

The Provincial Statutes of Lower-Canada, Being the Fourth Session of the First Provincial Parliament of Lower-Canada. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1796.

36 George III – Chapter 2

An Act for indemnifying all Persons who have been concerned in Advising and carrying into execution an Order or Proclamation of the Governor in Council of the Ninth day of September last, respecting an Embargo on all Vessels laden or to be laden in whole or in part with Wheat, Pease, Oats, Barley, Indian Corn, flour and Biscuit, for preventing suits in consequence of the same, and for making further provision relative thereto. [30th January, 1796.]

Whereas the Governor in Council by an Order or Proclamation bearing date the Ninth day of September of this Present year one thousand seven hundred and ninety-five, was pleased to order that an Embargo should be laid from and after the Tenth day of September of this present year one thousand seven hundred and ninety-five, upon all ships then laden or to be thereafter laden in whole or in part, with Wheat, Pease, Oats, Barley, Indian Corn. Flour and Biscuit, from and after that day, and to continue until the Tenth day of December then next. And whereas the said order or Proclamation cannot be justified by Law. but was so much for the service of the Public, and so necessary for the welfare, safety and preservation of His Majesty's Subjects, that the same ought to be justified by an Act of the Legislature of this Province, and all Persons issuing, advising or acting under or in obedience to the said Order and Proclamation respectively, indemnified; 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 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 all Personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which may have been and shall be prosecuted or commenced against any Person or Persons for or by reason of any act, matter or thing, advised, commanded, appointed or done, or forbore to be done, in relation to the said Order and Proclamation, or of any contract or agreement not performed by reason or by means of or in obedience to such order of the Governor in Council, be, are and shall be discharged and made void by virtue of this Act, and that if any action or suit shall be prosecuted or commenced against any person or persons, for or by reason on any such act, matter or thing so advised, commanded, appointed to be done or forbore to be done, or such contract or agreement not performed, he, she or they may plead the general issue and give this Act and the special matter in evidence, and if the Plaintiff or Plaintiffs in any action or suit so to be prosecuted or commenced after the first day of February next, shall become nonsuit, or forbear further prosecution, or suffer discontinuance; or if a Judgment or Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants

shall recover his, her or their double costs, for which he, she or they shall have the like remedy as in cases where the Costs by law are given to the Defendants; and if any such action or suit shall be commenced after the said first day of February, the Court before which such action or suit shall be commenced, shall allow to the Defendant the Benefit of the discharge and indemnity hereby provided, and shall further allow him his further costs of suit in all such cases as aforesaid.

II. And be it further enacted, that no person or persons shall until the first day of September next in the year one thousand seven hundred and ninety-six, directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed out or from any part or place within this Province, or load or lay on board or cause or procure to be loaded or laid on board of any ship, Vessel or boat, in order to be exported, transported, carried or conveyed out of any port or place in this Province, any Wheat or Wheat Flour, Bread or Biscuit, Oats, Barley or Pease, under the penalties and forfeitures herein after mentioned, that is to say, that all such articles as shall be so exported, transported, carried or conveyed, or so loaded or laid on board on any ship or other vessel or boat, in order to be exported transported, carried or conveyed out of this Province contrary to this act, shall be forfeited, and that every offender or offenders therein shall forfeit the sum of Two Shillings Currency for every bushel of Wheat, Oats, Barley or Pease, and Six-pence for every pound weight of Bread, Flour or Biscuit which shall be so exported, transported, carried or conveyed, or so loaded or laid onboard in any ship or other vessel or boat in order to be so exported transported, carried or conveyed out or from this Province, and also the ship, vessel or boat in or on board of which any such Wheat, Wheat flour, Bread or Biscuit, Oats, Barley or Pease shall be so respectively transported, exported, carried or conveyed, or in or upon which any such Wheat or Wheat flour, Bread or Biscuit, Oats, Barley or Pease shall be so respectively loaded or laid on board in order to be so exported, transported, carried or conveyed, together, with all her Guns, Furniture Amunition, Tackle and Apparel shall be forfeited and shall and may be seized by any officer or officers of the Customs and one moiety of all the said penalties, fines and forfeitures, when recovered, shall be immediately paid into the hands of His Majesty's 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, the other moiety to him or them who shall sue for the same, and for any offence which shall be committed against this Act, such penalties and forfeitures shall be recovered by action of debt, plaint or information in any of His Majesty's Courts of King's Bench in this Province, and the Master or Mariners of any such ship, vessel or boat wherein any such offence shall be committed, having any knowledge of such offence and willingly aiding and assisting therein, and being thereof duly convicted in any Courts as aforesaid, shall be imprisoned for the space of three months without bail or main-prize. Provided always that nothing in this act contained shall extend or be construed to extend to prevent the exportation or transportation of Wheat flour, Bread or Biscuit, Oats, Barley, or Pease into the Province of Upper-Canada or to the trading posts in the Indian Country adjoining to this Province, or to any of His Majesty's Garrisons on the frontiers as has been usual and customary. Provided also that it shall and

may be lawful for the Governor, Lieutenant Governor or Person administering the Government, by and with the advice of the Executive Council, after and during the prorogation of the Legislative Council and the prorogation or dissolution of the Assembly, to permit by proclamation the exportation of all or any of the aforesaid articles before the said first day of September, for such time therein to be limited as shall be judged by the Governor, Lieutenant Governor or Person administering the Government in Council, to be expedient and for the welfare of this Province.

III. And be it further enacted, that it shall and may be lawful to import from the Neighbouring States, and to bring into this Province, by the way or route of Lake Champlain and the River Sorel or Richelieu, Flour of Wheat and of all other Grain until the said first day of September next, under the same rules and regulations as are now established by law for the importation of Grain by the said way or route of Lake Champlain or the River Sorel or Richelieu.

IV. And be it further enacted, that the present Act shall and may be altered or repealed by any Act or Acts to be made in this present Session of the Legislature.