

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 13

An Act to create a Fund for defraying the expense of enabling indigent Emigrants to proceed to their place of destination, and of supporting them until they can procure employment. 18th September, 1841.

Most Gracious Sovereign,

Whereas by Message from His Excellency the Right Honorable Charles Baron Sydenham, of Sydenham in the County of Kent, and of Toronto in Canada, Governor General of this Province, laid before both Houses of the Legislature, His Excellency has been pleased to signify that in conformity to the instructions he has received from Your Majesty's Government, he recommends the expediency of imposing a rate or duty on Emigrants coming into this Province, for the purpose of creating a Fund for defraying the expense of the Medical care of sick Emigrants, and of enabling indigent persons of that description to proceed to the places of their destination, and of maintaining them in Canada until they shall be able to procure employment; and has also been pleased to state the intention of Your Majesty's Government, to apply to the Imperial Parliament for a grant of eight thousand pounds sterling to enable Your Majesty's Commissary General to pay such rate or duty on the part of such Emigrants as may come to this Province, under the sanction of Government: and whereas it is expedient that provision should be made for carrying the said recommendation into effect: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and entitled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted, by the authority of the same, that there shall be raised, levied and collected a rate or duty payable in the manner hereinafter prescribed, by the Master or Person in command of every Vessel arriving in the Port of Quebec, or in the Port of Montreal, from any Port of the United Kingdom, or in any other part of Europe, with Passengers or Emigrants therefrom, and having been cleared of the Custom House at such Port, after the first day of March, one thousand eight hundred and forty two; and such rate or duty shall be five shillings currency, for every such Passenger or Emigrant who shall have embarked from any port in the United Kingdom under the sanction of Her Majesty's Government, ascertained by a certificate from one of the Officers of Her Majesty's Customs at the Port at which such Vessel shall have cleared, and five shillings currency, for every such Passenger or Emigrant who shall have embarked without such sanction; and such rate or duty shall be paid by the Master or Person in command of such Vessel, or by some person on his behalf, to the Collector or other Chief Officer of the Customs at the Port at which such Vessel shall be first entered, and at the time of making such first entry which shall contain on the face of it, the number of Passengers actually on board the Vessel; and no such entry shall be deemed to have been validly made, or to have any legal effect whatsoever, unless such rates or duties be so paid aforesaid: Provided always, that any

draft, order, or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General, or other Officer having charge of the Military Chest in this Province, and authorising the Payment to the Collector or Chief officer of the Customs aforesaid, of the rate or duty which would otherwise be payable by the Master of any Vessel for any Emigrant or any number of Emigrants on board such Vessel, shall be taken and accepted by the Collector or Chief Officer as Payment of the rate or duty payable on such Emigrant or Emigrants, and the sum mentioned in such order shall thereafter be received by such Collector or Chief Officer, and paid over and applied in the same manner as other Money raised under the authority of this Act.

II. And be it enacted, that for the purposes of this Act, two children, each under the age of fourteen years, or three children each under the age of seven years; shall be reckoned as one passenger, and that no child under the age of twelve months shall be reckoned among the number of passengers.

III. And be it enacted, that no Master or Person having the command of any Ship or Vessel, arriving in either of the said Ports, shall permit any passenger to leave such Vessel until he shall have delivered to the Collector or other Chief Officer of Her Majesty's Customs at such Port, a correct list of all passengers on board of such Ship or Vessel at the time of her arrival at such Port, nor until such list shall have been certified to be correct, and a certificate of such correctness and a permission to allow his passengers to leave the Vessel, and a receipt for the duties payable by him under the provisions of this Act, shall have been given to him by the said Collector or other Chief Officer, under a penalty of twenty five pounds, currency, to be paid by such Master or Person having the command, for every passenger leaving his Ship or Vessel contrary to the provisions of this Act: Provided always, that the said list shall contain the name of each head of a family, being a passenger on board of such Vessel, his profession or trade, his country and the place of his destination, and the number of grown persons and children belonging to his family on board such Vessel, and the name of each person not belonging to any family, with the like particulars of country, trade, profession and destination: Provided also that nothing in this Act contained, shall prevent the Master or Person having the command of such Ship or Vessel, from permitting any passenger to leave the Vessel at the request of such passenger, before the arrival of the Vessel in the harbour of Quebec, but in every such case the name of the passengers who shall so leave shall be entered in the manifest on the list of Emigrants made out at the time of the clearing of the Vessel from the United Kingdom, or other part of Europe as aforesaid, and shall be certified under the signatures of the passengers so leaving the Vessel; and if the number of passengers remaining on board on the arrival of the Vessel in the Harbour of Quebec, do not correspond with that mentioned in such manifest, after deducting the number who shall have so left the Vessel, the Master or Person having the command of such Vessel shall incur a penalty of five pounds, currency, for each passenger not found on board or entered on the manifest as having left the Vessel as aforesaid.

IV. And be it enacted, that every passenger on board any Ship or Vessel arriving in the harbour to which the Master or Person commanding such Vessel shall have engaged to convey him, shall be entitled to remain and keep his baggage on board such Vessel during forty eight hours after her

arrival in such harbour; and every such Master who shall compel any passenger to leave his Vessel before the expiration of the said term of forty-eight hours, shall incur a penalty not exceeding five pounds, currency, for every passenger he shall so compel to leave his Vessel; nor shall any Person or Master commanding such Vessel, remove or cause to be removed before the expiration of the said forty eight hours, any berthing or accommodation used by his passengers, under a like penalty.

V. And be it enacted, that every Pilot who shall have had charge of any Vessel having passengers on board, and shall know that any passenger has been permitted to leave the Vessel contrary to the provisions of this Act, and shall not within twenty-four hours after the arrival of such Vessel in the harbour to which he shall have engaged to pilot her, inform the Collector or other Chief Officer of Her Majesty's Customs at such place, that a passenger or passengers has or have been so permitted to leave the Vessel, shall incur a penalty not exceeding five pounds currency, for every passenger with respect to whom he shall have wilfully neglected to give such information.

VI. And be it enacted, that the monies levied under the authority of this Act, shall be paid by the Collector or other Chief Officer of the Customs, by whom they shall have been received, into the hands of the Receiver General for the purposes hereinafter mentioned.

VII. And be it enacted, that the monies raised, levied and received under the authority of this Act, shall be applied by such Officers or persons and under such rules and regulations as the Governor, Lieutenant Governor or person administering the Government shall appoint from time to time for that purpose, in defraying the expense of medical attendance and examination of destitute Emigrants on their arrival, and of enabling them to proceed to their places of destination, and in providing for their support until they are able to procure employment.

VIII. And be it enacted, that all penalties imposed by this Act, may be sued for and recovered with costs, on oath of one credible witness, other than the prosecutor, in a summary manner, before any two Justices of the Peace in the City of Quebec or in the City of Montreal; and such Justices may commit the offender to the Common Gaol of the District until such penalty and costs shall be paid, and one moiety of every such penalty shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, to be applied to the purposes to which the other monies levied under the authority of this Act, are hereby appropriated, and the other moiety shall belong to the prosecutor.

IX. And be it enacted, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General, and that every such account shall be supported by vouchers therein distinctly referred to, by numbers corresponding to the numbering of the items in such account, and shall be made up to, and closed on the first day of December in each year, during which such expenditure shall be made, and shall be attested before a Justice of the Court of Queen's Bench or of King's Bench or a

Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

X. And be it enacted, that the due application of the monies received for the public use of the Province, under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, and in such manner and form as her Majesty, Her Heirs and Successors shall direct; and that a detailed account of all such monies, shall be laid before the several Branches of the Provincial Legislature, within the first fifteen days of the next Session thereof.