

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 17

An Act to create a Fund for defraying the expense of providing Medical assistance for sick Emigrants, and of enabling Indigent persons of that description to proceed to the place of their destination. (25th Februarv, 1832.)

MOST GRACIOUS SOVEREIGN.

Whereas by Message from His Excellency the Right Honorable Matthew Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, laid before both Houses of the Legislature, His Excellency has been pleased to signify that in conformity to the instructions he has received from your Majesty's Government, he recommends the expediency of imposing a rate or duty payable by the Masters of vessels bringing Emigrants into this Province, for the purpose of creating a fund for defraying the expense of Medical care and attendance for sick Emigrants, and of enabling indigent persons of that description to proceed to places of their destination, and it is expedient that provision should be made for carrying the said recommendation into effect: May it therefore please your Majesty; that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in 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 Québec, 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 there shall be raised, levied and collected a rate or duty payable in the manner hereinafter prescribed, by the Master or person in command of every vessel arriving in the Port of Québec or in the Port of Montreal, from any Port of the United Kingdom, with passengers or emigrants therefrom, and having been cleared of the Custom House at such Port after the fifteenth day of April, one thousand eight hundred and thirty-two, and such rate or duty shall be five shillings currency, for every such passenger or emigrant who shall have embarked under the sanction of His Majesty's Government, ascertained by a certificate from one of the Officers of His Majesty's Customs at the Port at which such vessel shall have cleared, and ten shillings currency, for every such passenger or emigrant who shall have embarked without such sanction, and such rate or duty shall be paid by the Master or person in command of such vessel, or by such person on his behalf to the Collector, or other Chief Officer of the Customs at the Port at which such vessel shall be first entered, and at the time of making such first entry, which shall contain on the face of it, the number of passengers actually on board the vessel, and no such entry shall be deemed to have been validly made, or to have any legal effect whatsoever, unless such rates or duties be so paid as aforesaid.

II. And be it further enacted by the authority aforesaid, that for the purposes of this Act, two children each under the age of fourteen years, or three children, each under the age of seven years, shall be reckoned as one passenger: and that no child under the age of twelve months shall be reckoned among the number of passengers.

III. And be it further enacted by the authority aforesaid, that no Master or person having the command of any ship or vessel arriving in either of the said ports, shall permit any passenger to leave such vessel, until he shall have delivered to the Collector or other Chief Officer of His Majesty's Customs at such Port, a correct list of all the passengers on board such ship or vessel at the time of her arrival at such Port, nor until such list shall have been certified to be correct, and a certificate of such correctness and a permission to allow his passengers to leave the vessel and a receipt for the duties payable by him under the provisions of this Act, shall have been given to him by the said Collector or other Chief Officer, under a penalty of twenty pounds currency, to be paid by such Master or person having the command, for every passenger leaving his ship or vessel contrary to the provisions of this Act: Provided always, that the said list shall contain the name of each head of family or single person being a passenger on board such vessel, his profession or trade, his country and the place of his destination, and the number of grown persons and children belonging to his family on board such vessel; Provided always that nothing in this Act contained, shall prevent the Master or person having the command of any ship or vessel, from permitting any passengers to leave the vessel at the request of such passenger, before the arrival of the vessel in the Harbour of Québec, but in every such case the names of the passengers who shall so leave shall be entered in the manifest on the list of Emigrants made out at the time of the clearing of the vessel from the United Kingdom, and shall be certified under the signatures of the passengers so leaving the vessel: and if the number of passengers remaining on board on the arrival of the vessel in the Harbour of Québec do not correspond with that mentioned in such manifest, after deducting the number who shall have so left the vessel, the Master or person having the command of such vessel shall incur a penalty of five pounds currency, for each passenger not found on board or entered on the manifest as having left the vessel as aforesaid.

IV. And be it further enacted by the authority aforesaid, that every passenger on board any ship or vessel arriving in the Harbour to which the Master or person commanding such vessel shall have engaged to convey him, shall be entitled to remain and to keep his baggage on board such vessel during forty-eight hours after her arrival in such Harbour, and every such Master who shall compel any passenger to leave his vessel before the expiration of the said term of forty-eight hours, shall incur a penalty not exceeding five pounds currency, for every passenger he shall so compel to leave his vessel, nor shall any Master or person commanding such vessel remove or cause to be removed before the expiration of the said forty-eight hours, any berthing or accommodation used by his passengers, under a like penalty.

V. And be it further enacted by his authority aforesaid, that every Pilot, who shall have had charge of any vessel having passengers on board, and who shall know that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and shall not within twenty-four hours after the arrival of such vessel in the Harbour to which he shall have engaged to pilot her, inform the Collector or other Chief Officer of His Majesty's Customs at such place, that a passenger, or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding five pounds currency, for every passenger, with respect to whom he shall have wilfully neglect to give such information.

VI. And be if further enacted by the authority aforesaid, that the monies levied under the authority of this Act shall be paid by the Collector or other Chief Officer of the Customs, by whom they shall have been received into the hands of the Receiver General for the purposes hereinafter mentioned.

VII. And be it further enacted by the authority aforesaid, that all penalties imposed by this Act may be sued for and recovered with costs, on the oath of one credible witness, other than the prosecutor, in a summary manner before any two Justices of the Peace in the City of Québec or in the City of Montreal, and such Justices may commit the offender to the common gaol of the district until such penalty and costs shall be paid; and one moiety of every such penalty shall belong to His Majesty, His Heirs, and Successors, and shall be paid into the hands of the Receiver General to be applied to the purposes to which the other monies levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor.

VIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government, by an instrument under his hand to appoint three persons to be Commissioners tor carrying into effect the provisions of this Act concerning in any way the said Emigrant Society at Québec, and in like manner to appoint three persons to be Commissioners for the carrying into effect the provisions thereof in any way concerning the said Emigrant Society at Montreal, and from time to time to remove the same and appoint others in their stead, and to such Commissioners all monies to be expended under the direction of the Committee of Management of the said Societies respectively, shall be advanced and paid, and by and through them shall the accounts thereof be rendered in the manner hereinafter prescribed, and they shall be responsible for the due application of the said monies, to the purposes for which they are hereby appropriated and no other, under the direction of Committee of Management of each of the said Societies respectively.

IX. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government, by Warrant under his hand to pay from time to time, as the same may be required for the purposes of this Act, and out of any monies paid into the hands of the Receiver General under the authority of this Act, a sum equal to one-fourth part of the said monies, to the Commissioners of the Emigrant Hospital at Québec; and a like sum to the Corporation of the Montreal General

Hospital; and a like sum to be expended under the direction of the Emigrant Society at Québec, and a like sum to the Emigrant Society at Montreal; clear in each case of all deductions for the expense of collecting the same: Provided always, that no part of the said monies shall be employed by the said Committees in making advances of money to any Emigrant, but shall be expended in forwarding poor and destitute Emigrants to those places in this Province, or in the Province of Upper Canada, at which it shall appear most probable that they may obtain employment, and establish themselves with the fairest prospect of permanent advantage; but in no case shall any grown person in good health and unincumbered with a family (except unmarried females who may be unable otherwise to join their friends or relations) receive assistance out of the said monies. Provided nevertheless that out of the said monies, it shall be lawful for the said Committees of Management to make a reasonable allowance to their Recording Secretaries, Agents and Storekeepers, of the said Societies respectively, and to defray the expence of office rent and of the necessary fuel and stationary.

X. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government, by Warrant under his hand, at any time after the first day of May next, after the passing of this Act, and out of any unappropriated monies in the hands of the Receiver General, to advance by way of loan to the Commissioners for the Emigrant Society at Québec, a sum not exceeding five hundred pounds currency; and a like sum to the Commissioners of the Emigrant Society at Montreal; to be applied and expended under the direction of the Committees of Management of the said Societies respectively as aforesaid: Provided always that the sum or sums so advanced shall be deducted from the one fourth part of the monies levied under the authority of this Act, which so appropriated to the purposes of each of the said Societies respectively.

XI. And be it further enacted by the authority aforesaid, that the said Commissioners and the said Corporation, and the Commissioners for the said Societies into whose hands, any money shall be paid under the authority of this Act, shall within fifteen days after the meeting of each Session of the Provincial Legislature during the continuance of this Act, lay before each of the branches thereof a faithful and detailed, account of the expenditures of such monies; and a correct list of the Emigrants by them respectively relieved distinguishing the nation and country of every such Emigrant, the place to which he or she shall have been forwarded, and his or her age, and the amount expended in affording such relief, (and in what manner expended) to every grown person and his or her trade and name.

XII. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance (if any,) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General, and that every such account shall be supported by Vouchers therein distinctly referred to, by numbers corresponding to the numbering of the Items in such account, and shall be made up to and closed on the

tenth day of April and tenth day of October in each year, during which such expenditure shall be made, and shall be attested before a Justice of the Court of King's Bench or a Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

XIII. And be it further enacted by the authority aforesaid, that the due application of the monies, received for the public uses of the Province under the authority of this Act, shall be accounted for, to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct and that a detailed account of all such monies, shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the next Session thereof.

XIV. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May, one thousand eight hundred and thirty-four, and no longer.