

C H A P. VIII.

An Act for applying certain sums of Money therein mentioned to make good certain Monies issued and advanced by his Majesty, through his Honor Mr. President Grant, in pursuance of two addresses.

Passed 10th March, 1807.

MOST GRACIOUS SOVEREIGN,

WHEREAS in pursuance of several addresses of your Commons House of Assembly to his Honor Alexander Grant, Esquire, lately President administering the government of your Province of Upper Canada, bearing date the first and third of March one thousand eight hundred and six, last passed, in the forty sixth year of your Majesty's Reign, several sums of money, amounting in the whole to the sum of one hundred and fifty-one pounds, two shillings and sixpence halfpenny, have been issued and advanced by your Majesty, through his Honor Mr. President Grant, to the Clerks and other officers of the two Houses of Parliament, for certain contingent expences attending the last Session of Parliament;—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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "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 by the authority of the same; That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of one hundred and fifty-one pounds, two shillings and six pence halfpenny, to make good the said sum of money which has been issued and advanced in pursuance of the aforesaid addresses.

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£. 151 2 6½ to be issued from the Provincial Treasury to make good a like sum paid in pursuance of addresses of the Assembly.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sum of money, pursuant to the direction 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.

How to be accounted for.

C H A P. IX.

An Act for granting to his Majesty, Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other Trading persons therein mentioned.

Passed 10th March, 1807

MOST GRACIOUS SOVEREIGN,

WE your Majesty's most dutiful and loyal Subjects, the Commons of the Province of Upper Canada, in Parliament assembled, for the uses of this

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this Province, have freely and voluntarily resolved, to give and grant to your Majesty, your heirs and successors, the several duties on Licences hereinafter mentioned, and in such manner and form as hereinafter expressed. And therefore most humbly beseech your Majesty, that it may be enacted; And 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, "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 by the authority of the same; That there shall be raised, collected and paid to his Majesty, his heirs, and successors, to and for the public uses of this Province, and the support of the Government thereof, the several and respective duties hereinafter mentioned, for and upon the several respective Licences to be taken out in manner and by the persons hereinafter mentioned, that is to say, on or before the fifth day of April next, there shall be taken out a Licence by every Hawker, Pedlar and Petty Chapman, and every Trading person or persons, going from Town to Town, or to other men's houses, or who have not become householders by permanent residence in any town or place within this Province, by or for the space of one year previous to the passing of this Act, or travelling either on foot or with a horse or horses, ass or asses, mule or mules, or other beast bearing or drawing burthen, boat or boats, decked vessel or other craft, or otherwise within this Province, carrying to sell, or exposing to sale any goods, wares or merchandizes, for which Licences, there shall be paid the following sums at the time such Licence shall be taken out. For every man travelling on foot, the sum of three pounds, current money of this Province; for every horse, ass or mule, or other beast bearing or drawing burthen, the sum of twenty shillings yearly, for each beast he shall so travel with, over and above the first mentioned sum of three pounds; for every man sailing with a decked vessel, trading and exposing for sale any goods, wares and merchandizes, on board or from the same, the sum of eight pounds; for every man trading with a boat or other craft, and exposing for sale goods, wares and merchandize, for each boat or craft, the sum of five pounds; for every person other than such persons as are herein before defined, who may come into this Province and expose goods for sale, who shall not have become a householder by permanent residence in any Town or place within this Province, for the space of one year previous to the passing of this Act, the sum of eight pounds.

Licences to be taken out by hawkers, pedlars, and other trading persons.

The sums to be paid for such Licences

In what cases some part for such Licences to be returned.

It is *Provided always, and be it further enacted by the authority aforesaid,* That when any person, such as last before mentioned, shall have become a permanent resident by hiring a house or shop, and occupying the same for the purposes of trade, for and during the term of one year, and shall not during the time, have travelled from house to house, for the purpose of vending goods, wares or merchandize, and shall produce to the collector a certificate to that effect, signed by two of his Majesty's Justices of the Peace, the nearest to his place of residence, and who are hereby authorized and required

ed to grant the same, it shall and may be lawful for such collector, and he is hereby required to repay to such persons, the sum of eight pounds, the amount of such Licences as aforesaid, and the certificate of the said Justices, shall be to him a sufficient Voucher for the sum so repaid and allowed, as such in his account with the Inspector General.

III. *And be it further enacted by the Authority aforesaid,* That all and every person or persons, that shall take out Licences as aforesaid, is and are hereby required to take out a fresh Licence, on or before the fifth day of April, in each and every year, before he she or they shall presume hereafter during the continuance of this act, to travel and trade as aforesaid; provided always nevertheless, that nothing in this Act shall be construed to compel any person or persons, but such Hawker, Pedlar or Petty Chapman or other Trading person as herein before described, to take out such Licence as aforesaid, for bringing Salt, Pot or Pearl Ashes into this Province, or for any goods, wares or merchandize, passing through this Province in packages unopened, or for driving cattle for Market, or sale or otherwise, through this Province.

Licences to be taken out annually.

Cases where no licence is required.

IV. *And be it further enacted by the authority aforesaid,* That the Licences herein before mentioned, shall be granted by the Governor, Lieutenant Governor or person administering the government of this Province, and for every such Licence, that shall be delivered, there shall be paid by the person or persons applying for the same to the collector, the sum of three shillings and nine pence current money, and no more for issuing the same.

Licences by whom to be granted.

V. *And be it further enacted by the authority aforesaid,* That every collector as aforesaid, before he enter upon the execution of his said office, shall take and subscribe the following Oath, which Oath shall be taken before any two of his Majesty's Justices of the Peace, in and for the District in which such collector shall reside, who are hereby authorized and required to administer and transmit the same to be filed in the Clerk of the Peace's office, amongst the records of the said District: I do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of collector of his Majesty's Revenue, arising from Licences on Hawkers, Pedlars, and Petty Chapmen, and other trading persons described in a certain Act, entitled, "an Act for granting to his Majesty, duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned," and will duly and impartially superintend the collection hereof, according to the best of my skill and knowledge, and in all cases of fraud or suspicion of fraud, that shall come to my knowledge, I will shew no person favor or affection, nor will I aggrieve any person from hatred or ill will, and that I will in all cases faithfully do, execute and perform to the best of my skill and knowledge, all and every the duties imposed upon me by the before mentioned Act, So help me God.

Oath to be taken by the collectors.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no collector acting under and by virtue of this Act shall enter upon the execution of his office until he shall have given security by two sureties in

Security to be given by the collectors.

one hundred pounds each, and himself in two hundred pounds current money of this Province, to his Majesty, his heirs and successors, for the performance of his office.

Collectors to account with the Inspector General every 3 months, and pay the money collected twice in every year to the Receiver General.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every collector as aforesaid, and he is hereby required to render a just, true and faithful account of all monies which he shall collect and receive under and by virtue of this act, to the Inspector General of the Province, once in every three Months, and such collector shall twice in every year, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he shall so receive, once on or before the first day of September, and once on or before the first day of February in each and every year, and that the said collector shall retain and take at the rate of ten pounds for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this Act.

Compensation to collectors.

Penalty for Hawkers, pedlars, &c trading without licence.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Justice of the Peace, collector, deputy collector, constable or peace officer to seize and detain any such Hawker, Pedlar, petty Chapman or other Trading person as aforesaid, who shall be found trading without a Licence, contrary to this Act, or who being found trading, shall refuse or neglect to produce a Licence according to this Act, after being required so to do, for a reasonable time in order to his or her being carried, and they are hereby required to carry such person so seized, unless they shall in the mean time produce their respective Licences before two of his Majesty's Justices of the Peace, the nearest to the place where such offence or offences shall be committed, which said two Justices of the Peace, are hereby authorized and strictly required, either upon the confession of the party offending or due proof by witnesses or witnesses other than the informer upon Oath, which Oath they are hereby impowered to administer, that the person or persons so brought before them, had so traded as aforesaid without a Licence, and in case no such Licence shall be produced by such offender or offenders, before such Justices, the said Justices by warrant under their hands and seals, directed to a constable or peace officer, shall cause the sum of ten pounds with reasonable costs to be forthwith levied by distress and sale of the goods, wares and merchandizes of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus if any there be, to the owner or owners thereof, after deducting the reasonable charges for taking the said distress, and for want of sufficient distress, the offender or offenders shall be sent to the nearest Gaol, for such time, not exceeding six months, or less than one month, as such Justices of the Peace, shall think most proper.

Cases to which this act does not extend.

IX *Provided' always, and it is hereby enacted by the Authority aforesaid,* That nothing in this Act, shall extend or be construed to extend to prohibit any person or persons, from selling any printed papers published by authority, nor any fish, fruits, or victuals, nor to hinder any person who are the real makers of any goods, wares or merchandizes of the manufactory of this Province, or his, her or their children, apprentices, agents or servants

to such real workers or makers of such goods, wares or manufactures, only from carrying abroad, exposing to sale or selling by retail or otherwise, any of the said goods, wares or manufactures of his, her or their own making, in any parts of this Province, nor any Tinkers, Coopers, Glaziers, Harness menders or any other persons usually trading in mending kettles, tubs, household goods or harness whatsoever, from going about and carrying with him, her or them, proper materials for mending the same without having a Licence as aforesaid; Provided also, that this Act shall not be construed to extend to prohibit hucksters, or persons having stalls or stands, in the Markets in the Towns within this Province, from selling or exposing to sale without having a Licence as aforesaid, any fish, fruits, victuals or goods, wares and merchandizes, in such stalls or stands, they complying with such rules and regulations of Police, as by the Justices in their General Quarter Sessions of the Peace, are or may be established in such Towns, respecting such stalls and stands.

Licence under this act not to preclude the necessity of taking out licences for selling of brandy, &c.

X. *And be it further enacted by the authority aforesaid,* That nothing in this Act, shall be construed to permit any person or persons whatsoever, to sell any wine, brandy, rum or other spirituous liquors, without first having taken out a Licence for the sale thereof, agreeable to the Laws of this Province.

XI. *Provided always, and be it further enacted by the Authority aforesaid,* That no suit or action shall be brought or commenced against any person or persons, for any penalty by this Act imposed, that shall not be brought or commenced within twelve months after the offence or offences, respectively committed.

Suits to recover penalties under this Act to be commenced within 12 months after the offence committed.

XII. *And be it further enacted by the Authority aforesaid,* That if any person or persons shall be summoned as a witness or witnesses, to give evidence before any Justice of the Peace, touching any of the matters relative to this Act, and shall neglect or refuse to appear at the time and place for that purpose appointed, without reasonable excuse for such neglect or refusal, to be allowed of by the said Justices, or on appearing, shall refuse to be examined on Oath, and to give evidence before such Justices of the Peace, before whom the prosecution shall be depending, that then, every such person shall forfeit for every such offence the sum of ten pounds current money aforesaid, with costs to be levied, recovered, and paid in such manner and by such means as are herein before directed, and for want of sufficient distress, the offender or offenders, shall be sent by such Justices of the Peace, to the nearest Gaol for such time, not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

Penalty for refusing to appear or to be examined as a witness

XIII. *And be it further enacted by the Authority aforesaid,* That the moiety of every pecuniary penalty or satisfaction by this Act imposed, shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver General, to and for the uses of his Majesty, his heirs and successors, for the public uses of this Province; and towards the support of the Government thereof, to be accounted for to his Majesty through the Lords Commissioners

Distribution of the penalties recovered.

Commissioners of his treasury for the time being, in such manner and as it shall please his Majesty to direct, and the other moiety thereof shall belong to the person or persons who shall sue for the same.

Limitation of Actions for any thing done in pursuance of this act.

Pleadings & costs.

XIV. And be it further enacted by the Authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the matter or thing done, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and if afterwards judgement shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-suited or discontinued his, her or their action or suit, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs at law.

Continuance of this act.

XV And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force, four years from and after the passing of the same, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

C H A P. X.

An ACT for granting to his Majesty, his heirs and successors, to and for the uses of this Province, the like duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from the United States of America into the Province of Lower Canada.

Passed 10th March, 1807.

Preamble.

WHEREAS by articles of provisional agreement made and entered into at Montreal, on the twenty eighth day of January in the thirty-seventh year of his present Majesty's reign, by commissioners nominated and appointed on behalf of the Province of Upper Canada, under and by virtue of an Act of the Legislature thereof, passed in the thirty-sixth year of his Majesty's reign, entitled, "an Act to authorize the Lieutenant Governor to nominate and appoint certain commissioners for the purposes therein mentioned, and commissioners nominated and appointed in behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the thirty sixth year of his Majesty's reign, entitled, "an Act for appointing commissioners on behalf of this Province, to treat and confer with commissioners on behalf of the Province of Upper Canada, for the purposes herein mentioned," it was amongst other things agreed, that the Legislature of Upper Canada, should impose and levy upon all articles subject to duties in Lower Canada, which shall be brought into Upper Canada from the United States of America, without passing through Lower Canada, duties equal to those that were or should be imposed and levied on similar articles when brought

Provisional agreement between Upper and Lower Canada, in part recited.