

*The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 24

**An Act to regulate and establish the Salaries of the Officers of the Customs at the Inland Ports in this Province, and for other purposes therein mentioned. (21st March, 1836.)**

MOST GRACIOUS SOVEREIGN,

Whereas it is expedient to regulate and establish the Salaries or other Emoluments of the Officers in the collection of the Revenue, at the several Inland Ports of the Province, as well as the incidental expenses attending that service; 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 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 it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, by Warrants, under his hand, to order that out of the unappropriated monies, which now are or hereafter may come into the hands of the Receiver General of this Province, there be paid the sums hereinafter mentioned to the Officers employed in the collection of the Revenue, at the several Inland Ports of the Province, and for the incidental expenses attending that service, for and during the continuance of this Act, and no longer, that is to say:—For the annual salary of the Collector at the Port of Saint John, a sum not exceeding four hundred pounds currency; For the annual salary of the Guager, who is also to act as Clerk to the Collector at the same Port, a sum not exceeding one hundred pounds currency; For the annual salary of two Land Waiters at the same Port, at the rate of seventy pounds currency, each, a sum not exceeding one hundred and forty pounds currency; For the annual salary of one Land Waiter at Lacole, a sum not exceeding fifteen pounds currency; For the annual allowance to the Collector at the Port of Saint John, for rent of the Custom House, a sum not exceeding forty pounds currency; For the annual salary of the Collector and Inspector of Merchandize at the Port of Coteau du Lac, a sum not exceeding four hundred pounds currency; For the annual salary of the Comptroller at the same Port, to be stationed as Deputy on the Ottawa, a sum not exceeding two hundred pounds currency; For the annual salary of two Land Waiters at the same Port, at the rate of thirty pounds currency, each, a sum not exceeding sixty pounds currency; For the annual allowance of the Collector at the same Port, for rent of Custom House, a sum not exceeding thirty-six pounds currency; For the annual allowance to the Collector and Land Waiter at the same Port, for a boat and hands, a sum not exceeding sixty

pounds currency; For the annual allowance to the Collector at the Port of Stanstead, for rent of the Custom House, and all other contingencies whatever, a sum not exceeding twenty-five pounds, currency; For the commission of the Collector at the Port of Stanstead, upon the duties collected, such sum as the said commission may amount to, at the rate of fifty per cent, upon the amount collected, provided that such commission shall not exceed the annual sum of one hundred pounds currency; For the annual salary of one Land Waiter at Standstead, a sum not exceeding fifteen pounds currency, for the commission of the Collector at the Port, near the bridge on the Portage River on the Kennebec Road in the County of Beauce, upon the duties collected, such sum as the said Commission may amount to, at the rate of fifty per cent upon the amount collected. Provided that such commission shall not exceed the annual sum of one hundred pounds currency; For the annual allowance to the Collector at the Port of Beauce, for rent of a Custom House and all other contingencies whatsoever, a sum not exceeding twenty-five pounds currency, the said salaries and allowances to be reckoned from the first of May of the year one thousand eight hundred and thirty-five.

II. And be it further enacted by the authority aforesaid, that the salaries, and allowances hereby established and granted to the several officers of the Inland Ports of Entry, shall be in lieu and stead of all other Fees or Allowances whatsoever, and the said salaries and allowances shall be paid to the said officers respectively by Warrants under the hand of the Governor, Lieutenant Governor, or person administering the Government of the Province for the time being; provided always, that no such Warrant shall be issued in favor of any such Collector or Comptroller, for any sum to them due by virtue of this Act, until a certificate be granted by the proper Officer that the Quarterly Accounts of Duties received by such Collector, accompanied by receipts from the Receiver General of the Province for the total amount collected, shall have been duly transmitted.

III. And be it further enacted by the authority aforesaid, that from and after the first day of May next, no person shall perform the duties of Collector or of Comptroller at Saint John's, or at Coteau du Lac, or of Collector at Stanstead, or at La Beauce, until after he shall have given security to His Majesty, his heirs and successors, for the due performance of the duties of such offices respectively, that is to say; the Collectors at Saint John's and at Coteau du Lac, in the sum of two thousand pounds, currency, and the Comptroller at the last mentioned Port, in the sum one thousand pounds, currency, and the Collectors at Stanstead and La Beauce, in the sum of five hundred pounds, currency, and the condition of the Bond shall be, that the person giving the same, shall well and faithfully perform each and every of the duties of his office, and shall faithfully pay over all monies which he shall collect or receive in the performance of his duties, and the King, or any person whoso-ever who may sustain injury from the non-performance of the condition aforesaid, may avail himself of such Bond.

IV. And be it further enacted by the authority aforesaid, that every Bond entered into under the requirements of this Act, shall be made double, and shall be taken by the Secretary of the Province, and one part thereof shall be deposited in the office of the Prothonotary or

Clerk of the Court of King's Bench, or Provincial Court of the District in which each of the said officers shall respectively perform the duties of his office, and the other part shall be deposited in the Archives of the Provincial Secretary, and any person shall be entitled to communication of such Bond, and to have a copy thereof at any such place of deposit, on paying one shilling, currency, for each communication, and five shillings, currency, for each copy.

V. And be it further enacted by the authority aforesaid, that before the taking or receiving of the Bond, Suretyship or Cautionnement required by this Act, notice in writing shall be given to His Majesty's Attorney General, or in his absence to the Solicitor General, three days at least before the time of giving such Bond or Suretyship, and one additional day for each and every ten leagues distance between the place of residence of the Attorney or Solicitor General, as the case may be, and the place where such Bond or Suretyship shall be intended to be given, specifying the day, hour and particular place of giving such Bond or Suretyship, and the names, additions, and abode of the persons intending to become sureties; and no such Bond or Suretyship shall be taken or received until after due proof upon oath shall have been made of the giving of such notice in writing; which proof of notice shall remain of record in the office of the Secretary of this Province, and communication thereof shall at all times be given gratis, to any person applying for the same. Provided always, that such security shall not be held valid until the sureties shall have justified their sufficiency to the amount in which they shall be respectively liable.

VI. And be it further enacted by the authority aforesaid, that in case any person or persons who shall have become surety or sureties for any of the said officers under the requirements of this Act, shall afterwards die or become insolvent, en deconfiture, or depart from this Province with the intent of establishing his domicile elsewhere, the said officer for whom any such person or persons had become surety or sureties, shall, within one calendar month, give fresh security in the manner, and to the amount herein before required, and duplicates of the Act of every such new suretyship shall be transmitted and deposited as hereinbefore enacted and required.

VII. And be it further enacted by the authority aforesaid, that every person who shall presume to do and perform any duty belonging to the office of any of the said officers, without having first given security as required by this Act, or who, having given such security, shall refuse or neglect to renew the same in any of the cases requiring such renewal under the requirements of this Act, and shall continue to fulfil the duties of the said office, after such refusal or neglect, shall be dismissed from the said office, and shall forfeit and pay for the said offence, a sum of five hundred pounds, currency, to be recovered with costs of suit, in any Court of King's Bench, by act of debt, bill, plaint, or information, one moiety of which penalty shall go to His Majesty, and the other moiety to any person or persons who shall sue for the same, within six months after the offence shall have been committed.

VIII. And be it further enacted by the authority aforesaid, that when any of the said officers shall die, be removed from, or resign his office, and that within the space of eighteen months from and after such death, removal, or resignation, no misbehaviour shall appear to have been committed by such officer, in the execution of his said office, then and in such case, at the end of the said eighteen months, the Bond or Suretyship so entered into by his said sureties, shall become void and of no effect as to such sureties, to all intents and purposes whatsoever; but such officer, his heirs, executors, administrators, or curators respectively, shall not be exonerated if misbehavior shall afterwards be discovered and established.

IX. And be it further enacted by the authority aforesaid, that all and every the boats belonging to any of His Majesty's subjects, and coming from the Province of Upper Canada into this Province, shall enter and report at the Port of Coteau du Lac, or any other Port or Ports hereafter to be established, according to Law.

X. And be it further enacted by the authority aforesaid, that any person in charge of any Bateau, Boat, or other vessel, or of any land carriage conveying goods to Upper Canada, shall deliver to the Collector of the Customs at Coteau du Lac, (or to the Comptroller to be stationed on the Ottawa, if they shall be conveyed by that route) a statement shewing the quantity and value of different kinds of goods, wares and merchandize in the form of the Schedule annexed to this Act, under a penalty of forty shillings, currency, on any such person who shall present a false statement, or shall pass by without delivering such statement as aforesaid, and such penalty shall be recoverable with costs, before any one or more Justices of the Peace, on the evidence of one or more credible witnesses, by seizure and sale of the good and chattels of the Defendant, under the Warrant of such Justice or Justices of the Peace, and one moiety of such penalty shall belong to the prosecutor, and the other moiety to His Majesty.

XI. And be it further enacted by the authority aforesaid, that the hours of public business at the Custom House at the several Inland Ports of this Province, shall be from the first of April to the first of December, from seven o'clock in the morning till five in the afternoon, and from the first of December to the first of April, from eight o'clock in the morning till four in the afternoon.

XII. And be it further enacted by the authority aforesaid, that the Collectors of the Customs at the several Inland Ports of this Province, shall respectively within fifteen days after the expiration of each quarter transmit to the proper Officer their accounts of the duties by them received with the receipts of the Receiver General for the whole sum levied during the quarter, and it shall be the duty of the Collector of the Customs at all the different Ports now or to be hereafter established in this Province, to make up to the thirty-first of December in every year, detailed statements of the exports and imports at their respective Ports to be laid before the different branches of the Legislature, also a statement of the

number of passengers arrived at their respective Ports during the same period, to be also laid before the Legislature and the Collector at Coteau du Lac, shall also distinguish the imports and exports to and from Upper Canada, from those to and from the United States.

XIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government for the time being, by warrant under his hand, and out of any unappropriated monies in the hands of the Receiver General, to advance and pay a sum not exceeding one hundred pounds currency, to defray the expense of printing blank registers and forms of accounts for the use of the officers at the several Ports of Entry: Provided always, that the said printing shall be done by contract, after an advertisement for tenders shall have been inserted during two weeks, in one of the newspapers published in the City of Quebec, and the lowest tender shall be accepted, and a sufficient number of copies thereof shall be printed, and shall remain in reserve at the proper office at Quebec, for the purpose of being transmitted to the several Ports of Entry as need shall be, and under such regulations as are adapted by the Commissioners of Customs with respect to the Collector of the Customs at Quebec.

XIV. And be it further enacted by the authority aforesaid, that it shall be lawful for the Collector of the Customs at Montreal, and for the Collectors at the several Inland Ports of Entry in this Province, respectively, to transmit to the Receiver General the amount of the duties by them collected, in Bills of Exchange, each of the said officers remaining nevertheless responsible for the amount so by him transmitted until such Bills of Exchange shall have been paid, and the sum actually paid as premium on such Bills of Exchange, shall be allowed to the said officers respectively, and they are hereby authorised to charge the same in their respective quarterly accounts.

XV. And be it further enacted by the authority aforesaid, that it shall be the duty of the Receiver General of this Province to cause all Bills of Exchange transmitted to him by the Collector of the Customs at Montreal, or by the Collectors at the several Inland Ports of entry in this Province, to be presented for payment when due, and if he shall fail so to present any such Bill or to protest the same in conformity to the provisions of this Act, the said Receiver General shall be responsible for the loss arising to the Province on such Bills of Exchange, and the officer or officers of the Customs who may have transmitted the same to him, shall be discharged from all responsibility for such loss.

XVI. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to pay by warrant under his hand, out of any unappropriated monies in the hands of the Receiver General, a sum not exceeding fifty pounds currency, to each of the two established Tide Waiters at the Port of Quebec, being the amount of their respective salaries for the year now last past, and the same annual allowance during the continuance of this Act; and such further sum as may be necessary for the purpose of paying-to the Tide Waiters respectively, an allowance of five shillings a day, for every day they shall be actually employed on board any vessel after the

passing of this Act; also a sum not exceeding two hundred and sixty-six pounds thirteen shillings and four pence currency, to John Simpson, Collector at Coteau du Lac, as arrears of salary due to him from the first of May, one thousand eight hundred and twenty-six to the first of January one thousand eight hundred and twenty-nine, and a sum not exceeding one hundred and twenty-five pounds currency, to William Dobie Lindsay, late Comptroller at the Port of Saint Johns, as arrears of salary due to him from the first of May, one thousand eight hundred and thirty-five to the first of March, one thousand eight hundred and thirty-six.

XVII. And be it further enacted by the authority aforesaid, that no Collector, Comptroller, Searcher, or other Officer or Person whatsoever concerned or employed in the collection or management of the Customs, or of any branch or portion thereof, shall vote at any Election of a Member or of Members to serve in the Assembly of this Province, and if any person hereby forbidden to vote as aforesaid, shall nevertheless, while he shall hold or within twelve calendar months after he shall have ceased to hold any such office as aforesaid, vote at any such Election, contrary to the true intent and meaning of this Act, the vote so given shall be null and of no effect, and the person so offending shall incur a penalty of one hundred pounds currency, (one moiety whereof shall go to the prosecutor, and the other moiety to His Majesty,) recoverable, with costs, before any Quarter Sessions of the Peace for the District wherein the offence shall have been committed, or for the District in which the offender shall reside, and levied on the goods and chattels of such offender, under the warrant of such Court, and each and every person so convicted shall thenceforth and for ever be incapable of holding any place of confidence under His Majesty's Government, nor shall any such officer be elected or appointed a Member of any branch of the Provincial Parliament, or sit or vote therein under a penalty of five hundred pounds currency for each day he shall sit or vote in the House of Assembly, or in the Legislative Council of this Province, such penalty shall be recoverable in the same manner as that hereinbefore imposed.

XVIII. And be it further enacted by the authority aforesaid, that any prosecution founded on any contravention of the preceding section shall be commenced within twelve calendar months from the commission of the offence, and not afterwards.

XIX. And be it further enacted by the authority aforesaid, that every Importer of any goods shall, within fourteen days after the arrival of the ship importing the same, make an entry inwards of such goods, and shall within such time land the same, and in default of such entry and landing, it shall be lawful for the Officers of the Customs to convey such goods to the King's warehouse, and whenever the cargo of any ship shall have been discharged with the exception only of a small quantity of goods, it shall be lawful for the Officers of the Customs to convey such remaining goods, and at any time to convey any small packages or parcels of goods to the King's warehouse, although such fourteen days shall not have expired, there to be kept waiting the due entry thereof, during the remainder of such fourteen days, and if the duties due upon any goods so conveyed to the King's warehouse shall not be paid within six months after such fourteen days shall have expired, together with all charges of removal

and warehouse rent, the same shall be sold, and the produce thereof shall be applied for the payment of freight and charges, next of duties, and the surplus, if any, shall be paid to the Proprietor of the goods.

XX. And be it further enacted, that in all cases whereby any Act or Acts relating to the Revenues of Customs, any oath, solemn affirmation, or affidavit, shall be required to be taken or made by any person on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any other purpose whatsoever, such oath, solemn affirmation, or affidavit, shall no longer be taken, made, or required, but in lieu thereof, the person who would under the Act or Acts imposing the same, have been required to take or make such oath, solemn affirmation, or affidavit, shall, in the presence of the Collector or other person empowered by such Act or Acts to administer such oath, solemn affidavit, make and subscribe a declaration setting forth the matters contained in and to the same effect as to the oath, solemn affirmation, or affidavit, which would have been required if this Act had not been passed, and declaring to the truth thereof; and if any such declaration shall be untrue in any particular, the person making the same, shall; over and above every other penalty to which such person may become subject, forfeit one hundred pounds, currency. Provided always, that the provisions shall not extend to the Officers of the Customs.

XXI. And be it further enacted by the authority aforesaid, that the unshipping, carrying, and landing of all goods, and bringing of the same to the proper place after landing, for examination, or for weighing and the putting the same into the scales, and the letting out of and from the scales, after weighing shall be performed, by or at the expense of the Importer.

XXII. 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, shewing 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 the 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.

XXIII. And be it further enacted by the authority aforesaid, that the due application of the monies appropriated by 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 the expenditure of all such monies shall be laid before the several Branches of the Legislature, within the first fifteen days of the next Session thereof.

XXIV. 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 forty, and no longer.

SCHEDULE.

STATEMENT showing the quantity and value of the different kinds of Goods, Wares, and Merchandizes shipped or laden, on board the Boat or Carriages

Master, bound for

in Upper Canada.

ARTICLES	Quantity and Number	Value on which Duty was paid at Quebec (if known)	Invoice value.
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Value of Goods, Wares or Merchandize subject to an ad valorem Duty at Quebec.									
Jamaica Spirits or Rum, Gin, Brandy, or Cordials,									
Madeira Wines,									
Other Wines,									
Coffee,	Bohea,								
	Hyson,								
Teas	Hyson skin,								
	Young Hyson,								
	Twankey,								
	Souchong,								
Playing Cards,									
Loaf Sugar,									
Muscovado Sugar,									
Molasses,									
Salt,									
Pimento,	plug,								
Tobacco,	Leaf,								
Passengers									