

ANNO TERTIO
 GEORGH IV. REGIS.

C H A P. XLV.

An Act to Regulate the Trade between His Majesty's Possessions in America and the West Indies, and other parts of the World.

[Passed June 24th, 1822.]

Act and parts of **W**HEREAS it is expedient to allow greater Freedom of Trade and Inter-
 Acts regulating course between the Colonies, Plantations, and Islands belonging to His
 Trade and Inter- Majesty in America and in the West Indies, and in other parts of the world,
 course between Majesty and to repeal certain Acts now in force relating to the trade and intercourse
 the British Colo- hitherto allowed to be carried on between His Majesty's colonies, planta-
 nies and Europe, tions, islands, and places in Europe south of Cape Finisterre, and to make
 repealed, viz. further provision for encouraging and extending the same ; Be it therefore
 enacted by the King's Most Excellent Majesty, by and with the advice and
 consent of the Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the authority of the same, That so much of
 25 C. 2. c. 7. an Act passed in the twenty-fifth year of the reign of King Charles the Se-
 cond, intituled, " An Act for the encouragement of the Greenland and East-
 land Trade, as imposes a duty upon the exportation of sugar, tobacco, cot-
 ton wool, indigo, ginger, logwood, fustic, dying-wood, and cocoa-nuts, from
 any of His Majesty's plantations in America, Asia, or Africa ;" also an Act
 51 G. 3. c. 97. passed in the fifty-first year of the reign of his late Majesty King George the
 Third, intituled, " An Act to regulate the Trade between places in Europe
 south of Cape Finisterre, and certain ports in the British Colonies in North
 52 G. 3. c. 98. America," also an Act passed in the fifty-second year of the reign of His said
 late Majesty, intituled, " An Act to permit sugar, coffee, and cocoa, to be
 exported from His Majesty's colonies and plantations to any port in Europe
 to the south of Cape Finisterre, and corn to be imported from any such port,
 and from the coast of Africa into the said colonies and plantations, under
 licences granted by the collectors and comptrollers of the customs ;" also,
 55 G. 3. c. 29. so much of an Act passed in the fifty-fifth year of the reign of His said late
 Majesty, intituled, " An Act to regulate the trade between Malta and its
 dependencies and His Majesty's colonies and plantations in America, and
 also between Malta and the United Kingdom," as relates to the trade allow-
 ed to be carried on between the island of Malta and the dependencies there-
 of, and His Majesty's colonies and plantations in America ; also an Act pas-
 sed in the fifty-seventh year of the reign of His said late Majesty, intituled,
 57 G. 3. c. 4. " An Act to extend the privileges of the trade of Malta to the port of Gib-

raltar;" also, another Act passed in the fifty-seventh year of the reign of 57 G. S. c. 89. His said late Majesty, intituled, "An Act to allow the importation of Oranges and Lemons from the Azores and the Madeiras into the British colonies in North America," shall be, and the same are hereby repealed, save and except as the recovery of any forfeiture or penalty incurred on or before the passing of this Act; *Provided nevertheless*, That all Acts expressly repealed by any of the said Acts, shall be deemed and taken to be, and shall remain repealed.

II. *And be it further enacted*, That it shall be lawful to export from any of His Majesty's said colonies, plantations, and islands, in any British built ship or vessel, owned and navigated according to law, any articles, the growth, produce, or manufacture of any such colony, plantation, or island, and any articles which have been legally imported into any such colony, plantation, or island, direct to any foreign port in Europe, or in Africa, or to Gibraltar, the island of Malta, or the dependencies thereof, or the islands of Guernsey, Jersey, Alderney, or Sark; any thing contained in an Act made in England in the twelfth year of the reign of His Majesty King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," or any other Act or Acts in force in the United Kingdom, or in Great Britain or Ireland respectively, to the contrary notwithstanding.

Certain articles may be exported from the British Colonies direct to certain ports of Europe, in British ships.

III. *And be it further enacted*, That before any such articles shall be laden or put on board any ship or vessel in the said colonies, plantations or islands, the exporter shall make a regular entry thereof, with the collector and comptroller of His Majesty's customs, on which entry shall be indorsed the marks and numbers of the packages, with the proper denomination of the goods contained therein, and also the place, quay, or wharf where the goods are intended to be laden; *Provided*, That no goods shall be laden at any place, quay, or wharf which shall not be situate within the limits of a port where a custom-house is established, and at which place, quay, or wharf, an officer shall be appointed to attend the lading and shipping of such goods, or in such place or places as shall be mentioned in a sufferance or warrant to be taken out from the collector and comptroller of the customs for that purpose: *Provided always*, That nothing in this Act contained shall extend, or be construed to extend to alter the existing regulations for lading and shipping the produce of the fisheries of the said colonies, plantations, or islands.

To be regularly entered and shipped in the presence of the Officers and at ports only where Custom Houses are established unless by special sufferance at other places.

Regulations as to the produce of fisheries not to be affected.

IV. *And be it further enacted*, That if upon the examination of any goods allowed to be exported from any of the said colonies, plantations, or islands, under the authority of this Act. either before or after the shipment, it shall be found that the weight or quantity thereof, or the number of the casks or packages, shall be greater than shall have been endorsed upon the entry, or if any articles are laden and put on board any ship or vessel, for the purpose of being exported to any part of Europe or in Africa, as aforesaid, without entry thereof being made with the proper officer of the customs, or shall be brought to any place, quay or wharf, or put into any hoy, boat or other vessel, for the purpose of being shipped on board any such ship or vessel for exportation to such foreign port of Europe or in Africa, previous to such entry being made, or if any goods shall be put on board, or attempted to be put on board, any ship or vessel intending to proceed to any such port of Europe

The goods must agree with the entry, and be regularly shipped on pain of forfeiture.

or Africa, in any manner contrary to the directions of this Act, all such goods in every such case, shall be forfeited, together with the hoy, boat, or other vessel or carriage whatever, employed in shipping, or attempting to ship, such goods, and also the ship or vessel in which the same shall be laden; and all such goods, vessels, boats, and carriages may be seized by any officer or officers of the customs, and the owner thereof shall forfeit double the value of such goods.

Slips clearing out from the colonies not to take on board any other articles than such as are allowed to be exported by virtue of this Act. V. *And be it further enacted*, That in case any ship or vessel clearing out from the said colonies, plantations, or islands, under the authority of this Act, shall take on board, in any of the said colonies, plantations, or islands, any other articles than such as are allowed to be on board and exported by virtue of this Act, all such articles so taken or laden on board such ship or vessel shall be forfeited and lost, and shall and may be seized by the commander or commanders of any of His Majesty's ships or vessels of war, or any commissioned, warrant, or petty officer, specially authorised by him or them, or by any officer or officers of the customs; and the master and shipper of any such goods shall severally forfeit double the value of the goods so laden or taken on board contrary to the directions of this Act.

Before shipment of fish, oath to be made that it is the produce of the British fisheries. VI. *And be it further enacted*, That the person exporting fish from any British colony, or plantation in North America, to any port or place as aforesaid, under the authority of this Act, shall make oath at the port of shipment, before the Chief Officer of the Customs at such port, or if there be no such Chief Officer of the Customs, then before a Magistrate, or if there be no Magistrate, then before two respectable persons being at such port or ports (which oath such Officer of the Customs, or Magistrate, or such respectable persons as aforesaid, are hereby authorized to administer) that the said fish is the produce of the British Fisheries, really and *bona fide* taken and cured by His Majesty's Subjects carrying on the said fisheries from some of the British colonies or plantations in North America.

Upon shipment of pickled or dry fish from Canada, oath to be made of its being the produce of the British fisheries. VII. *And be it further enacted*, That before the shipment of any pickled fish or dry fish, for the purpose of exportation from Canada to any port or place as aforesaid, under the authority of this Act, the person in whose possession the same shall have continued from the time of its being landed from the British fishing vessel employed in the taking it, until the same shall be so shipped for exportation, shall make oath before the Chief Officer of the Customs at Quebec (who is hereby authorized to administer such oath), that the same is the produce of the British American Fisheries, really and *bona fide* taken and cured by His Majesty's Subjects carrying on the said fisheries from some of the said colonies or plantations.

The articles enumerated in the schedule marked (A) may be exported from certain places in Europe, or in Africa, to His Majesty's colonies, plantations, or islands in British ships. VIII. *And be it further enacted*, That it shall and may be lawful to export in any British ship or vessel, owned and navigated according to law, from any foreign port in Europe, or in Africa, or from Gibraltar, the Island of Malta or the dependencies thereof, or the Islands of Guernsey, Jersey, Alderney, or Sark, to any of His Majesty's colonies, plantations, or islands in America or the West Indies, the articles enumerated or described in the Schedule hereunto annexed marked (A); any thing contained in an Act made in England in the fifteenth year of His Majesty King Charles the Second, intituled "An Act for the encouragement of Trade," or any other Act

or Acts in force in the United Kingdom, or in Great Britain or Ireland respectively, to the contrary notwithstanding.

IX. *And be it further enacted*, That from and after the passing of this Act, there shall be raised, levied and collected, paid unto His Majesty, His Heirs and Successors, upon the importation of the several articles enumerated or described in the said Schedule marked (B) into any of His Majesty's colonies, plantations or islands in America or the West Indies, under the authority of this Act, from any port or place in Europe or Africa as aforesaid, the several duties of the customs as the same are respectively inserted, or described, and set forth in figures in the said Schedule marked (B.); and the same shall be raised, levied, collected, paid, and received under the management of the Commissioners of the Customs in England in such and the like manner and form, and by such and the like rules, ways, means and methods respectively, and under such penalties and forfeitures, as any other duties now payable to His Majesty, on goods, imported into any of the islands, plantations, colonies, or territories belonging to or under the dominion of His Majesty in America or the West Indies are or may be raised, levied, collected, paid, and recovered by any Act or Acts of Parliament now in force, as fully and effectually, to all intents and purposes as if the several clauses, powers, directions, penalties and forfeitures relating thereto, were particularly repealed, are again enacted in the body of this Act, and the produce of such duties shall be paid by the Collector of the Customs, to the Treasurer or Receiver General of the colony, province, or plantation in which the same shall be respectively levied, to be applied to such uses and purposes as may be directed by the authority of the respective General Courts, or General Assemblies of such colonies, provinces, or plantations.

Duties to be paid on articles enumerated in the schedule (B.) upon their importation into the colonies, &c.

X. *And be it further enacted*, That in case there shall be no General Courts or General Assemblies in the colony, province, or plantation in which the said duties shall have been levied and collected under the authority of this Act, the net proceeds of such duties shall then be applied and appropriated in such and the like manner and to such uses as any other duties levied and collected in any of His Majesty's colonies, provinces, or plantations in America or the West Indies, not having General Courts or General Assemblies, may now by any Act or Acts of Parliament, passed in Great Britain, or in the United Kingdom of Great Britain and Ireland, or by any order of His Majesty in Council, or by any proclamation in His Majesty's name, be appropriated and applied.

Appropriation of net proceeds of duties in colonies where there are no general courts or assemblies.

XI. *And be it further enacted*, That in all cases where, by the Schedule marked (B), the duties imposed upon the importation of articles into His Majesty's colonies, plantations, or islands in America or the West Indies, are charged not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the Importer or Proprietor of such articles, or his known Agent or Factor, in manner and form following: (that is to say),

How value of articles subject to ad valorem duty shall be ascertained.

I *A. B.* do hereby declare, That the articles mentioned in the Entry, and contained in the Packages [here specifying the several Packages and describing the several marks and numbers, as the case may be] are of the value of

Witness my hand, the _____ day of _____ A. B.
'The above Declaration, signed the _____ day of _____ in the presence of C. D. Collector, or other Principal Officer.'

Which declaration shall be written on the warrant of entry of such articles, and shall be subscribed with the hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the presence of the Collector or other Principal Officer of the customs at the port of importation: Provided, that if upon view and examination of such articles by the proper Officer of the Customs, it shall appear to him that the said articles are not valued according to the true price and value thereof, and according to the true intent and meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on oath before the Collector or Chief Officer of the Customs at the port of importation (which oath he is hereby authorized and required to administer,) what is the invoiced price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of ten pounds *per Centum* thereon, shall be deemed and taken to be the value of such articles in such colony, plantation, or island as aforesaid, in lieu of the value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the duties specified in the said Schedule shall be charged and paid: *Provided also*, that if it shall appear to the Collector or other Chief Officer of the Customs, that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported; or if the invoice price is not known, the articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the Governor or Commander-in-chief of the colony, plantation, or island into which the said articles are imported; and such person shall declare on oath, before the Collector or Chief Officer of the Customs, which oath such Collector or other Chief Officer of the Customs is hereby authorised to administer, what is the true and real value of such article in such colony, plantation, or island; and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties specified in the said Schedule marked (B.) shall be charged and paid.

Provision, in case articles are not duly valued;

or in case the value or invoice price is not known.

Importer refusing to pay the duties, the articles to be sold, &c.

XII. *And be it further enacted*, That if the importer or proprietor of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the Collector, or other chief officer of the customs where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days at the most, after such refusal made, and at such time and place as such officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising by the sale thereof shall be applied in the first place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the surplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

XIII. *Provided always, And be it further enacted,* That if upon the importation of any article charged with duty by this Act, the said article shall also be liable to the payment of duty under the authority of any colonial law, equal to, or exceeding in amount, the duty charged upon such articles by this Act, then and in such case, the duty charged upon such articles by this Act, shall not be demanded or paid upon the importation of such article: *Provided also,* that if the duty payable under such colonial law shall be less in amount than the duty payable by this Act, then and in such case, the difference only in the amount of the duty payable by this Act, and the duty payable under the authority of such colonial law, shall be deemed to be the duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like uses, as the duties specified in the said Schedule annexed to this Act, marked (B.) are directed to be collected, paid, appropriated, and applied.

Duties not payable if articles are liable to a colonial duty equal in amount to the duties hereby charged.

If colonial duty be less, the difference only to be paid.

XIV. *And be it further enacted,* That all sums of money granted and imposed by this Act, either as duties, penalties, or forfeitures, shall be deemed and are hereby declared to be Sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver.

Duties, Penalties, and Forfeitures to be Sterling money at a certain rate.

XV. *And be it further enacted,* That all and every the goods and commodities, and all ships or vessels forfeited by this Act, shall and may be seized by the Commander or Commanders of any of His Majesty's ships or vessels of war, or any Commissioned, Warrant, or Petty Officer, specially authorized by him or them, or by any Officer or Officers of His Majesty's Customs; and that every forfeiture and penalty incurred by this Act shall and may respectively be sued for, prosecuted, and recovered in such courts, and by such and the like ways, means, and methods, and the produce thereof respectively disposed of and applied in such and the like manner, and to such and the like uses and purposes, as any forfeiture or penalty incurred by any law respecting the revenue of the customs may now be sued for, prosecuted or recovered, disposed of and applied, either in this Kingdom, or in any of His Majesty's Dominions in America or the West Indies respectively, as the case may happen to be.

Recovery and application of forfeiture.

XVI. *And be it further enacted,* That if any person or persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiff's prosecutor or prosecutors shall become nonsuit, or forbear the prosecution, or discontinue his, her, or their action, or if a verdict shall pass against him, her, or them, the defendant shall have treble costs, and shall have the like remedy for the same as in cases where costs are given by law to defendants.

General issue.

Treble costs.

SCHEDULES TO WHICH THIS ACT REFERS.



SCHEDULE (A.)

A Schedule of Articles allowed to be exported from Ports in Europe, or in Africa, to any of His Majesty's Colonies, Plantations, or Islands in America or the West Indies.

Anchovies,	Fruit.	Orris Root.
Argol,	— dry and wet, pre-	Ostrich Feathers.
Alabaster, rough and	— served in brandy	Ochres.
worked,	and sugar, in jars	Orange buds and Peel.
Anniseed,	and bottles.	Olives.
Amber,	Figs.	Pickles, in jars and bot-
Almonds,	Garden Seeds.	tles.
Biscuit,	Gum Arabic.	Paintings and Prints.
Brandy,	— Mastic.	Pozzolana
Bullion,	— Myrrh.	Precious Stones.
Brimstone,	— Sicily.	Pearls.
Boxwood,	— Ammoniac.	Punck.
Beans,	Grain.	Pumice Stone.
Botargo,	Honey.	Peas.
Cattle,	Jalop.	Parmesan Cheese.
Currants,	Incense.	Quicksilver.
Capers,	Juniper Berries.	Raisins.
Cantharides,	Lava and Malta Stone	Rhubarb.
Corn,	for building.	Rice.
Cumminseed,	Lentils.	Salt.
Coral,	Lumber.	Sausages.
Cork,	Manna.	Senna.
Cinnabar.	Mosaic Works.	Scammony.
Cascasoo.	Medals.	Sarsaparilla.
Caviar.	Meal.	Saffron.
Dates.	Musk.	Safflower.
Essence of Bergamot.	Marble, rough and	Shingles.
— Citron.	worked.	Sponges.
— Lemon.	Mill timber.	Staves.
— Orange.	Maccaroni.	Sheep.
— Lavender.	Mules.	Vermillion.
— Roses.	Nuts of all kinds.	Vermicelli.
— Rosemary.	Oil of Olives.	Whetstones.
F. nery Stone.	— of Almonds.	Wine.
Flour.	Opium.	Wood Hoops.

Honey,
 Jalap,
 Juniper Berries,
 Incense of Frankincense,
 Lava and Malta Stone
 for building,
 Lentils,
 Manna,
 Marble, rough and work-
 ed,
 Mosaic Work,
 Medals,
 Musks,
 Maccaroni,
 Nuts of all kinds,
 Oil of Olives,
 — of Almonds,
 Opium,

Orris Root,
 Ostrich Feathers,
 Ochres,
 Orange Buds and Peel,
 Olives,
 Pickles, in Jars and Bot-
 tles,
 Paintings and Prints,
 Pozzolana,
 Pumice Stone,
 Punck,
 Parmesan Cheese,
 Pickles,
 Prints,
 Pearls
 Precious Stones (except
 Diamonds),
 Quicksilver,

Raisins,
 Rhubarb,
 Rice,
 Sausages,
 Senna,
 Scammony,
 Sarsaparilla,
 Saffron,
 Safflowers,
 Sponges,
 Vermillion,
 Vermicelli,
 Wine, not in Bottles, ex-
 cept Wine imported
 into Newfoundland,
 Whetstones,

For every £100 of the true and real value of the above, £7 10s.



AN ACT

Relative to the Right of Tythes within this Province.

[The Royal Assent to this Bill was promulgated by Proclamation bearing date
 20th day of February, 1823.]

Preamble:

WHEREAS, notwithstanding His Majesty has been graciously pleased to reserve for the support of a Protestant Clergy in this Province, one-seventh of all Lands granted therein, doubts have been suggested that the Tythe of the produce of Land might still be legally demanded by the Incumbent duly instituted, or Rector of any Parish; which doubt it is important to the well-doing of this Colony to remove: 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 no Tythes shall be claimed, demanded, or received by any Ecclesiastical Parson, Rector, or Vicar of the Protestant Church within this Province, any law, custom, or usage to the contrary notwithstanding.