

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 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 willfully 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 Jail 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 intrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, shewing 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 the 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.

No. 18.

Copy of a Letter from the Colonial Land and Emigration Commissioners to J. Stephen, Esquire.

COLONIAL LAND AND EMIGRATION OFFICE,
9, Park Street, Westminster, 2d Feb. 1842.

SIR,—We beg to acknowledge the receipt of your letter of the 21st ultimo, transmitting for your consideration and report, an Act passed by the Legislature of the Province of Canada during their late Session, intitled "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."

We have the honor to state for Lord Stanley's information, that we find the following to be the chief provisions of this Act:—A tax of 5s. currency, is to be paid on account of every passenger, (children being computed in the manner at present prescribed in the Imperial Passengers' Act,) who may arrive in the Colony from the United Kingdom, or any part of Europe. The tax is to be paid either by the Master of the Vessel as heretofore, or by an

order from any proper authority in this Country, directed to the Commissary General in the Province, authorizing the payment of it, in certain instances, out of the public money at his disposal. The money raised by the tax is to be applied by persons appointed by the Governor, and under his directions in affording medical attendance to destitute Emigrants in enabling them to proceed to their places of destination, and in providing for their support until they are able to procure employment.

The remaining clauses are such as are necessary for preventing the evasion of the Act, or for ensuring the fulfilment of its provisions. Of these last, we may at once say, that they seem to be nearly identical with those of the same nature in the original Emigrant Tax Act, which was passed in 1832, and renewed at two subsequent periods in the years 1834 and 1838, and that they appear to us inobjectionable.

As regards the more substantial provisions of the Act, we would first remark that the arrangement for paying the tax by drafts on the Commissary General appears to be provided, in order to carry out the plans announced by the Governor General to the Legislature as being contemplated by Her Majesty's Government, namely—of defraying out of public funds, this particular portion of the expense attendant upon Emigration, in the case of those persons who should obtain a certificate of approval from an officer of Emigration in this Country. When directed to submit an opinion upon this plan, we stated that it did not appear to us that the means existed for effectually carrying it into operation, and should Lord Stanley have decided not to adopt it in the exact form in which it was originally proposed, the foregoing provision of the Act will have been rendered unnecessary. It would not however be requisite on that account that a change should be made in the Act, as the effect of not paying the tax out of the public money on account of a certain number of the Emigrants will only be that the contemplated exception to the general rule, of its being always paid by the master of the vessel will not occur. A somewhat similar provision which existed in the former Acts, directed that the tax should be doubled upon all Emigrants not bearing a certificate that they were embarked under the sanction of the Government in this Country, has always we believe, in like manner remained inoperative. Before leaving this clause, however, we beg further to refer to our Report of the 2nd December. In it we stated that the authorities in Canada had apparently fallen into some misapprehension as to the nature of the assistance which it had been proposed to render to Emigration, and that we were, consequently, not aware what communication upon the subject might have been made to the Legislature, on the part of the Executive Government.

It is now apparent from the tenor of the provision we have been considering, as well as from the preamble of the Act, that the Legislature of Canada did not consider that the grant of £8000, if obtained from the Imperial Parliament, was to be reckoned as an addition to the fund which will be created by the tax, but were aware that it was to be expended in relieving a certain number of British Emigrants upon their arrival, from the tax which would otherwise have to be paid by the Master of the vessel on their behalf.

The next point on which it appears necessary to observe, is the rule prescribed in the second clause for the computation of children. For obvious reasons of convenience, it is in conformity with that which at present exists in the Imperial Passengers' Act, and has no doubt been taken from it. But various considerations having suggested the expediency of altering the existing regulation on that subject, it will probably be deemed necessary in Canada, should the Imperial Act be amended in this particular, to enact that the same mode of computation shall prevail in the Province, so as to avoid the complication of having two rules in force on the same subject.

It remains to consider in the third place, the important provision of the Act relating to the application of the money which will be raised by the tax.

The object of the former enactments which authorized this impost, was declared to be to create a fund for defraying the expense of procuring medical assistance for sick Emigrants, and of enabling indigent persons of that description to proceed to the places of their destination. In addition to these two modes of relieving Emigrants, the present Act introduces a third, namely, that of providing for their "support until they are able to procure employment." The effect of this enactment requires very serious attention.

That in case of an insufficient demand from other sources for the labour of Emigrants upon their arrival, there should be some public works on which they could have an option of employment at lower than the current wages of the Province, has been frequently admitted to be one amongst other desirable aids to Emigration to Canada. It is also understood to have been usual, in practice, to relieve any urgent cases of destitution out of the funds derived from the Emigrant tax. But the comprehensive words of the present Act, above quoted, apparently give to all unemployed Emigrants for an indefinite time, a legal right to support, which has never before been conferred on them, and which in practice might perhaps lead to serious evils. It is true that it is also provided that all money which may be raised under authority of the Act is to be applied to its appointed uses, under such rules and regulations as the Governor may establish, and it is probable therefore that every endeavour will be made to ascertain the reality of the destitution before relief is afforded.