the Collector with a key thereof, having a label attached thereto, with the same letters distinctly painted thereon. That the Collector will communicate in writing notice of the appointment of “ Customs Warehouse, to the party offering the warehouse for that purpose, giving the number by which such “ Customs Warehouse ” is to be designated, and require the applicant or person who may have offered a Warehouse, to become a party to, and sign a full and detailed description of the Warehouse, comprising situation, boundary, of what material built, proprietor or occupant, &c., to be entered on a page to be set apart for that purpose in the Warehouse Book : and the Collector will also note date of appointment, cancellation or any alteration which may be made at any time with regard to any “ Customs Warehouse ” The Collector shall cause a list of all “ Customs Warehouses, ” containing the name and situation, to be prepared and hung up in the Long Room, or on some public part of the Custom House.

Section 13. And be it further ordered, That duty shall be charged on all goods *ex warehouse* on the guage or weight, when taken out for Home Consumption, *per prime entry*, without any deduction or allowance whatever for loss which may have arisen from natural causes or otherwise.

Section 14. And be it further ordered, That there shall be deducted from the gross weight of goods, the tare according to the original invoice, the correctness of the invoice to be declared before the Collector, and in the absence of such invoice or the omission of tare in the invoice, the medium tare shall be ascertained by weighing a few packages of the importation and adopting the result as the standard for the whole.

Section 15. And be it further ordered, That Collectors of Customs shall in all cases where the same is practicable, cause goods upon which the duty has been paid, to be marked or branded with the initial letters of the Port, month or day of the month, and the year when such goods have been entered for duty

## CARGO BOOK.

Schooner *Dy. Flore*, (1) Master, *Smith & Paine*, (2) Owners, No. 37, Port of Kingston, 80 tons burthen with 2 masts and a deck, 20th March, 1849.

J. KIRK, Collector.

Marks.	Nos.	When shipped.	And by whom.	Description of Goods.	Whence.	Consignee.	Destination.	REMARKS.
S B	1 to 20	April 1.	J. Day.	Twenty Hhds. Sugar.	Torouca.	W. Gao,	Hamilton,	Hamilton, 3d April, 20 Hhds. Sugar landed here this day. W. Pryn.

- (1) Change of Master must be reported to Collector in order that note may be made of the same.  
 (2) Change of owners in same manner, at the Port, where Boats' Cargo Books shall have been registered.



EXTRACTED from the Consolidated Statutes of Canada, Cap. 31, intituled, "An Act respecting the Provincial Post Office.

18. Except as hereinafter provided;—it shall not be lawful to bring any Foreign Newspaper, or any Foreign printed publication (except bibles, testaments or books of devotion) not liable to a duty of Customs, into this Province, in any other way than through the Provincial Post Office;—And any Foreign Newspaper or Publication brought into this Province otherwise than through the Post Office, which has not been duly entered and upon which the duty of twenty per cent. *ad valorem*, under the *Act respecting Duties of Customs and the Collection thereof*, has not been paid, (except bibles, testaments and books of devotion on which no duty is payable) shall be forfeited and may be seized and forthwith destroyed by any officer of the Customs or of the Post Office, as prohibited goods, and the person bringing in the same shall be liable to the like penalty as a person bringing in goods prohibited by the Customs laws, and recoverable in like manner;—But this prohibition shall not apply to one copy of any such Newspaper or publication brought into the Province *bonâ fide* by any Traveller for his own use. 22 V. (1859) c. 17, s. 10.

31. The Postmaster General, or any Postmaster by him to that effect duly authorized, may detain any Post Letter suspected to contain any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, and forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence in case of non-attendance, after due notice in writing from such Collector requiring his attendance, left at or forwarded by the post according to the address on the letter, may open and examine the same;

2. And if on any such examination any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, are discovered, such Collector may detain the letter and its contents for the purpose of prosecution;—and if no contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, are discovered in such letter, it shall, if the party to whom it is addressed is present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the Post Office and be forwarded to the place of its address. 16 V. c. 8, s. 8.

## REGULATIONS AND ORDERS

Under which goods may be imported into Canada by Railroad, without subjecting them to entry for duty at the Frontier Port, or to the necessity of being forwarded under Frontier Bonds.

All Railroad Companies, having a line or lines of Railway crossing the Provincial Boundary, or which have a terminus at or near such Boundary, or that have a terminus upon the border of any of the navigable waters of the Province, shall be allowed to transport goods along their respective lines without such goods being detained at Frontier Ports, for the purpose of being examined and entered at the Custom House, or without their being detained until Frontier Bonds are executed, upon such Railroad Companies complying with and conforming to the Rules and Regulations following:

1. All such Railroad Companies shall provide proper wharfs, secure and commodious warehouses and other premises at every "Port of Entry" or "Way-Port" in connection with such Railroads, for the landing, storing and forwarding of all foreign goods in transit, whether dutiable or free, with other suitable office accommodation for the Officer of Customs in charge. These wharfs, warehouses and premises to be made secure to the satisfaction of the Customs Department, and in the manner set forth by Regulation No. 12 for Queen's Warehouses 30th March, 1850, and until such wharfs, warehouses and premises be provided for Customs purposes, and shall be approved and accepted (of which due notice will be given by the Department), the goods intended to be forwarded to any such Ports shall be subject to be detained until all the formalities of law prescribed in relation to importations, generally, shall have been fulfilled.

2. All goods arriving from the United States of America by water, for transit by Railroad through any part of Canada to a Canadian Port, thence to be transhipped to the United States, shall be reported inwards on arrival by Triplicate Reports as per Form of Document marked *R. R. M. No. 1*, denominating "goods" the contents of which are not known, as Merchandise, in number of Packages as *Hogsheads, Casks, Barrels, Cases, Boxes, Bales, Trusses, &c., &c.*, but giving the denomination of goods when known as *Sugar, Tea, Tobacco, &c., &c.*, but the names of the consignees and the special marks and numbers may be dispensed with.

One of such Reports inwards duly certified shall be placed under cover and forwarded along with the goods to the Officer of Customs in charge at the port of transhipment, who will see that all such goods are immediately put on board the vessel or vessels intended to convey them to a foreign Port, or placed in the Queen's Warehouse, as provided for in section Number One of these Regulations.

3. Such Railroad Companies shall provide and appropriate a certain number of Freight Cars, specially designated "Through Cars," for goods in transit from one Frontier Port to another, and the *the name of such Ports* shall be legibly and conspicuously exhibited upon the said Freight Cars.

4. Such Freight Cars shall be provided with the means of securing all goods in transit by spring padlocks or other locks of the best description, subject to the approval of the Department, and the keys of such locks shall be in the keeping of the different Customs Officers only, and such Cars must go through from the port of arrival in Canada to the port of Exit designated by one continuous route; and no transfer of goods shall be permitted at any intermediate port, except in case of any accident occurring in the course of transit that would render such transfer unavoidable.

5. All locks and fastenings required for such Freight Cars shall be provided by and at the expense of the different Railroad Companies under the approval of the Department.

6. Goods arriving at any Lake or River Port, in the manner and form hereinbefore mentioned, for transshipment to different Ports in the United States, shall be reported outwards in duplicate as per Form Document marked *R. R. M. No. 2*, separately describing the goods destined for each port; one of which Reports outwards shall be given to the Master of the vessel when he takes his Clearance, for the purpose of obtaining the signature of the United States Customs Officer, certifying that such goods were landed in the United States, and such verified Report outwards shall forthwith be returned to the Officer of Customs in charge at the port of transshipment in Canada, and there be placed on file.

7. All imports coming into the hands of the Railroad Companies giving Bonds, and addressed to any Out-Port or Railroad Way-Port where a Customs Officer is appointed, may be forwarded through from the Port of arrival direct, in suitable Freight Cars, secured by lock and under a Way-Manifest, as per Form of Document marked *R. R. M. No. 3*, in duplicate, to the Port of destination.

The Manifest of each "Way-Port" to be signed by the Collector, Surveyor or other proper Officer appointed at the Port of arrival, and forwarded under cover, along with the goods, to each respective Way-Port Officer, whose duty it shall be to receive such goods, and certify the correctness of their delivery by returning one of the Duplicate Manifests duly certified, and which Manifest shall be filed in the Custom House, at the Port of arrival, as a Voucher. It shall be the duty of the Railroad Companies to cause the immediate delivery of all such "Way Manifests" to the Officers of Customs on arrival.

8. Goods forwarded under Bond as provided by 10 and 11 Vict. Cap. 31, Sect. 24, shall moreover be manifested as above, and shall be legibly marked at the Port of arrival with red colouring matter, as provided in Section 7 of *Regulations for the Inland Navigation*.

Goods,

Goods, entered for duty at the Port of arrival, and forthwith forwarded to any Port of destination by Railroad, shall be marked agreeably with the instructions given to such Ports, to prevent detention on the way.

The landing of goods after the regular Customs hours can only be permitted upon application being made to the Collector or other proper Officer for that purpose, whose duty it will be to make such arrangements as will meet the emergency; and the Railroad officials will be required promptly to discharge all goods under lock in preference to the other goods and to store the same to the satisfaction of the officer in charge.

9. In order to avoid detention at Frontier Ports from which goods conveyed by Railroad are directly exported to the United States, as also to afford correct Returns of Exports at such Frontier Ports respectively, Station Masters or Freight Agents at Way Stations, or others at which goods may be laden for Exportation by Railroads, shall be instructed to forward to the Chief Freight Agent at each Frontier Station or Terminus from whence the exportation is to be directly made, a Manifest outwards in the Form marked *R. R. M. No. 4*; and the Chief Freight Agent at such Frontier Railroad Terminus shall certify or declare to the correctness of the different Way-Reports or Manifests outwards, before the Collector or other proper Officer as by law required for the entry of goods outwards. Such Way Reports to apply to Canadian Exports only, and not to goods merely passing through Canada in transit.

10. The liability of each of the Railroad Companies shall be secured by a Bond in the nature of a General Frontier Bond, to be duly executed for the amount of twenty thousand pounds, for the due and faithful production, at the respective ports of destination in Canada, of all packages passing over such roads in transit and under Manifest, and for the general performance and compliance with the foregoing Regulations.

R. S. M. BOUCHETTE,  
Commissioner of Customs.

Inspector General's Office,  
Customs Department,  
Toronto, 9th December, 1856.

N. B.—The Forms hereinbefore referred to will be found in the possession of the Collector of Customs.

## REGULATIONS FOR THE REFINING OF SUGAR IN BOND,

Under the Authority of an Act passed in the eighteenth year of Her Majesty's Reign, intituled, "An Act to amend the Act imposing Duties of Customs."

**W**HEREAS by an Act passed in the Session of the Provincial Parliament holden in the eighteenth year of Her Majesty's Reign, intituled, "An Act to amend the Acts imposing Duties of Customs," it is amongst other things enacted that it shall be lawful for the proprietor or proprietors of any Sugar Refinery in the Province being the Importer or Owner of any Sugar, Molasses or other Material from which Refined Sugar can be produced, to refine the same in Bond, provided such refining be done under such Regulations as the Governor-General in Council shall from time to time make and impose for that purpose; His Excellency the Governor General in Council has, in accordance with the authority contained in the said Act, been pleased to make and prescribe the following Regulations, viz :

1. That the Collector or other proper Officer of Customs, at any Warehousing Port in this Province, may deliver without payment of Duty to the proprietor of any such Sugar Refinery, being also the importer or owner of any warehoused sugar, molasses or other material from which Refined Sugar can be produced, on proper entry being made of the same, any quantity of such sugar, molasses or other material, for the purpose of being refined in this Province, in such place and on such premises as shall be particularly described by such proprietor so being the importer or owner.

2. That such Sugar Refinery and the premises thereunto belonging in accordance with the description to be given thereof as aforesaid shall, for the purposes of refining sugar under the above mentioned Act, be deemed and considered a Government Bonded Warehouse, and that none of the sugar, molasses or other material, so brought into the said Refinery or upon the said premises, shall be removed therefrom without a proper Ex Warehouse Entry and due payment of all Duties on the same, if entered for home consumption, or upon due entry thereof for exportation under the usual Bonds: nor shall any of the Refined Sugar or other extract produced from the sugar, molasses or other material aforesaid be removed from the said Refinery and premises without due entry as aforesaid either for consumption, for removal or exportation, and payment of all Customs Duties legally due on the sugar, molasses or other material from which the said Refined Sugar shall have been manufactured, as the case may be.

3. That before the importer or owner of any sugar, molasses or other material aforesaid shall, for the purpose of refining the same as aforesaid, be entitled to obtain the delivery thereof, either ex-ship, upon their importation into this Province, to be carried immediately to the Sugar Refinery and premises aforesaid, or out of any of the Queen's Warehouses in which the same may be warehoused, he shall give Bond with two sufficient sureties to the satisfaction of the Collector of Customs, at the Port where such

such sugar, molasses or other material are imported or warehoused, in a penalty of double the amount of the Duties payable on the same, with the condition that the whole amount of the Duties so payable upon the quantities of sugar, molasses or other material so delivered upon arrival or out of warehouse as aforesaid, for the purpose of being so refined in Bond, shall, within six months from the date of the Bond to be so entered into, be well and truly paid to the Collector of Customs aforesaid for the use of Her Majesty in this Province. And the said importer or owner shall, before he can obtain the delivery aforesaid further enter into and execute to the Collector, for the uses of Her Majesty as aforesaid, a general Bond, the said importer or owner in the penal sum of £2000 cy., and two approved sureties in the sum of £1000 each, conditioned, that at no period shall the quantity of sugar raw or refined in the said Refinery or Warehouse be less than the quantity on which the Bond or Bonds for Duties hereinbefore mentioned shall be outstanding and unpaid.

4. And for the purpose of further securing the due observance of the foregoing Regulations, the Collectors of Customs, the Surveyor or Warehouse Keeper or other approved Officer of Customs, at the Port where the goods shall be so bonded, or at the Port nearest the said Sugar Refinery, shall at all proper times of the day, have free access to and upon the said Refinery and premises for the purpose of verifying the quantity of sugar, molasses or other material aforesaid therein, and any reasonable expenses attending such Inspection shall be borne and defrayed by the importer or owner of the sugar, molasses or other material so undergoing refinement in Bond.

R. S. M. BOUCHETTE,

I. G. O. Customs Department,  
Quebec, 31st July, 1855.

#### DEPARTMENTAL INTERPRETATION

Of the Tariff of 26th March, 1859, in reference to certain Articles hereunder mentioned, for the guidance of Collectors of Customs.

#### GOODS PAYING 30 PER CENT.

- Nuts of all kinds—Nuts do not come under the designation of *dried fruits*, and are not therefore free under the Reciprocity Treaty.
- Starch, includes all preparations of Starch for whatever use intended and therefore Corn or other Starch.
- Patent Medicines and Medicinal preparations refer to all Medicines as proprietary articles and all other compounded or prepared Medicines ready for the dispensary.

GOODS

## GOODS PAYING 25 PER CENT.

Harness and Saddlery, as Leather Manufactures, to apply to ready made articles of that description or parts thereof.  
 Boots and Shoes, whether wholly made of leather or partly only of leather.  
 Clothing or Wearing Apparel made by hand or sewing machine—not to include shirts and other under garments for male and female, nor shirt collars, stocks, neck ties and gloves.

## GOODS PAYING 20 PER CENT.

AS NON ENUMERATED.

Ground Sulphur or Flour of Sulphur.

Veneers.

Earths, Clays and Ochres—ground, roasted or burned.

Quinine, pulverized Rhubarb and similar Drugs, as coming under the designation of Drugs and Chemicals in their first state of preparation for commercial uses.

Oils that have been subjected to any artificial process of purification.

Gum Opium as a Drug.

Packages containing liquids and subject to duty when the duty on their contents exceeds or is 20 per cent., in other cases the same duty as their contents.

## GOODS PAYING 10 PER CENT.

Boiler Plate, Angle and T iron punched or not punched.

Printed Sheet Music, considered as Pamphlets.

The terms Devotional Books apply to Hymn, Psalm and Chant Books used during divine worship in Churches,—and do not extend to Books or Pamphlets on religious subjects generally, *all* of which except Bibles, Prayer Books, and the Hymn, Psalm and Chant Books referred to, are subject to 10 per cent duty.

Yellow Metal—as Brass in bars, rods and sheets.

Iron—hollow or other knee iron in bars.

Jewelry includes Jewels of all kinds or imitations, whether of gold or other metals worn as ornaments on the person—but does not extend to Pencil cases, Card cases, Thimbles, Spectacles or Eye Glasses.

Watches include Watch Materials of all kinds or parts of Watches.

Prints include Photographic and Daguerreian Prints on whatever material.  
 Straw, Tuscan and Grass Fancy Plaits, not Hats, Caps or Bennets made up of such Plaits.

## FREE GOODS.

Devotional Books—See Interpretation under Goods paying 10 per cent.

Brimstone, other than ground or in flour.

Cables of hemp or grass, are Cables or Cable—Laid Ropes composed of nine strands, namely; three great strands each of these consisting of three smaller secondary strands, which are individually formed of an equal number of primitive yarns or twists.

Earths,

Earths, Clay and Oehres, dry—(See 20 per cent.)

Felt Hat Bodies in the rough, but not stiffened or dressed.

Woods of all kinds under the same restrictions as Timber and Lumber.

Philosophical Instruments and Apparatus, not to include Astronomical, Mathematical, Nautical, Surveying, Optical, Surgical, Daguerreian or Photographic Instruments, nor Thermometers nor Barometers—except when such Instruments and Thermometers and Barometers are imported directly by scientific bodies or by persons professedly engaged in the pursuits of science and natural philosophy and not for sale as articles of commerce.

Oils, that is, Fish, Cocoa Nut, Pine and Palm Oils, in their crude and natural state, are free: but as it is not always obvious whether such Oils are simply clarified by repose and precipitation, or by some artificial process of bleaching, pressing or otherwise, it is considered sufficient, in order to avoid detention in passing such goods at the Custom House, that the owner should sign a declaration, to be written on the face of the entry, that the Oils, thereby entered, are in their crude and natural state, and entitled, as such, to the exemption claimed, to which fact the importer shall be sworn by the Collector, and small samples, duly labelled, of the Oils, so entered, shall be taken for future verification.

R. S. M. BOUCHETTE.

I. G. O. Customs Department,  
Toronto, 6th June, 1859. }

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SUPPLEMENTARY CUSTOMS REGULATIONS:  
FOR RAILROADS.

*Free Goods and others in Transit through the Province of Canada.*

1. *Free Goods in Transit* eastward through *Canada*, should be Reported by the Agent of the Railroad interested at the receiving Frontier Station, by Triplicate Reports, on the Customs form headed *Free Goods Transit Report*, and forwarded to the Railroad Customs Officer, at Toronto.

2. Should accident or other unavoidable "Road" contingency, make it necessary to divide or separate any Train with "Free Goods in Transit" on the way, then, the number of the freight Cars so separated and detained should be endorsed upon the original Reports going forward, giving the number of each Car, with contents, and the cause of such separation. The Freight Cars thus detained should be sent forward with suitable dispatch under another Report, as provided, and such Report, after making reference to the date and number of the Original Report, should contain the numbers and contents of each Car.



3. If *Free Goods in Transit*, being the contents of any Freight Train, or part of one, be unladen for transfer from the Great Western Railroad Station to the Grand Trunk Railroad Station at the "Queen's Wharf" by "teaming," then the Freight advice notes in use by these Railroads, should be delivered, with every load of Goods, to the Customs Officer in charge, whose duty it will be to check the same and sign the "advice note" before giving it over to the Agents of the Railroad Companies.

4. When Freight Trains, containing *Free Goods in Transit* arrive with Report at the Great Western Railroad Station at Toronto and it is found more convenient to divide such Freight by the transfer of any number of such Cars to the Grand Trunk Railroad Company, then such transfer should be check'd off from the Original Reports, and re-reported by the Agents of the Great Western Railroad Company, for Customs purposes. Whenever it is necessary to transfer Freight Trains entire, containing *Free Goods in Transit* from one of these Railroads to the other, then the Original Reports should accompany such transfer, and it will be the duty of the Grand Trunk Railroad Companies' Agents, at the Queen's Wharf Station, to forward without delay all Reports covering *Free Goods in Transit* sent on to the "Don Station."

5. As *Free Goods in Transit* eastward through "Canada," are subjected to be transferred from the Great Western Railroad to the Grand Trunk Railroad, and as this last mentioned Railroad is not yet continuous, all transfers from one line of Railroad to another, whether they refer to the Roads themselves, or the different Freight Cars on the same line of Road, involve the necessity of a new Report being forwarded with the different Freight Trains; and whenever a Ferry intervenes, or Goods have to be teamed over the ice, in winter, as at Montreal, then such transfer will be managed as now provided for at that Port of Entry.

6. *Goods in Transit not Free* Westward through "Canada," should be reported by Triplicate Report, in the same manner as provided for *Free Goods in Transit* and upon the Customs Forms headed "Transit Report of Goods not Free," and forwarded with such Goods to the Frontier Railroad Station, Port of Coaticook, or elsewhere; and all such Goods should be conspicuously labelled "In Transit to Detroit," (or as the case might be,) in addition to their being laden, and secured in Freight Cars, as provided by Sections Nos. 3 and 4 of the authorized Railroad Regulations of the 9th December last year.

7. Inasmuch as *Goods in Transit not Free* Westward through "Canada," cannot be conveyed by one continuous Railroad route any more than *Free Goods in Transit* can be forwarded Eastward through Canada, and as the risk of loss to the Canadian Revenue is proportionably increased by this Class of Goods being subject to duty if consumed in Canada, it is therefore necessary that no transfer of *Goods in Transit not Free* should be allowed except in cases of accident on the way, and at the Port of Toronto, where only one transfer should be permitted, viz: Freight Trains with *Goods in Transit not Free* should either be required to proceed forward to the Grand Trunk Railroad Station, at the Queen's Wharf,

Wharf, or the Great Western Railroad Company, Cars should be required to go to the Grand Trunk Railroad Station, at the Don for the Goods, to the end that all transfers might be made without exposure to unnecessary risk by teaming from one Railroad Station to the other.

8. The Officers of Customs are expected vigilantly to enforce the observance of the authorized Railroad Regulations before referred to relative to "fastenings," "Locks," destination of Cars," and promptly to report the nonobservance of such regulations, as are provided for the Customs Railroad management.

9. *Baggage and Passengers in Transit, Westward through "Canada,"* should be Reported in Duplicate as provided before, upon Form  $\frac{A. 6\frac{1}{2}}{R. R. M. 3\frac{1}{2}}$  (a Specimen Report can be obtained by any Railroad Port interested, making application to this Department).

10. All through Baggage should be secured in the same manner, and by the same means as Goods in Transit not Free; but as it might be necessary to make provision for the transfer of *Baggage in Transit* by teaming from one Railroad Station to another, at the Port of Toronto, such Teaming should be done as already provided for in other cases at that Port of Entry, and all Baggage in Transit should be labelled in the same way as before directed for "Goods in Transit not Free."

11. The Form of Report  $\frac{A. 6\frac{1}{2}}{R. R. M. 3\frac{1}{2}}$  required for Passengers and Baggage in Transit, Westward through Canada, is so simple in itself as to render further directions superfluous, and the intelligence of the various Officers in charge will most readily comprehend its application and use.

12. The foregoing regulations will apply to all other Canadian Railroads not herein mentioned.

R. S. M. BOUCHETTE,  
Commissioner of Customs.

INSPECTOR GENERAL'S OFFICE,  
Customs Department,  
Toronto, 14th December, 1857.

## REFUNDING OF DUTIES BY WAY OF DRAWBACK.

### REGULATIONS

To be observed in claiming Drawback, under the 8th Sec. 22 Vict. Cap. 76; on the exportation of duty-paid articles in certain cases, approved by His Excellency the Governor General in Council.

1. The manufacturer of any article, wholly manufactured in this Province out of materials imported into it, and upon which any duty of Customs

Customs has been paid, shall, upon the exportation of the said manufactured article, be entitled to a drawback equal to the duties that shall have been paid upon such quantity of the raw or duty-paid material as shall have entered into and been consumed in the production of the manufactured article to be exported.

2. To entitle himself to the drawback, the manufacturer shall comply with the following conditions:

1. He shall make due entry of the manufactured article for exportation, and deliver to the Collector of the Port, where such entry is made, a statement showing the marks and numbers of the packages,—the designation of the contents of such package,—the quantity of the manufactured articles,—the place where manufactured,—the quantity of the raw and duty paid materials entering into the composition of the said manufactured article,—the date or dates of the importation of such raw material,—the number of the entry or entries of such raw material,—the amount of duty paid on the same, and the Port at which entered and paid,—the Port or place in the Foreign Country to which such manufactured article is to be exported, and the name of the vessel or Line of Railroad by which the exportation is intended to be made.

2. To the foregoing statement, which shall be made out in the form prescribed by the Customs Department, the following oath shall be attached and be taken by the manufacturer before the Collector, viz.:

I, \_\_\_\_\_, the manufacturer of the goods herein before mentioned and entered for exportation, do solemnly swear that the foregoing statement is in every particular true.

(Signed,)

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_

Collector.

3. The Collector, or some Chief Officer of the Port, by his direction, shall thereupon examine the packages so entered for exportation, and verify the correctness of the said statement, in so far as he may, and if satisfied therewith, he will require the manufacturer to execute the following Bond:

#### BOND

Know all men by these presents that we, A, B, & C, of \_\_\_\_\_ are held and firmly bound to our Sovereign Lady the Queen in the sum of (a) \_\_\_\_\_

for the payment of which sum of money we bind ourselves, our heirs, executors and administrators jointly and severally, firmly by these presents, sealed with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord

Whereas

(a) The full value of the Goods exported.

Whereas the above bounden A. \_\_\_\_\_ has entered for exportation the following goods, viz: (here describe the number of packages, their marks and numbers, and the description and weight and value of such goods); NOW the condition of this obligation is such that if the said packages, with their contents, shall be actually landed at the Port of \_\_\_\_\_ in \_\_\_\_\_ or at some other Port or place without the limits of Canada, and the certificates and other proofs of such landing and the delivery of the same at such place shall be produced at this office within \_\_\_\_\_ months from the date hereof, and shall not, after being laden for exportation as aforesaid, be unladen or relanded within the limits of this Province, (unavoidable accidents excepted,) then the above obligation to be void and of no effect, otherwise to remain in full force and virtue.

A. \_\_\_\_\_ (Ls.)  
 B. \_\_\_\_\_ (Ls.)  
 C. \_\_\_\_\_ (Ls.)

Signed, sealed and delivered  
 in the presence of

4. The Entry being so made and Bond executed, the goods to be exported shall be laden and manifested for exportation either by Ship or by Railroad, and the Collector shall thereupon grant to the Exporter a Certificate in the following form:

No. \_\_\_\_\_ CERTIFICATE.

This certifies that \_\_\_\_\_ having on the \_\_\_\_\_ day of \_\_\_\_\_ duly entered at this Port for exportation, the following goods viz: (Marks and Nos., &c., as in the Entry) and the same having been on the \_\_\_\_\_ day of \_\_\_\_\_ 186. \_\_\_\_\_, shipped or laden (if by water, state the name of the Ship and Master, and where bound—if by Railroad, the name of the Line and the destination)—he, the said \_\_\_\_\_ or his Assignee, thirty days after the production at this Office of a duly authenticated copy of the Entry inwards of the said goods, at the port or place of destination aforesaid, or at some other Foreign Port or place, and upon the said \_\_\_\_\_ or his Assignee, making oath on the face of such Foreign Entry, of the identity of the goods so entered at the Foreign Port or place, with the goods so entered for exportation, shall be entitled to the sum of \_\_\_\_\_ dollars, being the amount of drawback allowed by law upon the exportation of the said goods.

Given at the Custom House, Port of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

Collector.

5. Such Certificates shall be numbered in a consecutive series, at the Ports where they are respectively issued, and before the delivery of the Certificate to the Exporter, its issuing shall be recorded in a book to be

be called the Drawback Certificate Book, which shall be kept at the Custom House, and the form of which shall be as hereunder :

|                        |                         |                                      |                               |              |                                   |                  |              |                                |                                        |                     |                             |
|------------------------|-------------------------|--------------------------------------|-------------------------------|--------------|-----------------------------------|------------------|--------------|--------------------------------|----------------------------------------|---------------------|-----------------------------|
| 1. No. of Certificate. | 2. Date of Certificate. | 3. Name of the party to whom issued. | 4. Marks and No. of Packages. | 5. Contents. | 6. Date of Entry for exportation. | 7. When shipped. | 8. Where to. | 9. Name of the vessel or R. R. | 10. Amount of Drawback in certificate. | 11. Date when paid. | 12. Signature of Recipient. |
|------------------------|-------------------------|--------------------------------------|-------------------------------|--------------|-----------------------------------|------------------|--------------|--------------------------------|----------------------------------------|---------------------|-----------------------------|

6. No drawback shall be allowed, unless the amount of such drawback shall exceed \$10.

7. The foregoing Resolutions shall be applicable to the exportation of Spirits or Malt liquors distilled or brewed in this Province, upon which an Excise duty shall have been paid, the said Excise duty being substituted in the place of the Customs duty in the said Regulations mentioned, and the forms so modified when necessary as to be adapted to the drawback of the Excise duty paid.

R. S. M. BOUCHETTE,  
Commissioner of Customs.

I. G. O., Customs Department,  
Toronto, 23rd December, 1858.

Port of \_\_\_\_\_ of \_\_\_\_\_ on the Exportation of the undermentioned  
**STATEMENT** made by \_\_\_\_\_ Goods on which a Drawback is claimed under the 22 Vict. Cap 76.

| PACKAGES       |                                 | Quantity of<br>Manufactured<br>Articles | Place Where<br>Manufactured | Quantity of raw or du-<br>ply paid material enter-<br>ing into the compo-<br>sition of said manu-<br>factured article | Date of importation<br>of such raw<br>material | The number of Entries<br>or Entries of such<br>raw material | Amount of Duty paid<br>on the same | Name of the Port at<br>which entered and<br>Duty paid | Name of the Vessel<br>Place to which such or Line of Railroad by<br>manufactured article is<br>to be exported. This intended to be made. |
|----------------|---------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------------------------------|------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Num-<br>ber of | Desig-<br>nation of<br>Contents |                                         |                             |                                                                                                                       |                                                |                                                             |                                    |                                                       |                                                                                                                                          |
|                |                                 |                                         |                             |                                                                                                                       |                                                |                                                             |                                    |                                                       |                                                                                                                                          |

I, \_\_\_\_\_ of the Goods herein above mentioned and entered  
 for Exportation, do solemnly swear that the foregoing Statement is in every particular true.  
 Sworn before me, this \_\_\_\_\_ day }  
 of \_\_\_\_\_, 185\_\_\_\_ Signed, \_\_\_\_\_  
 Collector

**EXPORTATION**

## EXPORTATION OF BUTTER AND DEALS

*via*

P O R T L A N D .

## REGULATIONS

Issued by the Commissioners of Her Majesty's Customs in England, to be observed in respect to the Exportation to the United Kingdom, of Canadian Butter and Deals *via* Portland, in the United States.

1. That all Butter and Deals the produce of Canada, which may be intended for shipment from Portland, in the United States of America, for consumption in the United Kingdom, upon payment of the Colonial rates of duty under the 7th section of the Customs Amended Act 1859, 22 and 23 Victoria, cap. 37, shall be accompanied by a specification shewing the marks, numbers and weight of the packages of Butter and the number of pieces of Deals of each length, width and thickness intended to be exported, also the port of destination in the United Kingdom, and that the Shipper of the goods or his Agent shall make a declaration upon the said specification that the same are the produce of Canada, such declaration to be made before the principal Officer of Customs at Quebec or Montreal, so far as respects the goods to be put on the Railway in the neighbourhood of those places, and as respects goods to be put on the Railway at other stations along the line, such declaration to be made before the principal Officer at the nearest port or place to such station.

2. That the principal Officer at such ports or places, before whom any such declarations shall be made, upon being satisfied, by examination of the goods or by other means at his disposal, of the integrity of the transaction, and on obtaining a receipt for the goods from the Grand Trunk Railway Company, shall forward the above specification with the goods to an Officer to be stationed at Coaticook by the Canadian Government, whose duty it will be to receive such specification, and on the arrival of the goods to inspect the same, and ascertain that they correspond with the particulars given in such document, that the goods are exported by the Railway from Canada, and that upon being satisfied thereof, he shall forward the specification by Post to the Collector of Customs at the port in the United Kingdom for which the goods are destined, and grant the necessary certificate of clearance which he is to hand to the Railway authorities to accompany the goods.

3. That the Master of the Vessel on board which the goods shall be shipped, shall, before leaving Portland, obtain the certificate of the British Consul on the clearance before referred to, that proof has been made before him, (the Consul) to his satisfaction that the goods mentioned in the said certificate of clearance are the identical goods taken on board the Vessel, specifying the name thereof, and the Master, on his arrival in this country, shall make a declaration that, to the best of his belief, the goods brought by him are the goods referred to in the certificate procured at Coaticoke, and endorsed by the British Consul, at Portland.

4. That upon the above Regulations being complied with, and the Officers of Customs at the Port of Importation in the United Kingdom, being satisfied that the goods correspond with the particulars contained in the clearance which accompanied the same, and in the specification transmitted by Post, the Collector may accept the Colonial rate of duty, it being understood that the term "Deals" used in the law above recited, and the foregoing regulations, is to be taken to include all Deals, Battens, Boards, or other Timber or Wood, falling under the common denomination of woods sawn or split in the Tariff and Customs' Accounts, and such as have hitherto been imported from Canada.

Certified,

L. G. O., Customs Department,  
Quebec, 18th January, 1860.

R. S. M. BOUCHETTE,  
Commissioner of Customs.

PORT OF COATICOOK,  
Canada,

SIR,

I have inspected the Goods described in the annexed Specification and find that they correspond with the particulars given, and being satisfied that they have been exported by the Railway from Canada, I have granted the necessary Certificate of Clearance, dated 1st May, which has been handed to the Grand Trunk Railway Company, for the purpose of accompanying the Goods to your Port *via* Portland, U. S.

I am, Sir, your obedient servant,

Collector

To the

Collector

Great Britain.



## SPECIFICATION

For Butter and Deals to be shipped from Portland, in the United States of America, for consumption in the United Kingdom, upon payment of the Colonial Rates of Duty under the 7th Section of the Customs Amendment Act, 1859, (22nd and 23rd Vict. Cap. 37.)

[This Document to accompany the Goods to Coaticook, then to be forwarded by Post to the Collector of the Port in the United Kingdom, for which the Goods are destined.]

The Undermentioned Goods are intended for removal to Coaticook, for transmission *via* Portland, United States, to *Liverpool* in the United Kingdom.

| Marks and Numbers of Packages of Butter, or the Number of Pieces of Deals. | Size and description of Packages of Butter, or dimensions of the Deals. | Weight of Butter, or content of Deals. |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------|
|                                                                            | <i>BUTTER.</i>                                                          | <i>Cwt. grs. lbs.</i>                  |
| VB 1 @ 40                                                                  | 40 Casks in 60 lbs.                                                     | 21 1 20                                |
| [HJ] 1 @ 10                                                                | 10 " 100 "                                                              | 8 3 20                                 |
| Z 1 @ 60                                                                   | 60 " 112 "                                                              | 60 0 0                                 |
|                                                                            | 110                                                                     | 90 1 12                                |

*One hundred and ten casks of Butter, containing ninety hundred weight, one quarter and twelve pounds.*

| Marks and Numbers of Packages of Butter, or the Number of pieces of Deals. | Size and description of Packages of Butter, or dimensions of the Deals. | Weight of Butter, or content of the Deals. |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------|
|                                                                            | <i>DEALS.</i>                                                           |                                            |
| 699                                                                        | 12 feet $\times$ 3 $\times$ 9                                           | 1573                                       |
| 4370                                                                       | 12 " $\times$ 3 $\times$ 11                                             | 12018                                      |
| 238                                                                        | 13 " $\times$ 3 $\times$ 9                                              | 580                                        |
| 1120                                                                       | 6 " $\times$ 3 $\times$ 1                                               | 1540                                       |
| 6427                                                                       |                                                                         | 157111                                     |

*Six thousand four hundred and twenty-seven Deals, containing three hundred and fourteen loads eleven feet.*

I hereby declare that the Goods described in the foregoing Specification are the produce of Canada.

18th April, 1859.

J. COLLINS, Agent.

This is to certify that the above Declaration was made before me, that I have satisfied myself, by all the means at my disposal, that the Goods described in the foregoing Specification are really the produce of Canada, and that they are now deposited with the Grand Trunk Railway Company for transmission to Portland.

A. B. { Collector,  
or Pl. Officer,  
Custom House.

MONTREAL,  
18th April, 1859.

### CERTIFICATE OF CLEARANCE.

7 [This Document is to accompany the Goods from Coaticook through the United States to Portland and thence to the United Kingdom.]

THESE ARE TO CERTIFY to all to whom it doth concern that the following Goods, the produce of Canada, have been deposited with the Grand Trunk Railway Company for transmission *via* Portland, U. S., to the Port of *Liverpool*, in the United Kingdom—and further that a Specification for the same Goods declared is by *J. Collins*, Agent, and dated 18th April, 1859, has this day been forwarded to the Collector of the said Port of *Liverpool*.

| Marks and Numbers on Packages of Butter or the Number of pieces of Deals. | Size and description of Packages of Butter, or dimensions of the Deals. | Weight of Butter or content of the Deals. |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------|
|                                                                           | <i>BUTTER.</i>                                                          | <i>Cwt. qrs. lbs.</i>                     |
| VB. 1 @ 40                                                                | 40 Casks each 60 lbs.                                                   | 21 1 20                                   |
| <span style="border: 1px solid black; padding: 2px;">HJ</span> 1 @ 10     | 10 " 100 "                                                              | 8 3 20                                    |
| Z 1 @ 60                                                                  | 60 " 112 "                                                              | 60 0 0                                    |
|                                                                           | 110                                                                     | 90 1 12                                   |

*One hundred and ten casks of Butter containing ninety hundred weight one quarter and twelve pounds.*

Marks

| Marks and Numbers on Packages of Butter, or the Number of pieces of Deals. | Size and description of Packages of Butter, or dimensions of the Deals. | Weight of Butter, or content of the Deals. |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------|
|                                                                            | <i>DEALS.</i>                                                           | <i>Feet.</i>                               |
| 699                                                                        | 12 feet $\times$ 3 $\times$ 9                                           | 1573                                       |
| 4370                                                                       | 12 " $\times$ 3 $\times$ 11                                             | 12018                                      |
| 238                                                                        | 13 " $\times$ 3 $\times$ 9                                              | 580                                        |
| 1112                                                                       | 6 " $\times$ 3 $\times$ 11                                              | 1540                                       |
| <u>6427</u>                                                                |                                                                         | <u>15711</u>                               |

*Six thousand four hundred and twenty-seven Deals, containing three hundred and fourteen loads eleven feet.*

Given under my hand  
day of *May*, 1859.

Coaticook, Canada, this *First*

\_\_\_\_\_  
Officer.

This is to certify that proof has been made to my satisfaction that the Goods within described are the identical Goods taken on board the Ship *Clarence*.

Master *J. ELLIOTT*  
Bound for *Liverpool*.

Given under my hand at Portland, United States, this *18th* day of *May*, 1859.

\_\_\_\_\_  
H. B. M., Consul.

I hereby declare that to the best of my belief, the Goods imported by me in the Ship *Clarence* are the Goods referred to in the within Certificate of Clearance.

*J. ELLIOTT,*

Master of the Ship *Clarence*.

Declared before me,  
this *4th* day of *June*, 1859.

*S. RICE EDWARDS,* Coll. Customs.

C A P. V I I.

An Act to establish a Standard Weight for Hay and Straw.

[Assented to 23rd April, 1860.]

Preamble.

**W**HEREAS Standard Weights have been established for grain and vegetables, and it is expedient that they should also be established for Hay and Straw: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Standard Weights for Hay and Straw.

1. From and after the passing of this Act, the following shall be and are hereby declared to be the Standard Weights for Hay and Straw:

|                                                                        |           |
|------------------------------------------------------------------------|-----------|
| A ton of Timothy, Clover or other Hay . . . . .                        | 2000 lbs. |
| A ton of Straw . . . . .                                               | 2000 "    |
| A bundle of Timothy, Clover or other Hay with a Timothy band . . . . . | 15 "      |
| A bundle of Timothy, Clover or other Hay bound with a withe . . . . .  | 16 "      |
| A bundle of Straw . . . . .                                            | 12 "      |

To apply to all future contracts.

2. In every contract entered into after this Act comes into force for the sale or delivery of hay or straw, and on every sale and delivery of Hay or Straw, the above weights, shall be the only weights used, unless it is made to appear that the parties have agreed to the contrary.

Act limited to L. C.

3. This Act shall apply to Lower Canada only.

C A P. X V I I I.

An Act respecting certain Duties of Customs.

[Assented to 19th May, 1860.]

Preamble.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain duties repealed.

Cap. 17 of Con. Stat. Canada.

1. So much of chapter seventeen of the Consolidated Statutes of Canada, intituled: *An Act respecting Duties of Customs, and the Collection thereof*, and of the table of Duties of Customs inwards, thereunto annexed, as imposes any duty on printed books, periodicals and pamphlets, not being reprints of British copyrights, nor blank account books, nor copy books, nor books to be written or drawn upon, nor school or other books which

now

now are or hereafter may be printed in this Province, is hereby repealed;—Provided always, that copies of such school and other books, shall be deposited with the Customs' Branch of the Department of the Finance Minister, before duty shall be levied upon the same.

2. Notwithstanding any thing in the said Act or Table of Duties, all articles imported *bonâ fide* for the use of any Consul of a foreign country, being an alien, and a subject or citizen of the foreign country, he represents, and not engaged in commercial business or professional pursuits, shall be admitted free of duty.

3. This Act shall be construed as one Act with that above cited.

C A P . X I X .

An Act respecting Trade with Foreign Countries.

[Assented to 19th May, 1860.]

IN order to promote a direct Trade with Foreign Countries, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Governor in Council, whenever he finds it expedient in order to promote such Trade as aforesaid, may, by Proclamation, reduce the duty of Customs on the Articles hereinafter mentioned, to the rates also hereinafter mentioned, that is to say:

- On Wine of all kinds, to twenty per cent. *ad valorem* ;
- On Brandy, to thirty per cent. *ad valorem* ;
- On Dried Fruits, Currants, Figs, Almonds, Walnuts and Filberts, to twenty per cent. *ad valorem* ;

And, such reduction shall take place at such time, and be subject to such regulations and conditions, as may be prescribed in the Proclamation by which it is made; Provided that the said regulations and conditions may from time to time be altered by the Governor in Council.

2. This Act shall be construed as one Act with chapter seventeen of the Consolidated Statutes of Canada, intitled: *An Act respecting duties of Customs and the collection thereof*, and to any Proclamation made under this Act, the enactments and provisions of the said Act as to Regulations made under it by Orders in Council, shall apply.

## C A P . X X .

## An Act respecting Free Ports of Entry.

[Assented to 19th May, 1860.]

Preamble.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in Council may constitute two Free Ports.

1. The Governor in Council may, whenever he deems it expedient, constitute, by Proclamation, a Free Port at some place on the Gulf of St. Lawrence,—and may, in like manner, by another Proclamation, and when he deems it expedient, constitute a Free Port at Sault Ste. Marie.

And define their limits and privileges, &c.

2. The limits and privileges of each of the said Free Ports respectively, and of any district to be attached thereto, shall be defined by the Proclamation by which such Free Port is constituted; which may also contain such Régulations and provisions as the Governor in Council may deem it expedient to make for the protection of the Revenue and for preventing any abuse of the privileges conferred on such Free Port; Provided that the said regulations and provisions may from time to time be altered by the Governor in Council.

Proviso.

3. This Act shall be construed as one Act with chapter seventeen of the Consolidated Statutes of Canada, intitled: *An Act respecting Duties of Customs and the collection thereof*,—and to any Proclamation issued under this Act, the enactments and provisions of the said Act, as to Régulations made under it by Orders in Council, shall apply, except that no such Proclamation shall be revoked or altered, as regards the establishment of the Port and its limits, at any time within ten years from the date thereof, unless by Act of the Provincial Parliament.

Act to be construed as one Act with cap. 17 of Con. Stat. of Canada.

## C A P . X X V I I .

## An Act respecting Trade-Marks.

[Assented to 19th May, 1860.]

Preamble.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Using trade-marks of others with intent to deceive, to be a misdemeanor.

1. It shall be a misdemeanor to mark any goods with the known and accustomed trade-mark, name or device of any manufacturer,—or to pack any goods in any package bearing the known and accustomed trade-mark, name or device of any manufacturer,

manufacturer, or in any package which has been used for packing goods manufactured by him,—or knowingly to sell or offer for sale goods so marked or packed,—unless such goods were really manufactured by such manufacturer, or his express consent to use such trade-mark, name, device or package was first obtained,—provided such trade-mark, name, package or device be so used with intent to deceive, and so as to induce persons to believe that such goods were manufactured by such manufacturer, and the goods are sold as being manufactured by him.

2. For the purposes of this Act the use of any trade-mark, name, package or device, either identical with that of any manufacturer or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of the trade-mark, name, package or device of such manufacturer. Imitation of trade-marks.

3. A suit may be maintained by any manufacturer against any person using his trade-mark, name, package or device, or any imitation thereof;—or selling goods bearing such trade-mark, name or device, or any imitation thereof, or packed in packages being or purporting to be his, contrary to the provisions of this Act; and in such suit any special damages sustained by such manufacturer by reason of any such act as aforesaid may be recovered,—and if no special damages be proved the plaintiff shall recover nominal damages and costs. Suit may be maintained by the owner of the mark, &c.

4. Nothing in this Act shall be construed as a declaration that any act hereby made a misdemeanor, was or was not a misdemeanor before its passing,—or that any such suit as aforesaid could or could not heretofore be maintained in either section of the Province;—nor shall any thing herein prevent any offence being dealt with as forgery, or as a fraud or other offence, if without this Act it could be so dealt with. How the Act shall be construed.

# PROCLAMATION.

PROVINCE OF }  
CANADA. }

EDMUND HEAD.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c.

To all to whom these presents shall come, or whom the same may concern--GREETING :

## PROCLAMATION.

GEO. ET. CARTIER, **W**HEREAS in and by an Act of the Legislature of *Att. Genl.* Our Province of Canada, passed in the twenty-third year of Our Reign, intituled : "An Act respecting trade with Foreign Countries," it is enacted that : "the Governor in Council, whenever he finds it expedient in order to promote a direct trade with foreign Countries, may by Proclamation reduce the duties of Customs on the Articles hereinafter mentioned, to the rates also hereinafter mentioned, that is to say : on Wine of all kinds, to twenty per cent *ad valorem* ; on Brandy, to thirty per cent *ad valorem* ; on dried Fruits, Currants, Figs, Almonds, Walnuts and Filberts, to twenty per cent *ad valorem* ; and such reduction shall take place at such time, and be subject to such regulations and conditions, as may be prescribed in the Proclamation by which it is made." And whereas it has been deemed expedient by Our Governor of Our said Province, that the Customs' Duties upon all the above mentioned articles should be reduced to the rates above mentioned, and that such reduction should take effect upon, from and after the First day of June next ; Now Know Ye that We do by this Our Proclamation declare that the Duties of Customs on the articles hereinafter mentioned when imported into Our said Province from any foreign Country, shall, upon, from and after the FIRST day of JUNE now next ensuing, be reduced to the following rates, that is to say : on WINE of all kinds, to TWENTY PER CENT *ad valorem* ; on BRANDY, to THIRTY PER CENT *ad valorem* ; on DRIED FRUITS, CURRANTS, FIGS, ALMONDS, WALNUTS and FILBERTS, to TWENTY PER CENT *ad valorem* ; Of all which all of Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

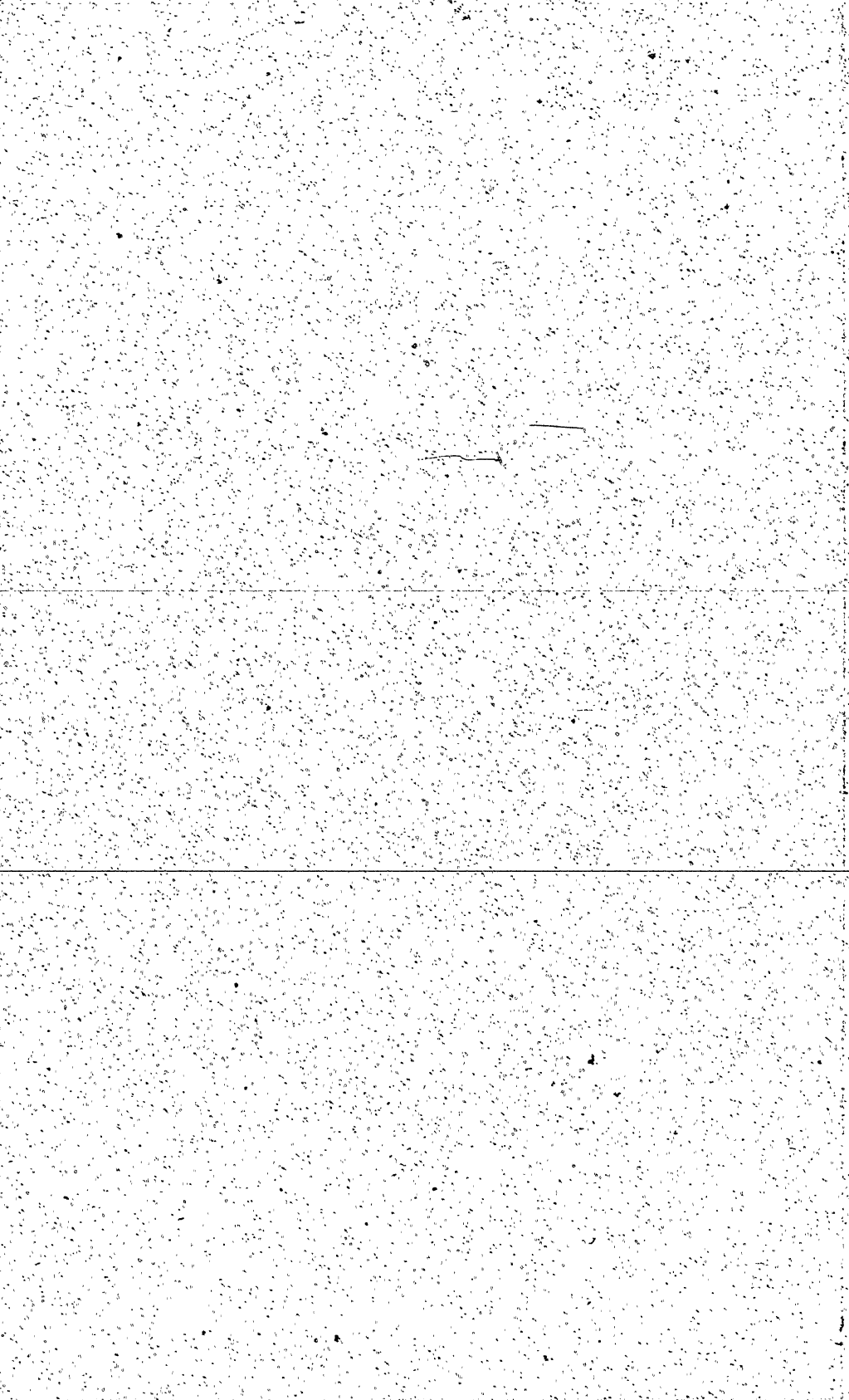
IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed : WITNESS, Our Right Trusty and Well-Beloved the Right Honorable Sir EDMUND WALKER HEAD, Baronet, one of Our Most Honorable Privy Council, Governor General of British North



North America, and Captain General and Governor in Chief in and over Our Province of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c. At Our Government House, in Our CITY of QUEBEC, in Our said Province of Canada, this TWENTY-EIGHTH day of MAY, in the year of Our Lord, one thousand eight hundred and sixty, and in the Twenty-third year of Our Reign.

By Command,

CHARLES ALLEYN, *Secretary*.



INSPECTOR GENERAL'S OFFICE,  
CUSTOMS DEPARTMENT,

*Quebec, 12th April, 1861.*

**HIS EXCELLENCY THE GOVERNOR GENERAL**, in Council, has been this day pleased to approve of the following Regulations, governing the Trade with the Free Port of Gaspé, and the carrying of Goods Coastwise by inland Navigation.

By Command,

**R. S. M. BOUCHETTE,**  
Commissioner of Customs.

**REGULATIONS**

**GOVERNING THE TRADE WITH THE FREE PORT OF GASPE :**

1. All vessels bound to or hailing from the Free Port of Gaspé or in any way frequenting the same or any port, place or district thereunto attached by Proclamation, shall be treated as vessels trading with a Foreign Port and be, as such, subject to all the laws and regulations governing the Trade and Navigation of this Province with Foreign Countries.

2. No vessel shall be allowed to import into the said Free Port of Gaspé or into any part of the district or districts thereunto attached, or to export therefrom, any goods, wares or merchandise being the produce or manufacture of Great Britain or its possessions or of any Foreign Country, except in vessels of the burthen of at least 30 Tons.

3. Goods in any of the Queen's Bonding Warehouses, at any warehousing Port in Canada, may be exported to the said Free Port of Gaspé or to such sub-ports in the said districts as are hereinafter designated, under the usual bonds required on the exportation of goods ex-warehouse to any place or port beyond the limits of this Province; and parties desirous of so exporting goods in bond to the said Free Port or to such parts thereof as are hereinafter designated, shall be allowed the privilege of sorting in bond the goods that may be required for the markets of the said Free Port, provided that no one package to be so made up for exportation to the said Free Port shall be of a value of less than \$200, and that the same be so made up and sorted in the presence and under the inspection of the Collector, Appraiser, or other proper Officer of the port where the goods are so warehoused and whence they are intended to be exported as aforesaid, and any expenses incident to the packing and sorting goods in bond as aforesaid shall be borne and paid by the exporter or owner of the goods.

4. And whereas vessels resorting in spring to the Fishing grounds of the Magdalen Islands, the Bay of Chaleurs and the Mingan and Labrador coasts, usually resort thereto so early in the season that the Harbour or Basin of Gaspé is not yet cleared of ice, it shall be lawful for all vessels so resorting to the fisheries to report inwards and outwards and enter the goods, wares and merchandise they may have on board at any of the following places or sub-ports attached to the said Free Port, viz :

At Amherst—in the Magdalen Islands;

At New Carlisle—in the district of Gaspé;

At Seven Islands Bay—on the North Shore of the Gulf;

And the vessels so reporting and entering their cargoes inwards and outwards, at any one of the said sub-ports or places, shall be deemed to

## *Regulations governing the Trade with the Free Ports of Gaspé.*

have duly reported and entered at the said Free Port or Harbour of Gaspé and be dealt with accordingly ; provided, always, that the privilègè allowed by this section of reporting and entering vessels and goods at any sub-port or place other than the Basin, and Harbour of Gaspé, the Free Port proper, shall cease and determine upon, from and after the 10th of May, in each year, after which date all vessels whatever shall have to proceed directly to the said Basin or Harbour of Gaspé and there report and enter, except when such Vessels shall have cleared from any other Canadian Port of Entry, in which case such Vessels may proceed directly from such other Canadian Port to any of the Sub-Ports or places hereinbefore mentioned, and there report the said Vessels and Goods and enter the same as they would do at the Free Port of Gaspé Basin, to which such Out Ports are by Proclamation attached ; and any vessels, with the exception aforesaid, resorting to the said fishing grounds hereinabove mentioned or hovering off any of the coasts or shores of the Free District aforesaid, after the said 10th of May, that shall not be in possession of a clearance from the Collector or other proper Officer of Customs at the said Basin or Harbour of Gaspé, shall be liable to the forfeitures and penalties imposed by the 97th section of the 17th Chap. of the Consolidated Statutes of Canada, and every contravention or violation of any of the Regulations hereinbefore made and prescribed shall subject the vessel, Master and goods to the forfeitures and penalties in the said 97th section imposed.

5. Vessels clearing from the said Free Port of Gaspé or from any out port thereof, from which such Vessels are permitted to clear, destined for any other place or port in the said Province other than the said Free Port or Districts aforesaid, shall, before sailing or departure, give good and sufficient Bonds to be executed by the Masters or Owners of any such Vessels respectively, in such amount as shall cover the value of the Goods so shipped, the condition of which Bonds shall be that none of the Goods shipped on board the said Vessel or Vessels and cleared for as aforesaid, shall be landed or suffered to be landed at any other place or port than that or those to and for which the same have been shipped and destined, and that the said Goods shall be duly reported and customed in accordance with the Customs and Navigations Laws of the said Province ; and the Collector at the Port of arrival shall certify to the Collector at the said Free Port of Gaspé, the due exporting and landing of the said goods whereupon the Bonds aforesaid shall be cancelled ; provided, always, that the goods so exported from the said Free Port to any other Port in Canada, shall be reported and customed within a reasonable time for the performance of the voyage from the Port of departure to the Port or Ports of destination, one day being allowed for every ten miles, accidents and stress of weather excepted.

The foregoing Regulations approved by HIS EXCELLENCY THE GOVERNOR GENERAL in Council, 12th April, 1861.

WM. H. LEE, C. E. C.

## COASTING—REGULATIONS.

1. Vessels and Boats employed in the transport of Goods or Passengers from one port or place to another port or place, within the limits of this Province, other than the Free Ports of Gaspé and Sault Ste. Marie and the Districts respectively attached thereto, which are treated as

## *Coasting—Regulations.*

Foreign Ports and Districts, shall be deemed to be engaged in the Coasting Trade and be subject to the Regulations governing the same.

2. None but Vessels and Boats wholly owned by British subjects can lawfully be engaged in the Coasting Trade of the Province.

3. All Vessels and Boats, so engaged, whatever be their Tonnage, must be registered at the Port to which they belong, or at the Port nearest to the place to which they belong, either under the Provincial Act, (Cap. 41, Consolidated Statutes of Canada,) or the Imperial "Merchant Shipping Act 1854," and the name of such Vessel or Boat, and the name of such place, shall be distinctly painted on the Stern or the Bows of the said Vessel or Boat.

4. Such Vessels and Boats may, without being subject to Entry and Clearance, carry Goods, the produce of this Province, (excepting Spirits or Distilled Waters) from and to any part of this Province, with the exception of those parts of the said Province comprised within the boundaries of the Free Ports and Districts aforesaid; provided, always, that the Owners or Masters of such Vessels or Boats shall take out a License, for the season, for that purpose, from the Collector of Customs at the nearest Port of Entry to which such Vessels or Boats may respectively belong, and that the Owners or Masters, in taking out the said License, shall enter into Bonds of \$500, conditioned that such Vessels or Boats shall not be employed in the Foreign Trade or in the Trade with the said Free Ports and Districts aforesaid, or in the transport of other than the above described Goods.

5. All vessels or boats, of not less than 15 tons burthen, coasting as aforesaid under license, may likewise, without entry and clearance, carry all other goods, the customs duty on which has been paid, provided the master of every such vessel or boat shall keep or cause to be kept a Cargo Book, in the form prescribed by the Customs Department, to be registered by the Collector of Customs at the Port to which the vessel belongs, in which book shall be entered, at the Port of lading, an account of all goods taken on board of such vessel or boat, stating the description of the packages, the quantities, descriptions and values of the goods therein, as also of the goods stowed loose and the names of the respective Shippers and Consignees, as far as any of such particulars shall be known to him; and, at the Port of discharge, shall be entered, in the said Cargo Book, the respective days upon which any such goods shall be delivered out of such vessel, and also the respective times of departure from the Port of lading, and of arrival at the Port of unloading.

6. The Master of any such Vessel shall produce his Cargo Book to any Officer of Customs, whenever the same shall be demanded, and answer all questions put to him; and such Officer of Customs shall be at liberty to note any remark therein which he may deem proper; and if the Cargo Book shall not be kept in the manner hereby required, and the particulars of all Cargo, laden and unladen, duly noted therein, the goods and vessel shall be forfeited, and the Master shall incur the penalty of \$100.

7. Vessels and Boats employed in the coasting trade, and that shall not have taken out a License for carrying goods, the produce of the Province, or a License and Cargo Book for the carrying of goods of all other descriptions as hereinbefore provided, shall report inwards and outwards at the nearest Port to their place of arrival or destination, and require clearances whenever they depart from any port or place within the Pro-

*Coasting—Regulations.*

vince, and in default of their so reporting the Vessel and Cargo, the Master shall, in such cases, be subject to the penalty of \$100 for departing and arriving without due entry, inwards or outwards, as the case may be; Provided that when a Vessel shall sail from any place where there is no Custom House or Officer of Customs, it shall be sufficient for the carrying out of this regulation that the Owner or Master of said Vessel do, as soon afterwards as possible, forward to the nearest Custom House a similar report in duplicate, or lodge the same at the first Port at which he shall touch where there is a Custom House Officer.

8. Goods under a removal Bond from one Canadian Port to another Canadian Port, other than the Free Ports of Gaspé or Sault St. Marie, may be carried in any registered Vessel, upon said Vessel specially reporting such Goods outwards in duplicate for the Port to which the Goods may be destined, and taking a special clearance for the same, the Collector at the Port from which such Goods are removed, being required to forward, by Mail, copies of such clearance and certificate of Bond, together with all the particulars and description of the Goods so forwarded, and the Packages shall be properly marked in red as now provided.

9. No Coasting Vessel to touch at any Foreign Port unless forced by unavoidable circumstances, and the Master of any Coasting Vessel which has touched at any Foreign Port, shall declare the same in writing, under his own hand, to the Collector or other proper Officer of Customs at the Port or place in Canada when his Vessel afterwards first arrives, under a penalty of \$100.

10. If any goods are unshipped from any ship arriving coastwise, or unshipped or water borne to be shipped to be carried coastwise on Sundays or Holidays, or unless in the presence or with the authority of the proper Officer of Customs, or unless at such times and places as shall be appointed and approved by him for that purpose, the same shall be forfeited, and the Master of the ship shall forfeit the sum of \$100.

11. Officers of Customs may board any Coasting Ship in any Port or place, and at any period of the voyage, search her, and examine all goods on board, and demand all the documents which ought to be on board; and the Collector may require such documents to be brought to him for inspection.

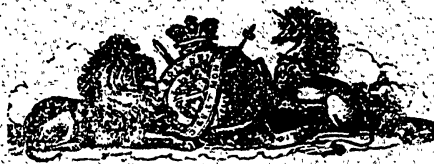
12. No Fishing Boat or other Boat or Boats used in Ferrying under 15 tons burthen, shall, except by special license or permission, carry any goods from a Foreign Country, or the Free Ports of Gaspé or Sault St. Marie, which are liable to duty, under pain of seizure, unless the same (in the case of Ferry Boats) be for the sole use of some passenger then on board.

13. No goods can be carried in any Coasting Vessel, except such as are laden to be so carried at some Port or place in Canada, other than the Free Ports of Gaspé and Sault St. Marie, and no goods shall be taken into or put out of any Coasting Vessel while on her voyage by River or Lake.

14. Sections 3, 4 and 5 of the Regulations of the 30th of March, 1850, relative to the inland navigation of this Province and the carrying of goods coastwise, are hereby revoked.

The foregoing Regulations approved by His Excellency the Governor General, in Council, 12th April, 1861.

WM. H. LEE,  
C. E. C.



INSPECTOR GENERAL'S OFFICE,

CUSTOMS DEPARTMENT,

Quebec, 26th April, 1861.

**H**IS EXCELLENCY THE GOVERNOR GENERAL, in Council, has been pleased to approve of the following Regulations, governing the Trade with the Free Port of Sault Ste. Marie.

By Command,

R. S. M. BOUCHETTE,

COMMISSIONER OF CUSTOMS.

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REGULATIONS

GOVERNING THE TRADE WITH THE FREE PORT OF  
SAULT STE. MARIE.

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1. All vessels bound to or hailing from the Free Port of Sault Ste. Marie, or in any way frequenting the same, or any port, place, or district thereunto attached by Proclamation, shall be treated as vessels trading with a Foreign Port, and be, as such, subject to all the laws and regulations governing the Trade and Navigation of this Province with Foreign Countries.

2. No goods, wares or merchandise shall be allowed to be imported into the said *Free Port of Sault Ste. Marie*, or into any part of the district or districts thereunto attached, or exported therefrom, being the produce or manufacture of Great Britain, or its possessions, or of any Foreign Country, except in vessels of at least thirty tons burthen.

3. Goods in any of the Queen's Bonding warehouses, at any warehousing Port in Canada, may be exported to the said Free Port of Sault Ste. Marie, or to such sub-ports, in the said districts, as are hereinafter designated, under the usual bonds required on the exportation of goods ex-warehouse to any place or port beyond the limits of this Province; and

*Free Port of Sault Ste. Marie—Regulations.*

parties desirous of so exporting goods in bond to the said Free Port or to such parts thereof as are hereinafter designated, shall be allowed the privilege of sorting in bond the goods that may be required for the markets of the said Free Port; provided that no one package to be so made up for exportation to the said Free Port, shall be of a value of less than \$200, and that the same be so made up and sorted in the presence and under the inspection of the Collector, Appraiser or other proper officer of the port where the goods are so warehoused, and whence they are intended to be exported as aforesaid, and any expenses incident to the packing and sorting goods in bond as aforesaid shall be borne and paid by the exporter or owner of the goods.

4. And whereas vessels resorting to the fishing grounds of Georgian Bay, and for trading purposes along the north shore thereof, within the district of the Free Port of Sault Ste. Marie, would be put to great inconvenience and loss where the masters thereof compelled to proceed up the river Ste. Marie, to the Free Port aforesaid to report inwards and outwards, it shall be lawful for all vessels so resorting to the fishing ground or trading within the lower limits of the said Free Port, to report inwards and outwards and enter the goods, wares or merchandise they may have on board at the following places or sub-ports attached to the Free Port of Sault Ste. Marie, viz:

At Wikwemikong, on the Great Manitoulin Islands;

At Waiebidgiwang (or little current);

At Port of Bruce Mines;

And the vessels so reporting and entering their cargoes inwards and outwards at any one of the said sub-ports or places shall be deemed to have duly reported and entered at the said Free Port of Sault Ste. Marie, and be dealt with accordingly; provided that all vessels trading with or visiting Sault Ste. Marie, or the fisheries or shores of Lake Superior, within the limits of the Free Port aforesaid, report inwards and outwards at the Port of Sault Ste. Marie, and enter their cargoes there; and any vessels resorting to the waters of Lake Huron and Superior for fishing and trading purposes hereinbefore mentioned, or hovering off any of the coasts or shores of the Free Port aforesaid or limits thereof that shall not be in possession of a clearance from the Collector or other proper Officer of Customs at the places before named, shall be liable to the forfeitures and penalties imposed by the 97th Section of the 17th Chapter of the Consolidated Statutes of Canada, and every contravention or violation of any of the regulations hereinbefore made and prescribed, shall subject the vessel, master and goods to the forfeitures and penalties in the 97th Section imposed.

5. Vessels clearing from the said "Free Port of Sault Ste. Marie" or from any out port thereof, from which such Vessels are permitted to clear, and destined for any other place or port in the Province of Canada, other than the said Free Port or districts aforesaid, shall, before sailing or departure, give good and sufficient Bonds to be executed by the Master



*Free Port of Sault Ste. Marie—Regulations.*

or Owner of any such Vessels respectively, in such amount, as shall cover the value of the goods so shipped, the conditions of which Bonds shall be that none of the goods shipped on board the said vessel or vessels and cleared as aforesaid shall be landed or suffered to be landed at any other place or port than that or those to and for which the same have been shipped and destined, and that the said goods shall be duly reported and customed in accordance with the Customs and Navigation Laws of said Province; and the Collector of Customs at the Port of arrival shall certify to the Collector of said "Free Port of Sault Ste. Marie" the due landing of the said goods for entry, after receiving from the Collector of the said Free Port by mail a certified copy of the clearance of such vessel or vessels, with all the particulars, as to quantity and value of goods in the said vessel or vessels, whereupon the Bonds aforesaid shall be cancelled; provided, always, that the goods so exported from the said Free Port to any other Port in Canada shall be reported and customed as the law directs.

6. Vessels resorting to and trading within the limits of the Free Port aforesaid, the cargo of which consists in part of whiskey or other intoxicating liquors, shall give good and sufficient Bonds, to be executed by the Masters and Owners of any such vessels respectively, in the sum of \$200 00, the condition of which bond shall be that the Owner, the Master or the Crew shall not directly or indirectly barter or trade or give any whiskey or other intoxicating liquors to the Indians living, found or trading within the limits of the said Free Port; and the owner, master or crew, so offending against this Regulation, shall not only forfeit the sum of two hundred dollars before named, but the vessel and cargo shall be liable to seizure and to the ordinary penalties imposed by law on persons selling to or supplying the Indians with spirituous liquors.

The foregoing Regulations approved by HIS EXCELLENCY THE GOVERNOR GENERAL in Council, 26th April, 1861.

WM. H. LEE, C. E. C.

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