

And to effue
writs of Subpœna
to witnesſes,

cognizable in the courts of King's Bench for the diſtrict of Quebec, Montreal or Three Rivers, ſhall reſide in any part of this Province, without the juriſdiction of that court of King's Bench in which ſuch criminal caſe is cognizable, it ſhall and may be lawful for the court of King's Bench in which ſuch criminal caſe is cognizable, to iſſue a writ or writs of ſub pœnâ, directed to ſuch witneſſes, in like manner as if ſuch witneſſes were reſident within the juriſdiction of ſuch court of King's Bench, and in caſe ſuch witneſſes ſhall not obey ſuch writ or writs of ſub pœnâ, it ſhall be lawful for the court of King's Bench from whence ſuch writ or writs of ſub pœnâ iſſued, to proceed thereon againſt ſuch witneſſes for contempt or otherwiſe, in like manner as if ſuch witneſſes were reſident within the juriſdiction of ſuch court, any law, uſage or cuſtom to the contrary thereof in any wiſe notwithstanding.

C A P. II.

An Act for the appointment of Inſpectors to aſcertain the quality of Pot and Pearl-aſhes for exportation.

Preamble.

WHEREAS Pot and Pearl-aſhes are articles of increaſing conſequence in the exports from this Province, and it would tend to the improvement of the quality thereof, and have other beneficial effects that the ſame ſhould be aſcertained previous to their being ſhipped for exportation; be it therefore enacted by the King's moſt excellent Maſteſty, 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 Maſteſty'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 from time to time, as to him may ſeem reaſonable, to appoint one or more capable perſon or perſons in ſuch of the cities, towns or places in this Province, where it is or ſhall be neceſſary to be Inſpector or Inſpectors of Pot and Pearl-aſhes who ſhall thereupon be the Inſpector or Inſpectors for putting this Act in execution, with all the powers and ſubjects to all the penalties herein after deſcribed, and each of the Inſpectors before he enters upon the execution of his Office, ſhall take and ſubſcribe an oath before one of his Maſteſty's Juſtices of the court of King's Bench of this Province in the words following *Videlicet.*

Govr. empow-
ered to appoint
Inſpectors of Pot
and Pearl aſhs.

The Oath.

"I A. B. do ſolemnly ſwear, that I will faithfully, truly and impartially, to the beſt of my judgment, ſkill and underſtanding execute, do and perform the Office and duty of an Inſpector and Examiner of Pot and Pearl-aſhes, according to the true intent and meaning of an Act of this Province" intituled "*An Act for the appointment of Inſpectors to aſcertain the quality of Pot and Pearl-aſhes for exportation*" and that I will not directly or indirectly by myſelf or by any other perſon or perſons for me, buy or ſell any Pot or Pearl-aſhes during the time I ſhall continue Inſpector of the ſame on my own account or upon the account of any other perſon or perſons whomſoever. So help me God"

And the ſame
to be filed.

Which oath he ſhall file or cauſe to be filed in the Office of the clerk or clerks of the court of King's Bench or provincial court of the diſtrict in which he reſides.

Pot and Pearl-
aſhes after the firſt
of Sept. not to be
imported into this
Province unleſs
examined.

II. And be it further enacted by the authority aforeſaid, that no perſon or perſons whatſoever ſhall after the firſt day of September next ſhip any Pot or Pearl aſhes for exportation from this Province, before he ſhall ſubmit the ſame to the view and examination of an inſpector to be appointed as aforeſaid for that purpoſe, who ſhall empty the ſame out of the caſks and carefully examine, try and inſpect and ſort the

same, if necessary, into three different sorts, that the said Inspector shall put each sort separate into watertight casks, well hooped and coopered, which he shall distinguish by the words *First sort*, *Second sort* or *Third sort*, with the words *Pot* or *Pearl ashes* branded in plain legible letters, together with the letters of his name and the place where such Pot or Pearl ashes are so inspected. at full length on each of the casks, for which services and also for the additional service of repacking the said Pot or Pearl ashes and putting the casks in such condition as they were in when submitted to him for inspection and for weighing the same, and delivering to the proprietors thereof an invoice or weigh-note under his hand, of the weight of each cask with the tare or weight of each cask when empty, which tare shall be marked on the head of each cask with a marking iron, the said Inspector shall have and receive six-pence current money for every hundred weight of Pot or Pearl ashes so inspected, which shall be paid by the person or persons applying to the Inspector to make such inspection; provided always, that if any such cask or casks shall, in the judgment of the Inspector be unfit for shipping such further cooperage or such new casks as may be necessary, shall be made or done at the expence of the proprietor.

Proviso.
Disputes be-
tween the Posses-
sors of Pot and
Pearl-ashes in
what manner to
be settled.

III. Provided also and be it further enacted, that if any dispute shall arise between such Inspector and any possessor of such Pot or Pearl ashes, concerning the quality thereof, upon application to any of his Majesty's Justices of the Peace within the city, town or place where the same may happen, such Justice of the Peace shall and is hereby required to issue a warrant to three indifferent persons of skill and integrity to be viewers, to view and search the said Pot or Pearl ashes as the case may be, one of the said persons to be named by the Inspector, another of them to be named by the possessor of such Pot or Pearl ashes, and the third to be named by the said Justice, which three persons shall be duly sworn carefully to re-examine the said Pot or Pearl ashes, as the case may be, and make report as soon as conveniently may be of the quality thereof as they shall find the same. And the said Justice is hereby empowered and required to give judgment agreeable to the report of the said three viewers or any two of them, which judgment shall be final; and in case the said Pot or Pearl ashes or any part thereof are adjudged to be of the quality or qualities as distinguished by the Inspector, the said Justice is hereby authorized to direct the said Pot or Pearl ashes to be branded by the said Inspector agreeable to such distinction, and shall also award and order the owner or possessor thereof to pay to such Inspector six-pence current money for each hundred weight of all such Pot or Pearl ashes as shall be adjudged as aforesaid, with reasonable costs and charges of re-examination. But in case the said Pot or Pearl ashes or any part thereof shall, upon such trial be found to differ in quality from the said Inspector's judgment thereon, the same shall be branded according to the report of the said viewers so approved as aforesaid, and the costs of such re-examination, so far as the same may be found to differ from the survey and opinion of the Inspector, shall be paid by the Inspector.

Inspectors may
search vessels.
Casks not bran-
ded as required
by this Act, for-
feited.

IV. And be it further enacted by the authority aforesaid, that upon any such Inspector making oath before any of his Majesty's Justices of the Peace, which oath the said Justice is hereby authorized to administer, that he has reason to believe that Pot or Pearl ashes are shipped or shipping on board any vessel or vessels for exportation out of this Province without having been inspected, such Justice shall, and he is hereby required immediately to grant a warrant to the said Inspector under his hand and seal, authorizing the said Inspector to take a constable or other peace officer, and in the day time to enter on board any such vessel or vessels whatsoever lying or being in the harbour or harbours of the city, town or place, where such Inspector is authorized to inspect, and if the said ship or vessel may not then be regularly cleared out by the Col-
lector

lector other proper Officer of his Majesty's Customs; to search for and make discovery of any Pot or Pearl ashes shipped or shipping on board any such vessel or vessels for exportation out of this Province without having been inspected, and if such Inspector shall, on search, discover any cask or casks of Pot or Pearl ashes not branded, as herein before directed; he shall and may seize and bring the same on shore, and the person and persons so shipping or having shipped the same, shall forfeit all and every such cask or casks of pot or pearl ashes so shipped or shipping and not branded in the manner herein before directed. And the master or commander of any such vessel who shall receive any such casks of Pot or Pearl ashes not branded as aforesaid, shall forfeit the sum of five pounds current money. And if any master of any vessel or any of his seamen or servants shall obstruct or hinder the said Inspector, on producing such warrant, from making search as aforesaid, every person so offending shall for every such offence forfeit the sum of ten pounds current money over and above every other penalty and punishment, he or they may be adjudged to bear and suffer, by reason of his or their resisting or obstructing the legal execution of any warrant of search as aforesaid. And in case any person shall wilfully make any false oath touching the matters aforesaid, and be thereof lawfully convicted, he shall be liable to the pains and penalties inflicted on the crime of wilful and corrupt perjury by the statute passed in the fifth year of the reign of Queen Elizabeth.

Penalty on Masters, &c. receive on board Pot or Pearl-ashes not branded as directed.

Penalty on Masters, &c. obstructing Inspector in making search &c.

Persons taking a false oath subject to the pains &c. inflicted by Act 5. Elizabeth.

Penalty on Inspectors refusing to perform their duties.

V. And be it further enacted by the authority aforesaid; that any Inspector of any Pot or Pearl ashes, not then employed in the inspection and examination of Pot or Pearl ashes, (according to the duties prescribed by this Act) shall on application, on lawful days and at reasonable hours to him made for the examination of any Pot or Pearl ashes as aforesaid, refuse neglect or delay to proceed to such examination and inspection for the space of four hours after such application so made to him, the Inspector so refusing, neglecting or delaying to make such examination and inspection, shall, for each offence, forfeit the sum of twenty shillings current money to the use of the person or persons so delayed.

Persons counterfeiting Brand mark forfeit £ 50.

Persons putting other Pot or Pearl-ashes into casks so branded to forfeit £ 50.

VI. And be it further enacted by the authority aforesaid; that if any person or persons shall counterfeit any of the aforesaid brandmarks or impress or brand the same on any cask or casks of Pot or Pearl ashes, he, she or they, being thereof legally convicted, shall forfeit the sum of fifty pounds current money, and if any person shall empty any cask or casks of Pot or Pearl ashes branded as aforesaid, in order to put into the same other Pot or Pearl ashes for sale or exportation, without first cutting out the said brandmarks, the person or persons so offending shall, respectively forfeit the sum of fifty pounds current money.

Applications of the fines.

VII. And be it further enacted by the authority aforesaid that all the fines and forfeitures by this Act imposed; shall be recoverable with costs in the same manner as other debts of the same value are recoverable in this Province by suit, bill, plaint or information, the one moiety of all which fines and forfeitures (except such as are herein before otherwise applied) when recovered shall be immediately paid into the hands of the Receiver General for the use of his Majesty towards the support of the Government of this Province, and shall be accounted for to his Majesty through the Commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct, and the other moiety to the officer or other person who shall sue for the same.

VIII. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within the space of six months

Gen. Issue.

months next after the offence shall have been committed 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 that the same was done in pursuance and by authority of this Act, and if it shall appear so to have been done, then the court shall find for the defendant or defendants and if the plaintiff shall be non-suited or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

C A P. III.

An Act to ratify, approve and confirm the provisional agreement, entered into by the Commissioners on behalf of this Province, with the Commissioners on behalf of the province of Upper-Canada.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS articles of provisional agreement were made and entered into at Montreal, the eighteenth day of February in the thirty-fifth year of your Majesty's Reign, by the Commissioners nominated and appointed on behalf of the province of Lower-Canada, by Act of the Legislature thereof, passed in the thirty-fourth year of your Majesty's reign, intituled, "*An Act for appointing Commissioners to treat with Commissioners on behalf of the province of Upper-Canada for the purposes therein mentioned,*" and the Commissioners nominated and appointed on behalf of the province of Upper Canada, in pursuance of an Act of the Legislature thereof, passed in the thirty-third year of your Majesty's reign, intituled, "*An Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purpose herein mentioned:*" which articles follow.

Act 34 Geo. III. Chap. III.

Act of Upper-Canada 33 Geo. III.

Lower-Canada to pay to Upper-Canada 33 Geo. III. in lieu of all claims for the duty on wines.

33 Geo. III. Chap. VIII.

ARTICLE I. That the province of Lower Canada shall be and hereby is made accountable to the province of Upper Canada, in full of all rights, claims and demands which the said province of Upper Canada may have on the province of Lower Canada, by reason of the duties levied upon wines in the years one thousand seven hundred and ninety three and one thousand seven hundred and ninety four, under an Act of the Legislature of Lower-Canada, passed in the thirty third year of his Majesty's reign, intituled "*An Act to establish a fund for paying the salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expenses thereof,*" in the sum of three hundred and thirty-three pounds four shilling and two pence currency; which said sum shall be paid into the hands of such person or persons as may be appointed on the part of Upper-Canada to receive the same.

Upper Canada not to impose duties on goods imported into Lower-Canada.

ART. II. That the Legislature of Upper-Canada will not impose any duties whatsoever on any goods, wares or merchandise imported into Lower-Canada and passing into Upper-Canada, but will allow and admit the Legislature of Lower-Canada to impose and levy such reasonable duties on such goods, wares and merchandise aforesaid, as they may judge expedient for the purpose of raising a revenue within the Province of Lower-Canada.

Upper-Canada entitled to one eighth Lower-Canada to retain seven eights of the duties.

ART. III. That of such duties as the Legislature of Lower-Canada has already imposed or may hereafter impose on goods, wares and merchandise coming into the province of Lower-Canada, the province of Upper-Canada shall be entitled to receive annually, and to dispose of one eighth part of their Net produce for the use and benefit of the said province of Upper-Canada, the other seven eights remaining for the use of Lower-Canada.