

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 86

An Act to amend and consolidate the Laws relative to Emigrants and Quarantine. Assented to 22nd April, 1852.

Whereas it is expedient to repeal the several Acts now in force respecting Emigrants, and to consolidate those provisions thereof which have been found effective and expedient, with such amendments as experience hath shewn to be requisite: Be it therefore 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 intituled, *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 the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to encourage Emigrants from Europe to the United States to use the St. Lawrence route*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the commutation of certain Bonds required under the Emigrant Act*, and the Act passed in the Session last aforesaid, and intituled, *An Act to amend the Emigrant Act, by reducing the Tax on Emigrants coming into this Province, and for other purposes*, shall be and the said Acts are hereby repealed, except as to any duty payable or penalty incurred under them or any of them; but no Act repealed by them or any of them shall revive by reason of their repeal.

II. And be it enacted, 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 of any other part of Europe, with Passengers or Emigrants therefrom, and such rate or duty shall be Five Shillings currency for every Adult Passenger or Emigrant and Three Shillings and Nine Pence for every other Passenger or Emigrant between the ages of one and fourteen years, 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 or from any other Port in Europe with the sanction of the Government of the Country to which such Port belongs, ascertained by certificate of the proper authority at such Port, and Seven Shillings and Six Pence currency for every 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 of Customs at the Port in this Province 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 as aforesaid; Provided always, that

no child under the age of one year shall be reckoned among the number of Passengers: And provided also, 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 authorizing the payment to the Collector of 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 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 and paid over and applied in the same manner as other money raised under the authority of this Act.

III. And whereas Masters of Vessels are in the practice of embarking Passengers after the Vessel has been cleared and examined by the proper Officer at the Port of departure, and without delivering lists of such additional Passengers to some Officer to whom bylaw the same ought to be delivered; For the prevention and punishment of such practice — Be it enacted, That for every Passenger not included in the list of Passengers by any Vessel sailing from a Port in Her Majesty's Dominions, delivered to the Collector of Customs at the Port of departure, or at the Port where such additional Passenger may have been embarked, or at the Port at which such Vessel may have touched after the embarkation of such Passenger, the Master or Person in command of such Vessel shall, in addition to the rate or duty payable as aforesaid, and at the same time and under the same penalties, pay to the Collector of Customs at the Port of Quebec or Montreal, at whichever the said Vessel shall be first entered, the sum of Forty Shillings currency for each Passenger so embarked as aforesaid and not included in one of the said lists.

IV. And be it enacted, That no Master or Person having the command of any Vessel arriving in either of the Ports last mentioned, shall permit any passenger to leave such Vessel until he shall have delivered to the Collector of Customs at such Port, a certified and correct Passenger list in the form hereinafter mentioned, 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 of Customs, under a penalty of not less than Five Pounds and not exceeding Twenty-five Pounds currency, to be paid by such Master or Person having the command of the Vessel, for every Passenger leaving the same 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 such Vessel, his profession or trade, his country and the place of his destination, and the number of adult 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.

V. And be it enacted, That if any Vessel from any Port or Place on the continent of Europe, or from any other Port or Place out of Her Majesty's dominions, shall come within the limits of this Province having on board or having had on board at any time during her voyage, any greater number of Passengers than one Adult Passenger for every twelve clear superficial feet on the lower or Platform Deck of such Vessel appropriated to the use of such Passengers and unoccupied

by stores or other goods not being the personal luggage of such Passengers, or having on board or having had on board at any time during her voyage a greater number of persons, (including the Master and Crew and the cabin Passengers (if any,) than in the proportion of one person for every two tons of the tonnage of such Ship calculated in the manner used for ascertaining the tonnage of British Ships, the Master of such Vessel shall thereby incur a penalty of not less than Two Pounds nor more than Five Pounds for each Passenger or person constituting such excess: Provided always, that for the purposes of this section, each person of or above the age of fourteen years shall be deemed an Adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one Adult: And provided also that this section shall not apply to any Vessel arriving in this Province before the first day of October one thousand eight hundred and fifty-three.

VI. And be it enacted, That the Master of any Passenger Vessel shall, within twenty-four hours after such Vessel shall arrive in the Port of Quebec or of Montreal, and before any entry of such Vessel shall be allowed, deliver to the Collector of Customs at the Port at which such Vessel shall be entered, a correct list in the form of the Schedule A to this Act, of all the Passengers on board such Vessel at the time of her departure from the Port or place whence she shall have cleared or sailed for this Province, and a true statement of the other particulars mentioned in the said form, under a penalty upon such Master of Five Pounds for each day during which he shall neglect so to deliver such list after the expiration of such twenty- four hours, and of Two Pounds for each Passenger whose name shall be omitted in such list.

VII. And be it enacted, That in addition to the particulars hereinbefore required in the list of Passengers to be delivered on each voyage by the master of any vessel carrying Passengers and arriving in either of the Ports of Quebec or Montreal, to the Collector of Customs at such Port, the Master shall report in writing to the said Collector, the name and age of all Passengers embarked on board of such vessel on such voyage, who shall be lunatic, idiotic, deaf and dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them; and in case any such Master or person having the command of any such Vessel shall omit or neglect to report the particulars herein specified, or shall make any false report in any such particulars, he shall incur a penalty of not less than Five Pounds and not exceeding Twenty-Five Pounds currency, for every such Passenger in regard to whom any such omission or neglect shall have occurred or any such false report or statement shall be made, for which penalty the owner or owners of every such Vessel shall also be liable jointly and severally, and which may be sued for and recovered as hereinafter provided.

VIII. And be it enacted, That the said report shall further contain the name, age and last place of residence of any person who may have died during the passage of such Vessel, and shall specify whether such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys, goods and effects which may have been left by such Passenger, and if there shall have been no such relatives or other persons entitled to take charge of the same, then the said report shall fully designate the quantity and description of such property, whether money or otherwise, which shall have been left by such Passenger, and the said Master or person in command of any such Vessel shall pay

over and fully account for the same, to the Collector of Customs for the Port at which the said Vessel may be entered; and the said Collector of Customs shall thereupon grant unto such Master a receipt for all such moneys, goods or effects as may be so placed in his hands by such Master, which receipt shall contain a full description of the nature or amount thereof; and in case any Master or person in command of any such Vessel shall neglect or refuse to make such report, or to pay over and account for any such moneys, goods or effects as required by this section, he shall incur a penalty of not less than Five Pounds and not exceeding Two Hundred and Fifty Pounds currency, for every such case of neglect or refusal.

IX. Provided always and be it enacted, That nothing in this Act contained shall prevent the Master or person having the command of any 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 names 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.

X. 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 of 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 regard to whom he shall have wilfully neglected to give such information.

XI. And be it enacted, That every Passenger on board any Vessel arriving in the Harbour to which the Master or person in command of 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 of not exceeding Five Pounds currency, for every Passenger he shall so compel to leave his Vessel, nor shall any Master or person in command of 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 like penalty, except with the written permission of the Medical Superintendent at the Quarantine Station.

XII. And be it enacted, That, it shall be the duty of the Medical Superintendent at the Quarantine Establishment in this Province, forthwith after the arrival thereof of any Vessel carrying Passengers, to examine into their condition, and for that purpose the said Medical Superintendent, or such other competent person or persons as may be thereunto appointed, shall

have authority to go on board and through any such Vessel and to inspect the said list of Passengers, and the Bill of Health, Manifest, Log Book or otherwise of the said Vessel, and, if necessary, to take extracts from the same; and if, on examination, there shall be found among such Passengers any Lunatic, Idiotic, Deaf and Dumb, Blind or Infirm Person, not belonging to any Emigrant family, and any such person shall, in the opinion of such Medical Superintendent, be likely to become permanently a public charge, the said Medical Superintendent shall forthwith report the same officially to the Collector of Customs at the Port of Quebec or of Montreal, at whichever the Vessel is to be first entered, who shall require the Master of such Vessel, in addition to the rate or duty payable for the Passengers generally, to execute jointly and severally with two sufficient sureties, a Bond to Her Majesty in the sum of Seventy-Five pounds currency, for every such Passenger so specially reported, conditioned to indemnify and save harmless this Province or any Municipality, Village, City, Town or County, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the execution of the said Bond, for the maintenance and support of any such Passenger; and the said sureties shall, justify before and to the satisfaction of the said Collector, and by their Oath or Affirmation (which such Collector is authorized to administer) shall satisfy him that they are respectively residents in this Province, and each worth double the amount of the penalty of such Bond over and above all their debts and liabilities, personal and real: Provided always, that it shall be optional with the Master of such Vessel either to enter into such Bond, jointly and severally with sufficient sureties, as aforesaid, or to pay to the Collector of Customs who might otherwise require such Bond, such sum of money as the Chief Emigration Agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf, as being just and equitable and sufficient to indemnify the Province or any Municipality, Village or City, Town or County, or Charitable Institution within the same, against the risk of expense for the care, support and maintenance of such Passenger or Passengers during the then next ensuing three years; and the money so paid shall form part of the Emigrant Fund.

XIII. And be it enacted, That in case any Passenger in respect of whom any Bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable upon this Province, or upon any Municipality, Village, City, Town, or County, or upon any Charitable Institution within this Province, the payment of such charge or expense incurred for the maintenance and support of such Passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained or such portion thereof as shall be required for the payment of such charges or expenses.

XIV. And be it enacted, That if the Master of any Vessel on board of which such Passenger specially reported as aforesaid shall have been carried, shall neglect or refuse to execute the said Bond, or to pay the sum which he may as aforesaid pay instead of giving such Bond, forthwith after the said Ship shall have been reported to the said Collector of Customs, such Master shall incur a penalty of One Hundred Pounds currency, and the said Vessel shall not be cleared on her return voyage until the said Bond shall have been executed or the said sum paid, nor until the said penalty shall have been paid, with all costs which shall have been incurred on any prosecution for the recovery thereof.

XV. And be it enacted, That after any such Bond as aforesaid shall have been executed, the Collector of Customs shall transmit the same to the Receiver General of this Province, to be by him kept and held, during the said period of three years from the execution of the said Bond, or until the payment of the penalty therein mentioned (if incurred) shall be enforced; and for the purpose of ascertaining the necessity of such enforcement, it shall be the duty of the Chief Emigration Agents, in Upper and Lower Canada, upon representation made to either of them, as the case may be, in their respective portions of the said Province, to ascertain the right and claim to indemnity for the maintenance and support of any such specially reported Passenger, and to report the same to the Governor of this Province through the Provincial Secretary, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated, and the said penalty, or so much thereof as shall be from time to time sufficient to defray the expense incurred for the maintenance and support of any Passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered by suit or information fit Her Majesty's name, in any Court in this Province having jurisdiction in civil cases to the amount for which such suit or information shall be brought.

XVI. And whereas inconvenience and expense are occasioned by Masters of Vessels carrying Passengers anchoring at great distances from the usual landing places in the Port of Quebec, and landing their Passengers at unreasonable hours; Be it therefore enacted, That all Masters of Vessels having Passengers on board shall be held and they are hereby required to land their Passengers and their Baggage free of expense to the said Passengers, at the usual Public Landing Places in the said Port of Quebec, and at reasonable hours not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon; and such Vessels shall for the purpose of landing their Passengers and Baggage, be anchored within the following limits in the said Port, to wit: the whole space of the River Saint Lawrence from the mouth of the River Saint Charles to a line drawn across the River Saint Lawrence, from the Flag-staff on the Citadel on Cape Diamond, at right angles to the course of the said River, under a penalty of Ten Pounds currency, for any offence against the provisions of this section.

XVII. And whereas great inconvenience and expense are also occasioned to Emigrants by Steamers from Quebec, taking Passengers from on board Emigrant Vessels, and proceeding directly up the River without returning to the wharf at Quebec: Be it therefore enacted, That if any Steam Vessel bound for any place beyond the limits of the Port of Quebec upwards, shall go alongside of any Vessel lying in the Stream or elsewhere than at a wharf within the Harbour of Quebec, and receive any Passenger or Passengers from such Vessel, or shall receive any Passenger or Passengers while such Steam Vessel is elsewhere than at some wharf in or adjoining the City of Quebec, such Steam Vessel shall after receiving such Passenger or Passengers, return to and remain at some wharf in or adjoining the said City during at least two hours before proceeding on her voyage, and shall during that time be provided with Gang-ways and proper conveniences by which the Passengers may pass from the said Steam Vessel to the shore, and back to the said Steam Vessel, with their families, goods and effects, under a penalty of Ten Pounds currency, upon the. Master of such Steam Vessel for any offence against the provisions of this section: Provided always, that it shall be lawful for such Steam Vessel to proceed on her voyage within the said two

hours, if the Master thereof shall obtain from the Chief Emigration Agent at Quebec, a written permission to that, effect.

XVIII. And whereas it is expedient to repeal the Acts now in force for compelling the performance of Quarantine in certain cases and for preventing the introduction of infectious and contagious diseases into this Province — Be it therefore enacted, That, the Act. of the Parliament of the late Province of Lower Canada, passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act to oblige Ships and Vessels coming from places infected with the Plague or any Pestilential Fever or Disease, to perform Quarantine and to prevent the communication thereof in this Province*, and the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Quarantine Act*, shall tie and are hereby repealed, except as regards any offence committed or penalty incurred under either of them before the passing of this Act, with regard to which they shall remain in force.

XIX. And be it enacted, That the Governor in Council shall have full power and authority from time to time to make such Regulations as he shall think proper for enforcing compliance with all the requirements of this Act, and for ensuring the due performance of Quarantine, by and in respect of Vessels, Passengers and Goods coming into the Port of Quebec, to which he shall think it right for the preservation of the Public Health that, such Regulations should apply, and for the thorough cleansing and disinfecting of such Vessels, Goods and Passengers, so as to prevent as far as may be possible, the introduction or dissemination of disease into or in this Province, and from time to time to revoke, alter or amend such Regulations or any of them and to make others in their stead: and such Regulations shall have the force of law during such time as they shall respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they shall have been limited to be in force: And by such Regulations it shall be lawful for the Governor in Council, to require the Master or Person in charge of every Vessel coming up the River St. Lawrence from below the Quarantine Station at Grosse-Isle, except only such Vessels as shall be therein designated and referred to as excepted, to bring such Vessel to anchor at such place at the said Quarantine Station as shall be designated in the said Regulations, and to report such Vessel in writing to such Officer at the said Station as shall be designated for that purpose in such Regulations, with all such particulars relative to the same and to the Voyage, Passengers and Cargo thereof, as shall be required by such Regulations or by any Officer duly authorized under them to require the same, and to allow the proper Officer to visit and inspect such Vessel and every part thereof, and the Passengers and Crew and the cargo and other articles on board the same, and to answer truly all questions which shall be asked of him touching the same, and to send on shore at the said Station and at such places there as shall be pointed out by the Officer thereunto authorized by the said Regulations, any or all of their Passengers, Crew, Cargo or other articles on board such Vessel, as the said Officer may think necessary for preventing the introduction of contagious or infectious disease, and to allow such Passengers, Crew, Cargo and other articles, and also the Vessel itself, to remain so long at the said station and at such places thereat respectively, and to be so treated, cleansed and purified as the said Officer shall think necessary for the purpose aforesaid; And by such Regulations it shall be lawful for the Governor in Council, to assign to the several Officers and persons to be employed at

the said Quarantine Station, such powers and duties as may be necessary for carrying the said Regulations and this Act fully into effect, and to declare that any such Officer or person shall by virtue of his office or employment, be a Justice of the Peace or a Constable or Peace Officer for Grosse-Isle and the said Quarantine Station, and for such space around the same as shall be described in such Regulations, and such Officer shall accordingly be such Justice of the Peace or Peace Officer whether he be otherwise qualified or not: And by such Regulations the Governor in Council may impose fines not exceeding One Hundred Pounds in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such fine be paid, and may direct that no Vessel shall be entered or cleared at the Port of Quebec or of Montreal, until all the requirements: of such Regulations shall be fully complied with, and may direct that any Person, Vessel or thing, who or which shall have passed or departed from or been removed from the said Quarantine Station, before all the requirements of such Regulations shall have been complied with in respect of such Person, Vessel or thing, or without the written permission of the Officer empowered to authorize such passing or departure, may be compelled to return or be carried back to the said Station, and by force if necessary.

XX. And be it enacted, That the Quarantine Establishment at Grosse-Isle shall consist of a Superintendent of Emigration, and a Medical Superintendent, with such Medical Assistants, Hospital Stewards, Matrons, Nurses, Police Force and other Officers and Servants as the Governor in Council shall deem necessary, and as the Governor shall appoint, and who shall receive such salaries, compensation or allowances as the Governor in Council shall think proper; and it shall be lawful for the Governor to appoint a Medical Officer at Quebec to board, visit and inspect such vessels in the Harbour of Quebec, and to perform such other duties and to have such powers as the Governor in Council shall by any Regulations to be made as aforesaid direct and appoint, and any such Regulations shall be held to be included in those which the Governor in Council is empowered to make by the next preceding Section, all the provisions whereof shall apply to them, and such Medical Officer shall receive such salary or compensation as the Governor in Council shall think proper.

XXI. Provided always and be it enacted, That no Regulation made under either of the next foregoing Sections, and affecting others than the Officers and persons employed in carrying this Act into effect or under the provisions thereof, shall have the force of law, unless and until it shall have been published in the Official Gazette of this Province at least twice and there be an interval of at least six days between each such publication.

XXII. And be it enacted, That all the expenses to be incurred in carrying the provisions of this Act into effect, or under the provisions thereof, shall be paid out of the moneys levied under the authority of this Act.

XXIII. And be it enacted, That all and every the rates or duties, penalties or forfeitures imposed or declared under the authority of this Act, shall be a special lien upon the vessels by reason whereof such moneys shall have become payable, and the master whereof shall have become liable in such penalty, and may be enforced and collected by the seizure and sale of the ship, her tackle or furniture, under the warrant or process of the Justices or Court before whom the same may have

been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages.

XXIV. And be it enacted, That the moneys levied under the authority of this Act shall be paid by the Collector of Customs by whom they shall have been received, into the hands of the Receiver General, for the purposes hereinafter mentioned.

XXV. And be it enacted, That the moneys 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 of this Province shall appoint and make from time to time for that purpose, as well in defraying the expenses of carrying this Act into effect and those of forwarding destitute Emigrants to their place of destination and in otherwise aiding, relieving and providing for them, as in defraying the expenses of Medical attendance and examination of destitute Emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now or shall hereafter remain out of the said moneys or those raised under the Acts hereby repealed, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute Emigrants and their children.

XXVI. And be it enacted, That all penalties imposed by this Act or by any Regulation to be made by the Governor in Council under the provisions of this Act, and not exceeding Twenty Pounds in amount, shall be sued for by any Collector of Customs or by the Chief Emigration Agent at the Port of Quebec or of Montreal, and recovered with costs on the 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 all penalties so imposed as aforesaid and exceeding the sum of Twenty Pounds, may be recovered by civil action by any such Officer as aforesaid on like evidence in any Court of competent jurisdiction; 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 moneys levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor: Provided always, that every offence against the provisions of this Act or any Regulation made under the authority thereof, the penalty imposed for which by this Act or any such Regulation, shall exceed the sum of Ten Pounds, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which' the offender shall be convicted.

XXVII. And be it enacted, That upon complaint being made in any case over which two Justices have jurisdiction as aforesaid, before any one Justice of the Peace, he shall issue a Summons requiring the party offending or complained against to appear on a day and at an hour and place to be named in such Summons, and every such Summons shall be served on the party offending or complained against, or shall be left at his place of residence or business, or on board any vessel to which he may belong; and either upon the appearance or default to appear of the party offending or complained against, it shall be lawful for any two or more Justices to proceed summarily upon the ease, and either with or without any written information, and upon proof of

the offence or of the complainant's claim, either by confession of the party offending or complained against, or upon the oath of at least one credible witness other than the Prosecutor (which oath such Justices are hereby authorized to administer) it shall be lawful for the Justices to convict the offender, and upon such conviction to order the offender or party complained against, to pay such penalty as is imposed by this Act, or by any such Regulation as aforesaid, according to the nature of the offence, and also to pay the costs attending the information or complaint, and if forthwith upon such order the moneys thereby ordered to be paid, be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such moneys, the surplus, if any, to be returned to him upon demand; and any such Justices may issue their warrant accordingly, and may order also such party to be detained and kept in safe custody until return can conveniently be made to such Warrant of Distress, unless such party shall give security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than three days from the time of taking such security; but if it shall appear to such Justices by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing such Warrant of Distress in such case, or if such Warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justices, or to any two or more of such Justices, then such Justices shall, by Warrant, cause the party ordered to pay such moneys and costs as aforesaid, to be committed to Gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid and such costs of distress and sale as aforesaid, be sooner paid and satisfied: Provided always, that such imprisonment in the case of a Master of any Vessel shall not discharge the said Vessel from the lien or liability attached thereto by the provisions of this Act.

XXVIII. And be it enacted, That no conviction or proceeding under this Act shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record within this Province; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XXIX. And be it enacted, That every person to whom shall be entrusted the expenditure of any portion of the moneys hereby appropriated, shall make up detailed accounts of such expenditure, shewing the sum advanced to the accountant, the balance (if any) remaining in his hands, and the amount of the moneys 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 thirty-first day of December in each year during which such expenditure shall be made, and shall be attested before a Justice of the Superior Court 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.

XXX. And be it enacted, That the due application of the moneys received for the public uses 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 moneys shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the then next session thereof.

XXXI. And be it enacted, That the word "Master," whenever used in this Act, shall be held to apply to any person in command of a Vessel; The word "Vessel" shall include all Ships, Vessels, or Craft of any kind carrying Passengers; The word "Passengers" shall apply to all Passengers as well as to Emigrants usually and commonly known and understood as such, and not to Troops or Military Pensioners and their families, who are carried in Transports or at the expense of the Imperial Government; The word "Quarantine" shall apply to Grosse-Isle, or other places at which such Quarantine shall be directed to be performed; and any word importing the singular number shall include a plurality of persons or things, unless there be something in the context inconsistent with such interpretation.

Schedule A.

Particulars Relative to the Vessel.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or place.	Total number of superficial feet in the several compartments set apart for Passengers other than Cabin Passengers.	Total number of adult Passengers exclusive of Master, Crew and Cabin Passengers, which the Vessel can legally carry.	Where bound.

Names and Descriptions of Passengers.

Port of Embarkation.	Names of Passengers.	Adults.		Children between 1 and 14.		Number of infants not over 1 year.	Profession, Occupation or calling of Passenger.	Nation or County of Birth.	Port at which Passengers have contracted to be landed.	Any further particulars, as deaths, &c.
		Age.	Male.	Female.	Age.					

Summary.

	Number of Souls.	Number of Adults to which they are equal under the Provincial Act.
Adults - - - - -		
Children between 1 and 14 - - - - -		
Infants not over 1 - - - - -		
Total - - - - -		

I hereby certify that the above is a correct description of the (*description of Vessel as Ship, Brig, &c.,*) (*Name Vessel*) and a correct list of all the Passengers on Board the same at the time of her departure from (*place from whence she come*) and that all the particulars therein mentioned are true.

Date Signature of Master.

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