

The Provincial Statutes of Lower-Canada, Being the third session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1819.

59 George III – Chapter 4

An Act to impose duties on divers articles therein mentioned, and to regulate, for a limited time, the Trade with the United-States of America, by Land or by Inland Navigation, and to suspend certain Acts and Ordinances therein-mentioned. (24th April, 1819.)

MOST GRACIOUS SOVEREIGN,

Whereas it is expedient to regulate the Trade between this Province and the United-States of America, by land and by inland Navigation, for a limited time, and to impose a duty on certain articles of the manufacture and product of the said United-States, the importation whereof it is expedient to allow: We, therefore, Your Majesty's most dutiful and loyal subjects, the Representatives of your people of the Province of Lower-Canada, in Provincial Parliament assembled, do 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 content 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 all goods, wares and merchandise of the growth, manufacture or product of this Province, or of any other the dominions of Great Britain, and such as may be lawfully imported into this Province by sea, and all things, whereof the exportation is not by any Law in force, or by this Act prohibited, may freely, for the purposes of commerce, be carried and exported free and exempt from all Duties whatsoever, from and out of this Province into the United-States of America, as well by His Majesty's Subjects as by Citizens of the United States; and that all things of the growth or produce of the said United-States, of which the importation is not by this Act prohibited, may freely, for the purposes of Commerce, be imported and brought from the aforesaid United-States of America into this province, by land or by inland navigation, as well by His Majesty's subjects as by the citizens of the United States in manner herein-after directed, upon payment of the several and respective duties which now are or which shall be imposed or payable thereon in virtue of this Act.

II. And be it further enacted by the authority aforesaid, that the following articles or any of them may during the continuance of this Act, be freely imported into this Province from the United-States of America, by land or inland navigation without payment of any duty whatsoever; that is to say, gold and silver coin or bullion, masts, yards, bowspats, spars, planks, boards, knees, fattsacks or ship timber of any kind, pitch, tar, turpentine, rosin, hemp, and flax, hoops, shingles, clap, boards, trees, lathwood, staves, timber, square and round, and lumber of any kind, seeds, wheat, rye, oats, barley, potatoes, Indian corn, beans, pease, rice and grain of any kind, fresh or salted beef or pork and provisions of all descriptions, fresh fish, horses, neat cattle, sheep, hogs, poultry, or other live stock or other live

provisions of any kind, pot and pearl ashes, butter, cheese, honey, furs and skins, undressed hides or skins, pig Iron, marble in slabs, cotton, wool, tallow, flour of wheat, Indian corn, rye, oats, barley or other grain of any kind and wampum and fruit, any Law or Ordinance to the contrary in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the importation of the following articles of the manufacture and produce of the United-States of America, shall upon payment of the following duties, or security therefore, be permitted, that is to say: leather of all descriptions, leaf tobacco, snuff or flour or powder of tobacco, tobacco manufactured in any other way than into snuff or flour or powder of tobacco, spirits of turpentine and hops, and upon all or any of the above last enumerated articles, which shall be imported and brought into this Province from the said United-States of America, these shall be raised, levied, collected and paid, by the person or persons owning or importing the same, the several rates and duties following, that is to say: five pounds, current money of this Province per centum ad valorem upon leather, including all hides and skins tanned or otherwise dressed; two pence current money aforesaid, upon every pound Avoirdupoise of leaf tobacco, five-pence current money aforesaid; upon every pound, Avoirdupoise weighs of snuff or flour or powder of tobacco; four-pence current money aforesaid; upon every pound, Avoirdupoise weigh of tobacco manufactured in any other way than into snuff or flour or powder of tobacco; one shilling current money aforesaid, upon every gallon English wine measure of spirits of turpentine two-pence current money aforesaid; upon every pound Avoirdupoise weight, of Hops; and after those rates for any greater or less quantity of such articles, respectively. And it is hereby declared and provided, that no other or greater duties than those which are herein enumerated, shall at any time be demanded or levied upon any of the articles last above-mentioned by reason of any law now in force in this Province.

IV. And be it further enacted by the authority aforesaid, that the importation, by land or by inland navigation, into this Province from the United States of America, of all Goods, Wares and Merchandise, not enumerated as aforesaid, shall be and the same is hereby prohibited, and such articles, if imported into this Province as aforesaid, shall be seized and forfeited as well as all and every of the above-enumerated articles if the same shall not have been imported by the route or routes, communication or communications herein-after directed.

V. Provided always and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall affect or be construed to affect, travellers to and from this Province, or their servants, boats, carriages and necessary baggage, (not including any article whatsoever for the purpose of Trade) nor the effects of any kind not intended for Trade as aforesaid, of such persons as may enter the Province with an intention of settling therein, or of persons therein residing; which said baggage, boats and carriages shall and may pass and repass freely, without any restraint or molestation, upon making the necessary entry or report at the Custom House of any of the Ports of entry herein-after-mentioned, through which they may pass.

VI. Provided always 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 the Province for the time being, if he shall so deem it expedient, by a Proclamation to ordain and direct,

that after and during a certain period to be therein-mentioned, no such flour, or salted beef and pork, or salted provisions, so permitted to be imported as aforesaid into this Province from the United-States of America, shall be allowed to pass, any of the herein-after mentioned Ports of entry and clearance, unless a Bond shall be entered into by the owner or importer thereof, with two sufficient sureties to His Majesty, His Heirs and Successors, in double the value of the said flour, salted beef and pork or salted provisions, that the same and every part thereof, shall be well and truly exported from this Province, and that no part thereof shall be confirmed therein; which Bond shall not be afterwards discharged or delivered up, until a Certificate shall have been obtained from the Collector and Comptroller of His Majesty's Customs at the Port of Quebec, that the flour or salted beef and pork or salt provisions, upon which such Bond shall have been given as aforesaid, have been duly shipped for exportation from this Province; which Certificate the said Collector and Comptroller are hereby required to grant, upon the oath of the owner of the said flour or salted beef and pork or salt provisions, or that of his agent, that the said flour or salted beef and pork or salt provisions, so shipped for exportation, is the same for which Bond may have been given as aforesaid.—And in case no such Certificate shall be obtained and produced within twelve months from the day of the date of such Bond to the Collector or other Officer of His Majesty's Customs by whom such Bond may have been taken, it shall and may be lawful for the said Collector or other Officer to cause such Bond to be put in suit.

VII. And be it further enacted by the authority aforesaid, that all and every the leaf and manufactured tobacco, or snuff or flour or powder of tobacco which shall be imported into this Province from the United States of America, shall be in packages, containing each four hundred and fifty pounds, net, at the least; and if any such leaf or manufactured tobacco, or snuff, or flour or powder of tobacco, shall be imported in any other manner, or by or through any other Port or place than is herein-after allowed and directed, or without entry being made thereof, and the duties thereon due and payable to His Majesty, paid or secured as by Law may be required, or shall not be in packages containing each four hundred and fifty pounds net, at the least, in any or either of the above cases, such leaf or manufactured tobacco, snuff, or flour or powder of tobacco, shall be and the same is hereby declared forfeited.

VIII. And be it further enacted by the authority aforesaid, that the Town of Saint John, situate upon the West side of the River Richelieu or Sorel, in the District of Montreal, and the Ports now established at Coteau du Lac and Chateauguay, shall be and they are hereby declared to be the sole Ports of entry for all goods and commodities to be imported from the United-States of America into this Province by land or by inland navigation, and that it shall not be lawful elsewhere to make entry of any vessel, boat, raft or carriage, or of any cargo or load, or of any goods, or commodities imported into this Province from the said United States, and that the officers of the Customs of and for the said Ports of St. John, Coteau du Lac and Chateauguay, shall attend every day, Sunday excepted, in the Custom-House of the said Ports respectively, for the discharge of the duties of their respective offices, between the hours of nine of the clock in the forenoon, and four of the clock in the afternoon. Provided always 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 establish and make known by Proclamation another or such other Ports of entry for the purposes of this Act and during the continuance of the same, as he shall deem expedient, to facilitate the commerce between this Province and the said United-States of America.

IX. And be it further enacted by the authority aforesaid, that no dutiable goods or commodities, imported or brought into this Province in or upon any vessel, boat, raft or carriage from any Port or place in the United-States of America, requiring to be weighed, gauged, taled or meted, in order to ascertain the duties thereupon, shall be removed from any wharf or place upon which the same may be landed, put or delivered, unless with the consent of some of the Custom-House officers of the Port or place at which the same shall have been landed, before the same shall have been weighed, gauged, taled or meted by or under the direction of the proper officer of the Customs appointed for that purpose, which he is hereby required and directed to perform without delay; and if any such goods or commodities shall be removed from such wharf or place before the same shall have been so weighed, gauged, taled or meted, the same shall be forfeited, and may be seized by any officer of the Customs.

X. And be it further enacted by the authority aforesaid, that before the unloading of any goods or commodities imported or brought into this Province, from the said United States, on which any duties are by law imposed, the said duties shall be paid or secured to be paid to His Majesty, his heirs and successors in like manner as the same are now raised, levied, collected and recovered under and by virtue of any Act of the British Legislature or of the Legislature of this Province, respectively.

XI. Provided always and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to impose any duty whatsoever on any goods, wares or merchandize imported into this Province, which shall have been lawfully imported into the Province of Upper-Canada, from the said United-States, and regularly cleared out for this Province at some of the Custom Houses in Upper-Canada aforesaid.

XII. And be it further enacted by the authority aforesaid, that the chief officer of the Customs at the said Ports of Saint John and Coteau du Lac and Chateauguay, shall cause to be affixed and constantly kept in some public and conspicuous place in his office, a fair Table of the Fees to be taken by the said officer of the Customs at the said office, which fees shall be as follows, that is to say: For every report of the arrival of and permit to onload any vessel, boat or bateau, under five tons burthen, two shillings and six pence, currency; For every report of the arrival of and permit to unload any vessel, boat or batteau of five tons or upwards, and not exceeding twenty tons burthen, five shillings, currency; For the like of any vessel exceeding twenty and not exceeding fifty tons burthen, ten shillings, currency; For the like of any vessel exceeding fifty tons burthen, twenty shillings, currency; For the like of any waggon, cart, sleigh or other carriage, one shilling, currency; For every entry of goods imported by water communication, two shillings and six pence, currency; For the like of goods, subject to duty, by any cart, sleigh or other carriage, one shilling, currency; For every Certificate of goods having paid duty and protection for the same, two shillings and six pence, currency; For every bond for payment of duties, two shillings and six pence, currency; For every entry of a raft, if not exceeding twenty cribs, and in that proportion for larger rafts, five shillings, currency; For entry of Horses and Neat Cattle, not exceeding ten in number, two shillings and six pence, currency, and in that proportion for any greater number.

XIII. And be it further enacted by the authority aforesaid, that it shall be the duty of all officers of His Majesty's Customs whatsoever to seize and secure any vessel, boat, raft, or carriage, goods or

commodities, which shall be liable to seizure in virtue of this Act, as well without as within their respective districts within this Province; and all goods or commodities which shall be seized by virtue of this Act, shall be deposited at the Custom-House stores, at or near the place where they shall have been seized, until such proceedings shall be had as by law are required, to ascertain whether the same have been forfeited or not; and all penalties and forfeitures created by this Act, shall be recovered and declared in any of His Majesty's Courts, having jurisdiction in such cases in this Province, in the same manner and form and upon the same evidence and by the same rules and regulations as any penalties or forfeitures incurred for any offences against the Laws relating to the Customs and Trade of His Majesty's Colonies in America may now be recovered or declared forfeited in such Courts respectively, and in all cases of penalties or forfeitures, incurred by virtue of this Act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be paid and divided as follows, that is to say: one fourth to His Majesty, one fourth to the Governor of this Province, or person administering the Government thereof, one fourth to the seizing officer suing for the same, and one fourth to the Collector and Comptroller of the Customs at the Custom-House to which the seizing officer belongs, or to the Collector of the Customs where there is no Comptroller.

XIV. And be it further enacted by the authority aforesaid, that all monies that shall arise by duties and be paid at the said Ports of Saint John, or Coteau du Lac or Chateauguay, shall be paid by the Collector at each of the said Ports reflectively, into the hands of His Majesty's Receiver General of this Province.

XV. And be it further enacted by the authority aforesaid, that from and after the passing of this Act the following Ordinances and Acts of the Legislature of this Province shall be suspended during the continuance of this Act, that is to say: an Ordinance passed in the twenty-eighth Year of the Reign of His present Majesty, intituled, "An Act or Ordinance further to regulate the inland Commerce of this Province and to extend the same," also an Ordinance passed in the thirtieth year of His Majesty's Reign, intituled, "An Act or Ordinance in addition to the Act, intituled, 'An Act or Ordinance further to regulate the inland Commerce of this Province and to extend the same,' passed in the twenty-eighth Year of His Majesty's Reign," also an Ordinance passed in the thirty-first year of His Majesty's Reign, intituled, "An Act to explain and amend the Act intituled, 'An Act or Ordinance for promoting the inland Navigation and to promote the Trade to the Western Country,'" also an Ordinance, passed in the thirty-first year of His Majesty's Reign, intituled, "An Act to prevent obstructions to the inland Commerce on the death of a superintendant," also an Act of the Provincial Parliament of Lower-Canada, passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to permit the importation of Wampum from the neighbouring States, by the inland communication of Lake Champlain and the river Richelieu or Sorel," also an Act of the Provincial Parliament of Lower-Canada, passed in the thirty-first year of His Majesty's Reign, intituled, "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 Saint John, and for repealing the Act or Ordinance therein-mentioned."

XVI. And be it further enacted by the authority aforesaid, that all monies, fines, and forfeitures which shall be levied and which are not specially appropriated by and in virtue of this Act, shall be reserved to His Majesty, His Heirs and Successors, for the public uses of the Province, and the support of the Government, thereof, and shall be paid to, and remain in the hands of the Receiver-General of the

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Province, for the future disposition of the Provincial Parliament, and 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.

XVII. And be it further enacted by the authority aforesaid that this Act shall continue to be, and remain in force until the first day of May which will be in the year one thousand eight hundred and twenty-one, and no longer.