

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 32

An Act to compel Wharfingers and others to advertize unclaimed Goods in their possession. (25th February, 1832.)

Whereas serious losses have been sustained, and much inconvenience in consequence of the mis-directing, mis-delivery, mis-sending, and mis-carriage of packages of goods, parcels, and other articles, to, from, and by ships, vessels, steam-boats, stages, carts, sleighs, and other conveyances, whereby many articles remain unclaimed, and become lodged in stores, warehouses, and other places, without its being known to whom they belong, or ought to be delivered; and whereas it is expedient to provide, as much as possible, a remedy for such losses and inconvenience: 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 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 said 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 from and after the passing of this Act, every and all wharfingers, warehouse-keepers, agents, steam-boat proprietors or companies, canal or railway officers and servants, stage proprietors, and other persons in whose custody any such unclaimed goods or articles may remain, shall advertise, once in every month, in at least one newspaper printed in the City of Québec, and in one printed in the City of Montreal, a list and description, with the marks, numbers, and addresses, if such there be, of such unclaimed goods and articles as may remain at the time in their custody, together with a notice to all persons who may claim any of the same, to come forward within six months from the date of such notice, to prove their property and receive the same, upon payment of any charge for freight, carriage or otherwise that may have accrued thereon, with a proportionate part of the expense of advertising, and a reasonable charge for wharfage or storage; and with a further notice that at the expiration of the said six months, the packages, parcels and other articles that shall then remain unclaimed, shall be opened, examined, and if nothing appears therein whereby to ascertain the names of the owners, consignees, or persons entitled to receive the same, that then at the expiration of six months thereafter, the same shall be sold by public auction, and the proceeds, deducting all expenses deposited in the hands of the Receiver General of this Province: Provided always, that fruit or other perishable articles shall be immediately advertised, and may be sold within one week after the date of such advertisement.

II. And be it further enacted by the authority aforesaid, that if, upon, opening such packages or parcels, the names of the owners, consignees, or persons entitled to receive the

same, are ascertained, it shall be the duty of the person or persons in whose possession such packages or parcels remain, to send by post or otherwise, a written notice to such owners, consignees, or persons entitled to receive the same, with an intimation, similar to the advertisement above enjoined, to come and claim the same within six months; and that in default thereof, they will be sold by public auction, as provided, in the first Section.

III. And be it further enacted by the authority aforesaid, that immediately after the expiration of twelve months from the time when such unclaimed articles shall have been advertised in the manner herein before provided the person or persons in whose custody the same shall be, shall cause the same or such parts thereof as shall then be unclaimed, to be sold by public auction and shall forthwith cause the proceeds of such sale, after deducting the charges and expenses as aforesaid, to be paid to the Receiver General of the Province, and shall deposit with the Receiver General a separate account of sales for each package which shall remain in the office of the said Receiver General, subject to all further authenticated claims, for any part of the said proceeds.

IV. And be it further enacted by the authority aforesaid, that if any person or persons in whose custody such unclaimed articles may remain, shall neglect to comply with the provisions contained in the foregoing Sections of this Act, he or they shall incur a penalty not exceeding one fourth of the appraised value of the goods so detained, one moiety of which shall belong to His Majesty for the public uses of the Province, and the other to the informer: and that the same shall be sued for and recovered before any Justice of the Peace for the District on the oath of one or more credible witness or witnesses other than the informer, which oath such Justice of the Peace may administer, and in default of immediate payment, the same shall be levied with costs by distress and sale of the offender's goods and chattels, under a warrant signed by any Justice of the Peace.

V. And be it further enacted by the authority aforesaid, that any person whose goods, effects or property shall have been sold and the proceeds thereof paid to the Receiver General, in the manner herein before provided, shall at any time, thereafter be entitled to receive the amount of such proceeds from the said Receiver General upon a warrant to be for that purpose issued by the Governor, Lieutenant Governor or person administering the Government of this Province; after sufficient proof being given that the person so claiming the said proceeds is legally intitled to the same.

VI. And be it further enacted by the authority aforesaid, that if any dispute shall arise between the claimant of such articles, and the person or persons in whose possession they may be, either with respect to the legality of the claim, or with respect to the amount charged for expenses thereon, and storage or wharfage, the same shall be determined in a summary way before a Justice of the Peace, within four days after application shall be made to him for that purpose, by either of the parties, and the costs thereof, which shall in no case exceed in the whole the sum of ten shillings currency, shall be paid by the party against whom such decision shall be made, and in default of payment, be levied by distress and sale of the goods and effects of such party, under a warrant signed by any Justice of the Peace.

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

VIII. And be it further enacted by the authority aforesaid, that the penalties by this Act imposed appertaining to His Majesty, shall be at the disposal of the Provincial Legislature for the public uses of the Province and for the support of the Government thereof, and that the due application of the same 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 be pleased to direct.