

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 12

An Act to appropriate a certain Sum of Money for the purchase of Seed Grain, towards the Relief of the Parishes in Distress, by the failure of the late Harvest. (22d March, 1817.)

MOST GRACIOUS SOVEREIGN,

Whereas the total failure of the late Harvest in certain Parishes in the district of Quebec, has been attended with much public distress in those Parishes; And whereas that distress will be materially augmented, in-as-much as a great portion of the Land in the aforesaid district of Quebec, must, in the approaching Spring, remain unsown, unless instant relief be supplied in procuring Seed Grain: Wherefore, from regard and feeling for the Poor, and to prevent the recurrence of similar distress, and for the good of the Province at large; We, your Majesty's most dutiful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, most humbly beseech 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 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 out of the unappropriated monies at present in the hands of the Receiver-General of the Province, or which may hereafter come into his hands, there shall be taken and applied a sum not exceeding Twenty Thousand Pounds, current money of this Province, for the purpose of being applied in the manner hereinafter mentioned, to the purchase of Wheat and other Grain, for seed, and of Potatoes, for planting this year, for the most indigent husbandmen, being proprietors of Land in the parishes in distress, owing to the total failure of the late harvest.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, to nominate and appoint, immediately after the passing of this Act, three Commissioners residing in the city of Quebec, who, immediately after their nomination and appointment, shall dispatch a circular letter to the Curates of the Parishes in distress, as aforesaid, requiring them to transmit, or cause to be transmitted to them, the said Commissioners, within ten days next after the receipt of such letter, a correct statement and list, certified upon honor, of all such honest industrious husbandmen of their respective parishes, as are destitute of the means of procuring Wheat and other Grain for seed, or Potatoes for planting in the present year, either upon credit for money, by sale of any articles with which they might be able to dispense, without reducing their means for the cultivation of their Land, by undertaking works, or in any other mode, and whose Land may be fit for receiving seed; which Curates, upon receipt of such circular letters and after having, without delay, consulted the Justices of the Peace, the Church-wardens, the Officers of Militia, and other principal persons of their

respective Parishes, shall, and they are hereby held and repaired to transmit, and cause to be transmitted to the said Commissioners, the said statements, within the space of ten days next after the receipt of the said letter: Provided always, that if the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, shall deem it expedient to adopt any other more efficacious method than that herein provided, it shall and may be lawful for him to adopt the same.

III. And be it further enacted by the authority aforesaid, that the said Commissioners, immediately upon receiving the said statements of the Curates so transmitted to them, shall remit to the Curates the sum of money necessary for procuring the said Wheat, and other Grain, for seed, and Potatoes for planting in the Parish, to each person according to the quantify of Land which he may sow, not exceeding twenty minots of Wheat, ten minots of other Grain, and fifteen minots of Potatoes, for each and every person; which Curate upon receipt of such money, shall, without delay, apprise thereof the Officers of the Militia, and Church-wardens in office in the Parish; which Officers of Militia, and Church-wardens, upon such information, shall appoint a Committee of five of themselves for the purpose of purchasing, without delay, Wheat, and other Grain for seed and Potatoes for planting, at the cheapest rate possible, to the extent of the sum allowed, as aforesaid, for the Parish; or may authorize three Commissioners, residing in the city of Quebec, to contract for the purchase of the said Wheat, and other Grain, for seed and Potatoes for planting. Provided always, that if the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, shall deem it more fit for promoting the purposes of this Act to cause such seed Grain, and Potatoes for planting, to be purchased in any other mode, it shall and may be lawful to and for him to adopt such means therefore as to him may appear most expedient.

IV. And be it further enacted by the authority aforesaid, that when the said Wheat and other Grain for seed, and Potatoes for planting, shall be so purchased by the said Committee, or in any other mode under this Act, they shall be distributed by the said Committee among the before mentioned husbandmen of the Parish; which husbandmen, before receiving the said Wheat, and other Grain, and Potatoes, shall each make to the said Committee, a Promissory Note, jointly and severally, with two sureties, obliging themselves under the privilege granted by an Act passed in the present Session, intituled, "An Act for the relief of the Poor in the loan of Seed Wheat, and other necessary Grain," when they shall be due, to render the said Committee the same quantity of Wheat and other Grain and Potatoes in current money: that is to say, one third in one year, and another third in two years, and the remaining third in three years after the making of such promissory note; which Committee shall account for the said monies which it shall so have received, when the same shall have become due, and shall remit the same to the said Commissioners, to be by them paid over to the Receiver-General, to be applied according to the future dispositions of the Legislature; and every such husbandman as aforesaid, before receiving his share of the said Wheat and other Grain and Potatoes, shall give to the said Committee, a sufficient pledge or two good sureties to the satisfaction of the said Committee, for securing the actual sowing by him of the whole of the said Wheat and other Grain and Potatoes; and the said Committee to insure the actual sowing of the said Wheat and other Grain and Potatoes, may retain the said Wheat and other Grain and Potatoes, for planting, for delivery only as the same shall be sown or planted, and may require such husbandmen to perform the sowing of the said Wheat and other Grain and Potatoes in presence of a commissioned or non-commissioned Officer of Militia, of a

Church Warden, of any Officer of the Peace, or principal inhabitant of the Parish: And if the Committee shall find that the said Wheat, and other Grain and Potatoes, have not been so sown, it shall be lawful for the said Committee to sell the said pledge, and remit the money arising from the sale to the said Commissioners; or, if sureties have been given as aforesaid, the said sureties, whether they bound themselves in writing or verbally, in presence of two witnesses, shall be jointly and severally bound between themselves, and with the principal obligee, each for the whole, and without the power of claiming the *bénéfice de division* or discussion, to pay the entire price of the said Wheat and other Grain, and Potatoes, to the said Committee, to be by the said Committee remitted to the said Commissioners, and if sued, shall be adjudged to make such payment.

V. And be it enacted by the authority aforesaid, that if the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, shall find it more advantageous and better adapted for the purposes of this Act, to advance any sum or sums of money to any person or persons, such person or persons giving good and sufficient security to the aforesaid Commissioners, that he or they will furnish and provide for such Parishes as may be agreed upon, a sufficient quantity of seed Wheat and other grain or potatoes for the purposes aforesaid, under and pursuant to the directions of the Committees in the several Parishes as aforesaid, and that the sum or sums of money which shall be advanced to him or them for the aforesaid purposes shall be well and duly repaid or refunded within five years next after they the said person or persons shall have received such sum or sums of money for the purposes aforesaid; it shall and may be lawful for the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, to advance such sum or sums of money, on such securities as aforesaid, as he shall deem fit, expedient and advantageous.

VI. And whereas the granting of premiums or rewards upon the sale of seed Wheat and every other sort of Grain for seed and Potatoes, upon credit to the husbandmen herein-before specified, might be found advantageous by enabling such husbandmen to procure seed Wheat and other Grain and Potatoes at reasonable prices; be it therefore enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, to grant such reasonable premiums or rewards to such persons as may advance or sell any seed Wheat or other Grain for seed, or Potatoes, to the husbandmen herein-before mentioned, at a credit not less than eight months, and to appropriate for that purpose, out of the monies granted under this Act, a sum not exceeding ten thousand Pounds, currency: Provided always, that such premiums or rewards do not exceed two shillings per minot of seed Wheat sold or advanced at or below the Parish of the River Ouelle, on the South shore of the River Saint Lawrence, and below Cape Tourmente, on the North shore of the said River Saint Lawrence, on or before the tenth day of May next, and one shilling per minot for any other Seed Grain sold or advanced upon such credit as aforesaid, at or below the places above-mentioned, on or before the twentieth day of May next, and six pence per minot of Potatoes for planting, sold or advanced on such credit as aforesaid, at and below the places aforesaid, on or before the twentieth day of May aforesaid, and one shilling and eight pence per minot of seed Wheat, sold or advanced upon such credit as aforesaid, at Point Levy or Quebec, on or before the tenth day of May next; and one shilling per minot of other Seed Grain, and six pence per minot of Potatoes, sold or advanced at the places last aforesaid, on or before the twentieth day of May next: And provided further, that upon application for such premiums or rewards, satisfactory proof be

given to the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, that such Seed Grain and Potatoes have been really and bona fide, sold or advanced for sowing according to the true sense and meaning of this Act, at the places and at the times and on the credits herein-before provided, and that the feme have been fold at the then current price of the market.

VII. And in order to prevent the result of abuses and evil consequences from the relief which shall be given under this Act, be it therefore further enacted by the authority aforesaid, that the said Commissioners are hereby authorized and required to acquire every information for learning in what manner this Act is executed in the several Parishes, and to take the measures and precautions necessary to ensure the due execution thereof, and to prevent abuses and evil consequences and to that purpose, they are hereby required to make such remarks as they shall deem necessary upon the lists which shall be sent to them.

VIII. And be it further enacted by the authority aforesaid, that the said Committees shall keep a Journal of all its proceedings, whereof it shall forward one copy to the said Commissioners, and the said Commissioners shall render an account of the administration to the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, to the Legislative Council and to the House of Assembly, at the next Session of the Provincial Parliament, in which Journal they shall insert their remarks and observations upon the result of the said Advances and upon the effects they may have produced.

IX. And be it further enacted by the authority aforesaid, that if there shall remain a surplus after the said Parishes shall so have been supplied with Grain for seed, and Potatoes for planting, such surplus shall be reserved in the hands of the Receiver General for the future disposition of the Legislature.

X. And be it further enacted by the authority aforesaid, that the due application of all monies expended in conformity with the directions 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.