

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1813.
Kingston: Stephen Miles, 1813.

53 George III – Chapter 3

An Act to authorise the Governor, Lieutenant Governor or Person administering the Government of this Province to prohibit the Exportation of Grain and other Provisions, and also to retrain the Distillation of Spirituous Liquors from Grain. Passed the 13th day of March, 1813.

Whereas doubts have arisen as to the sufficiency of the late crops to supply the probable wants of the Province, and Whereas it may be expedient and necessary to refrain and prohibit the exportation of Grain and Provisions therefrom as also the consumption of Grain by Distillation: 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 Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled "*an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's Reign,*" entitled "*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 by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, by and with the advice and consent of his Majesty's Executive Council of this Province, from time to time, and when and so often as the same shall be judged expedient, to prohibit, by Proclamation generally for a limited time, the exportation of Wheat and other Corn or Grain, Meal, Flour, Beef and Pork from this Province, and to prohibit in like manner after the first day of May next, the Distillation of Spirits, Strong Waters and Low Wines from any Wheat, Corn or other Grain, Meal or Flour within the same.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall export or attempt or endeavor to export from this Province, contrary to such prohibition of the Governor, Lieutenant Governor or Person Administering the Government, any Wheat or other Corn or Grain, Meal, Flour, Beef or Pork, or if any person or persons shall Distill or attempt or endeavour to Distill any Spirits, Strong Waters or Low Wines from any Wheat, Corn or other Grain, Meal or Flour, he, she or they shall respectively forfeit, not only such Wheat, Corn or other Grain, Meal or Flour, Beef and Pork exported or attempted or endeavoured to be exported and also double the value thereof, but also and every such Still or Stills or other Vessel or Vessels that shall or may be used for the Distillation of any such Spirits, Strong Waters Or Low Wines, as aforesaid, shall be forfeited, and the owners thereof shall forfeit and pay treble the value of the same.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of all Collectors of Customs, Inspectors and Sheriffs, and their Deputies, and all and every other person or persons authorized by them, or any of them to seize and secure in some safe place for trial, all such Wheat or other Corn or Grain, Flour, Meal, Beef and Pork so attempted to be exported, contrary to the Provisions of this Act, and that in case of seizure under this Act, such seizure shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by the

Justices of the Peace in General Quarter Sessions assembled, and the said Justices in Quarter Sessions assembled, are hereby authorised and required to examine and enquire into the cause of such seizure, and thereupon to give judgement for the condemnation of the said Wheat, Corn or other Grain, Hour, Meal, Beef and Pork, as upon due consideration may be found to be forfeited by, virtue of this Act, and to order the same to be sold at such times and places as they may deem proper, and one half of the proceeds of such sales, after deducting the expences of prosecution and fare, shall belong to the Collector, Inspector or Sheriff of the District under whose authority the same shall have been seized, and the other half shall be paid to His Majesty's Receiver General to and for Justices of this Province, and all the forfeitures and Penalties under this Act shall in like manner be determined and adjudged by the said Justices in a summary way, and they, shall and may, issue their Warrant to the Sheriff of the District to collect the amount of the same, the one half of which shall be paid to the Receiver General to and for the uses of this Province, and the other half to the informer, and all proceedings and Judgments of the said Justices, are hereby declared to be good, valid and effectual in Law, and shall not be liable to any appeal or to be removed by any Writs or Writs of Certiorari.

IV. And be it further enacted by the Authority aforesaid, That in case of any prohibition for the Distillation of Wheat, Corn or other Grain, Flour or Meal by virtue of any Proclamation from the Governor, Lieutenant Governor or Person Administering the Government, it shall and may be lawful for the Inspector in each and every District of this Province, and he is hereby required on application being made to him by any person or persons who may have obtained a Licence to Still for the present year to return to such Applicant as aforesaid, one third part of such Licence Money.

V. And be it further enacted by the authority aforesaid, That if any Action or Suit, shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within one Month next after the matter or thing done, 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 if afterwards judgment shall be given for the Defendant or Defendants or the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, then such Defendant or Defendants shall have treble Costs awarded to him, her or them against such Plaintiff or Plaintiffs and have the like remedy for the same as any Defendant or Defendants hath or have in other cases to recover Costs at Law.

VI. And be it further enacted by the authority aforesaid, That this Act shall be and continue in force from the passing thereof to the end of the next Session of Parliament and no longer.