

Acts of the General Assembly of His Majesty's Province of Lower Canada passed in the year 1795. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1795.

35 George III – Chapter 6

An Act for allowing Pot and Pearl ashes to be brought into this Province by land or inland navigation, for prohibiting the importation of Tobacco from the United States, for regulating the fees of the Custom House Officer of St. John's and for repealing the Act or Ordinance therein mentioned.

Whereas it is expedient that articles of the growth and product of the Countries bordering on this Province, which by law may be allowed to be brought by land carriage or inland navigation into the same, should not be subjected to unnecessary formalities and expence: and whereas it has been found by experience that the requiring bond for the re-exportation of Pot and Pearl Ashes is attended with unnecessary trouble and expence, as no Pot or Pearl Ashes are made use of in any manufacture in this Province, and consequently will not be brought thereinto for any purpose than that of re-exportation; 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 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 from and after the passing of this Act, Pot and Pearl Ashes may be brought into this Province free of duty by land carriage or inland navigation, from any of the countries bordering thereon; provided always, that if the same shall be brought into this Province by land carriage, the same shall pass through the port of Saint John's, on the river Richelieu or if the same shall be brought into this Province by any inland navigation, other than upon the river Saint Lawrence, the same shall pass upon the river Richelieu or by the said port, and shall be there reported to the Officer or Officers of his Majesty's Customs.

II. And to encourage the intercourse by law allowed between this Province and the countries bordering thereon ; be it further enacted by the same authority, that no fee, gratuity, or reward whatsoever shall be demanded, exacted or received by any Custom-house Officer or Officers at Saint John's aforesaid for such report, nor for the report, entry, clearance, pass or permit, visitation or search of any vessel, boat, canoe, raft, waggon, cart, train, sleigh, carriole or other summer or winter conveyance, or any article therein lawfully passing into or out of this Province, by or through the said port of Saint John's, unless that the said vessel or boat shall be of the burthen of ten tons or upwards, in which case the said Custom-house Officer or Officers, shall be intituled to demand and receive for the entry inward of such vessel or boat of the bur-then of ten tons or upwards two shillings and six-pence currency and no more, and for the clearance outward of such vessel or boat a like sum and no more.

III. And be it further enacted by the same authority, that all vessels, boats, canoes, rafts, carriages and conveyances of what kind soever, passing and repassing by or through Saint John's aforesaid, shall be reported at the Custom-house there, and be subject to visitation and search by the Officer or Officers of the Custom-house at the said port, and shall be dispatched without delay.

IV. And whereas the permission to bring Tobacco into this Province from the neighbouring countries for re-exportation has not been productive of any advantage, but may tend to give a facility of introducing and smuggling the same for the consumption therein; be it therefore further enacted by the same authority, that no Tobacco of any kind whatsoever shall hereafter be brought into this Province from the United States by whatever route or communication upon pain of forfeiture of all such Tobacco so brought, together with the hogsheads, casks, chests, cases or other packages containing the same, and also of the vessel, boat, canoe, raft, wagon, cart, sleigh, train, carriage or other conveyance, and also all the horses and cattle employed in bringing the same, and all and every Custom-house Officer or Officers is and are hereby authorized to make seizures accordingly; and every person who shall be assisting or otherwise concerned in bringing such Tobacco into this Province, or to whose hands the same shall come, knowing that it was imported contrary to this Act, shall forfeit treble the value thereof to be estimated and computed according to the best price that such Tobacco bears in the town of Quebec, at the same time such offence shall be committed.

V. Provided always and it is hereby enacted, that nothing herein or in any other Act or Ordinance contained shall be construed to extend to authorize the seizure or forfeiture of any article, not contraband, which may be in any vessel, boat, canoe, raft, waggon, cart, sleigh, train, carriage or other conveyance containing any Tobacco, or other prohibited goods subject to seizure and forfeiture ; provided also, that nothing in this Act shall be construed to extend to forfeit any Tobacco imported or brought into this Province from the United States by any person for his or her private use, if the same shall not exceed two pounds weight for every such person.

VI. Provided further and be it also enacted by the same authority, that nothing in this Act shall extend or be construed to extend to prohibit leaf Tobacco in packages containing each four hundred and fifty pounds weight net, at the least, from being from henceforth until the first day of September next imported or brought into this Province from the United States by land carriage or inland navigation as aforesaid, nor to authorize the seizure or forfeiture of the same before that period, if due entry thereof shall be made at the Custom-house of Saint John's aforesaid, and bond be there given for the re-exportation of such leaf Tobacco, in which case such bonds shall be void upon proof by certificate or otherwise of such re-exportation, any thing therein contained to the contrary notwithstanding.

VII. And be it further enacted by the same authority, that the said forfeitures by this Act inflicted shall and may be sued for and prosecuted in any of his Majesty's courts of record, or in any court of Admiralty or vice Admiralty, having jurisdiction within this Province; and the same shall and may be recovered and divided in the same manner and form, and by the same rules, and regulations in all respects as other penalties and forfeitures for offences against the laws relating to the customs

and trade of his Majesty's colonies in America, shall or may be, by any Act or Acts of Parliament sued for, prosecuted, recovered and divided.

VIII. And be it further enacted by the same authority, that the Act or Ordinance passed the thirtieth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, intituled, "*An Act or Ordinance for the importation of Tobacco, Pot and Pearl Ashes into this Province by the inland communication of Lake Champlain and Sorel,*" be, and the same is hereby repealed.

IX. And be it further enacted by the same authority, that if any action or suit shall be brought against any Custom-house Officer or Officers; for any thing done by virtue of this Act, every such action or suit shall be commenced within six months next after the fact has been committed and not afterwards, and the defendant or defendants in any such action or suit shall and may plead the general issue, and give the special matter and this Act in evidence; and if the plaintiff or plaintiffs shall be non-suited, or discontinue his or her action or suit after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases to recover costs by law.