Appendix No 6.

Laws of Assiniboia
passed by
the Governor and Council
of Assiniboia

April 11. 1862

General Provisions

I. All local enactments when not especially intended further, shall apply only to that part of the District of Assiniboia, which forms the Red River Settlement and its environs.

II. Fines and forfeitures when not otherwise appropriated shall go to the Public Fund.

III. Every resolution shall be interpreted without regard to the distinction of gender or number.

IV. If any person in any way encourage any violation of

any

any local enactment shall be held to be as guilty as the principal offender.

V. Unless special regulations provide to the contrary, every wrong has its remedy under the General law of the country.

I. All local regulations that were on record on the 15th March 1862 are repealed.

Fires.

II. If any haystack in the open plains, shall be injured by a burning fire, the owner shall not recover damages, unless such haystack has been protected at a distance of at least twenty yards by a ploughed or burned ring of at least eight feet wide.

III. If between the 31st May and 1st December any person shall

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shall kindle a fire intended to run,
he shall be fined Ten Pounds, one half
to go to the Prosecutor. And if any
person without having obtained the
presence and assistance of at least
four men shall light a fire for the
purpose of burning the dry Wood
lay stacks, as required by the preceding
Law, he shall be held to have incurred
the Penalty attached to this Law.
Provided that the Bench may remit
the whole Fine, if the defendant has
both Kindled the fire through necessity,
and done all in his power to prevent
it from spreading.

IV. If any fire in the open air, which
is not intended to run, shall be
left burning without due precautions,
or be negligently allowed to spread,
every person who may have kindled,
or fed, or used the same shall be
fined from Five Shillings to Fifty
Shillings.

Shillings.

Animals.

V. If one or more animals be found in an enclosure, where damage has been done, the said damage shall be paid for by the owner or owners of such animal or animals found within the enclosure, if the owner of the enclosure can prove them to be generally known in his neighborhood as fence breakers, and that the amount of damage shall be equally divided amongeach of the animals known as fence breakers, irrespective of the other animals found at the same time, within the enclosure, but not known as fence breakers; and that each animal known as a fence breaker and found within the enclosure shall be kept in pledge till its owner pays his share of the damage.

Provided

Provided that the owner of the enclosure can prove that the fence of said enclosure was of sufficient height, strength and closeness, and that the gate or gates of the enclosure were closed.

VI. If any Stallion, sixteen months or approaching two-years old or upwards be found at large, the owner shall be fined Twenty Shillings, half the fine to go to the Captor of the Stallion, and the Animal himself may be kept in pledge, till security for payment of the fine be given, and during the time the animal is so kept, the owner shall pay for his keep at the rate of 6d per day.

(Amended the 28th March 1866)

A: If any Stallion of sixteen months old or upwards, not licensed to run at large in the manner hereinafter mentioned

mentioned, be found at large after the 20th day of April next, the owner shall be fined Four Pounds, one half of which shall go to the Captor of the horse, and the horse himself may be kept in Pledge, till security be given for the payment of the Fine; and for the Keep of the horse, the owner shall pay one Shilling per day.

Such licenses shall be issuable yearly by the Magistrates acting within their respective Districts; and it shall be lawful for any Magistrate acting as aforesaid; and after consultation with at least six of the neighboring settlers regarding any horse on behalf of which a license shall have been applied for, and of which the Magistrate shall approve to grant such license in the terms following:—

A.B.

A.B. is hereby permitted to let a Stallion years old run at large this Season.

Red River Settlement. 167

Magistrate - Section.

VII. If any Ram be found at large between the 30th June and 1st November such ram may be detained by any person till the owner pay Two Shillings and Sixpence, for the use of the Captor of the Ram; and during the time the Ram may be so detained, the owner shall pay for the keep of the said Ram at the rate of Threepence per day.

VIII. If between the 31st March and 1st November, any pig or pigs be found in any enclosed field without a yoke of one foot and a half wide, and one foot and a half in height, the owner of such pig or pigs shall not only be answerable for all damages

committed by said pig or pigs, but shall also pay a fine of Three Shillings for the seizure of the same. Furthermore if after the owner of the pig or pigs has been warned by the Proprietor of the enclosure to take his pig or pigs away, and he neglects to do so, in that case the proprietor of the enclosure may, after the lapse of six hours, shoot the said pig or pigs, and the owner shall not recover any damage for this act, and any person taking any pig or pigs according to this law, shall be allowed 6d per diem each for their maintenance, the same to be paid by the owner of the Pig so taken.

(amended the 20th May 1867)

B. Article VIII. of the Code of Regulations of 11th April 1862, repealed, and in place thereof it was

enacted

enacted.

When any Pig shall go beyond its owners ground, the owner of the Pig, (over and above his liability for all actual damage by the Trespass) shall be fined five Shillings which fine shall be recoverable in the Petty Courts at the suit of the person upon whose ground the trespass has been committed.

Provided, however, that in any case where a Pig trespassing as aforesaid, shall have broken down the owners inclosure, without any negligence on his part, and when on being informed of the fact of the Pig being out, the owner has immediately gotten sufficient repair, he shall not be liable for the fine, but only for such damage as the Pig shall have actually caused by the trespass.

Fishing.

Fishing Weirs.

30th May 1865.

C. It shall be unlawful to erect any weirs or barriers in any part of the Red River or its tributaries; and that on receiving information of the existence of any such weirs or barriers any Magistrate shall be, after the 1st July and hereby empowered to order any Constable to remove the same.

Hay Cutting.

20th May 1867.

The 25th of July is permanently fixed for the Commencement of Hay cutting.

Horse Taking.

IX. If any person takes another's horse to ride, or drive without his consent, he shall be fined Ten Pounds. Half of the fine shall go to the informer and shall forfeit to the owner of the horse all such expenses

Pounds

30th May 1865.
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6. equipments of any description as he may have used in such riding or driving, and if a horse so taken be injured or lost, the person who so took the horse shall indemnify the owner to the full extent of the damage or loss.

(Amended 22d February 1866)

The fine as specified in the above article shall be increased from One Pound to Two Pounds.

That if without the authority of the owner of the animal, any person shall, from any part of the Municipal District bring, or cause to be brought into the Settlement, and shall put or cause to be put into any enclosure, stable or byre, not belonging to the owner of the animal, any horse, mare, gelding, colt or felly, or shall knowingly keep it in his possession, or with his

his own band of horses, so as intentionally to deprive the owner of the use of the animal, such person shall in addition to his liability to the owner for civil Damages be liable to a penalty of Ten Pounds, of which one half shall belong to the informer prosecuting the offender to conviction, and it is further resolved that the Petty Court shall have power to hear and decide all actions for the recovering of the penalty arising from the breach of this Law.

Hay.

X. If any settler cut hay behind the two-mile line before the 1st August, he shall forfeit the same or the value thereof.

XI. Any exclusive privilege of cutting hay between the two-mile line and the four-mile line shall be forfeited

for

for the season as soon as the hay
entitled shall cut lay beyond the
four mile line, and at all events
all such exclusive privileges shall
be thrown open to all after the 15th
August or two weeks before the
commencement of hay cutting.

XII. If any Settler trespass wilfully
in another's ground, he shall forfeit
the proceeds whether in kind or value
for the benefit and satisfaction of
the party injured, without deducting
any allowance for his labor, but
if he trespass in ignorance, he
shall still forfeit as before, though
not without compensation for his
time.

Roads &c.

XIII. The main highway shall be
two chains wide.

XIV. Any other actual thoroughfare
may be reserved or improved as

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a Public Path, but not till all the Parties interested in the soil shall have consented, to have unoccupied from time to time, one uniform breadth, as so to provide against the encroachments of the river, or any other similar influences.

XV. Any person who may dig a hole through the entire thickness of the Ice, or through any portion of it, shall from time to time, mark the same at the point nearest to the actual track with a pole at least six feet high, being otherwise liable to make good all injury, which such pole might have been expected to prevent.

XVI. Superintendants of Public Works shall be appointed in the different sections of the Settlement and they shall be responsible to the Governor and Council for the

sums.

Sums of money expended on Public Works, as well as for the State of the roads and bridges in their respective sections. The Superintendants shall publicly apply for tenders for all public works to be executed in their respective sections and from amongst those who tender, the Superintendents shall select the fittest person to execute the work offered for.

Sec. I. White Horse Plains from the Sturgeon Creek upwards on both sides of the Assiniboine River.

II. Lower Section. From St. Paul's Church downwards on both sides of the Red River.

III. Middle Section. From St. Paul's Church upwards on both sides of the Red River to St. John's Cathedral, from thence to the Forks, on the west side of the Red River, and

from

from the Forks upwards on both sides of the Assiniboine River to Sturgeon Creek.

II. Upper Sec. From St. John's Cathedral to the Forks on the East side of the Red River, and from thence upwards on both sides of the Red River

VIII. The following shall be the Superintendents of Public Works

I. White Horse Plains.

Patrick Breland with a Salary of £20 yearly.

II. Lower Sec. Thomas Sinclair with a Salary of £25 yearly.

III. Middle Sec. John Frobisher with a Salary of £25 yearly.

IV. Upper Section. François Bruneau with a Salary of £25 yearly.

30 April 1867.

D. In place of the existing four Sections, the Settlement shall be divided

divided into the following ten, with Superintendents and Salaries stated opposite to them namely.

I. From the Sturgeon Creek upwards on both sides of the Assiniboine and from the Forks upwards on the South Side - Patrick Breland. £10.

II. From the Sturgeon Creek, including the bridge down to the upper end of Ross's Bridge, west side of River. James McKay. no Salary.

III. From the upper end of Ross's bridge, down to St Paul's Church, west side - John Fraser. £10.

IV. From St Paul's Church to St Andrew's Church west side - Thomas Sinclair. £10.

V From St Andrew's Church to St Peter's Church west side. Donald Gunn £10.

VI. From St Peter's Church to St Andrews east side -

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VII. From St Andrews to St Paul's east side - David Bannerman. £6
VIII. From St Paul's to German Creek east side, William Henderson £8.
IX. From German Creek to Marions Ferry east side - Pierre Gladieux £8.
X. From the Forks to Point Coupée west side - Norbert Tarouce. £5.

Birston's Ferry.

17. May. 1869.

A Public ferry is established at the point on the river now occupied by Magnus Birston, appointed to take charge of the same ferry, but the Tariff or rates of charge for crossing shall not exceed as follows. viz:

For Carts or light waggons, with the animal drawing them each	3d
Double Teams	5d
Foot Passengers each	1/2d
Light horses or other Cattle, per head.	1d

The

The Intoxicating of Indians.

XVIII. If any person without distinction of race, supply or sell to any person popularly known as the Indian or any member of an Indian nation, the means of intoxication, he shall on being convicted before a Petty Court, on the oath of one or more witnesses, be fined for each offence as follows.

Two Pounds, for furnishing any brewing utensils, the fine to go to the informer.

Three Pounds for furnishing Malt the fine to go to the Informer.

Five Pounds, for furnishing Beer or any Fermented Liquor, the fine to go to the Informer.

Ten Pounds, for furnishing distilled Spirits, or any other immediate cause of intoxication than fermented liquors: half the fine to

go

go to the Informer:
In every case, the offender after conviction, to be imprisoned until [illegible]

XIX. In addition to these fines, the offender shall make restitution to the Indian of all the equivalent which he may have received, if any, for such furnishing every part of such equivalent not being money itself, being valued for the purpose at Prime cost.

XX. If an intoxicated Indian commit or threaten to commit an unprovoked violence, he may be imprisoned in addition to any specific punishment, till he prosecute the person who may have been guilty in the matter.

XXI. If any person possess, or have possessed Malt or Beer or Spirits or any other of the above means of Intoxication.

A.B.

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Intoxication in the Society or tent of any Indian, he shall be held guilty of furnishing such means of intoxication to Indians.

Liquor Laws.

XXII. It shall be lawful for the Bench of Magistrates of the Peace and Petty Courts in their Several Districts assembled on the first Monday in the month of June in each year, or at other times when they deem it expedient, to issue licenses, which will be in force till the first Monday in June, then next following, to approved applicants (who shall be Landowners in the Settlement) allowing the Sale by retail on their own premises of all Spirits, wines and Beer, lawfully imported, or of native manufacture (all quantities of Spirits under five Gallons, all

quantities

quantities of wine under one gallon, and all quantities of Beer under [illegible] gallons shall be counted retail) [illegible] the Sum of Ten Pounds be paid for a License so issued for the [illegible] by retail of Beer alone, and any person selling Spirits, wine or Beer retail, without such license, shall on conviction, before a Petty Court on the Oath of one or more witnesses, for each offence, pay a Fine of Ten Pounds Sterling, and be imprisoned until the fine be paid: one half of [illegible] fine shall go to the [illegible], and the form of the license shall be according to Schedule A or B; any offence against the provisions of said license shall be paid by forfeiture of the same, an in addition, in case of infraction of the provisions of said licenses as regards Indians,

the

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the offender shall pay the special penalty for furnishing the means of intoxication to Indians.

Schedule A.

This is to certify that you are hereby permitted to sell on your own premises any Lawful Spirits in any quantity under five gallons, Wine in any quantity under one gallon, and Beer in any quantity under eight gallons, to any person or persons, subject to the following resolutions: Not between the hours of nine o'clock at night and six o'clock in the morning, not in any hour during the Sabbath, nor to any intoxicated person, nor to an Indian or person popularly known as an Indian. Any act contrary to the above restrictions shall make this your License void and of none effect.

This License shall continue in force

till the Monday in June now next following –

Schedule B.

This is to certify that you are hereby permitted to sell on your own premises any quantity of Beer under eight gallons, to any person or persons subject to the following restrictions. Not between the hours of nine o'clock at night and six o'clock in the morning, nor in any hour during the Sabbath, nor to any intoxicated person, never to an Indian, or person notorially known as an Indian. Any act contrary to the above restrictions shall make this your License void and of none effect. This License shall continue in force till the first Monday in June now next following.

XXIII. Each Petty Court out of the

Fund

said arising from Licenses and
Penalties, shall defray any neces-
-sary expenses incurred in exe-
-cuting the laws against the illegal
Sale of Spirits, Wines or Beer, or
the furnishing of the means of
intoxication to Indians, account-
-ing to the Governor and Council
for all such receipts and expendi-
-tures.

XXIV. No action shall lie for the
recovery of penalties for any
breach of the laws for regulating
the Sale of intoxicating liquors,
unless information shall have
been given within six months after
the commission of the offence.

Liquor Laws amended
12th day of January 1865.

F. Hereafter Liquor Licenses for one
year to approved applicants, shall
be issuable by the Authorities, and
on

to the conditions specified in the 22nd Section of the Code of 11 April 1862, in the first week of the months of June and December respectively, and at no other periods. Persons wishing for a license shall be bound to lodge their application with the President of the Bench of the proper District not later than the 15th of May, or the 15th November, and the President shall at least once during the interval between the date of the application and the meeting of the Bench in June or December, give public notice on the doors of at least one of the Churches of the District, of such application having been made and of the day fixed for the final disposal of it by the Bench: but in every case where to any ground whatsoever, the granting of the

license

14 License is objected to by a majority of the house holders in the neighborhood of the house where the license is intended to be used, the Bench shall have no power to grant the License. Such majority of objectors, however, being bound to appear before the Bench, and personally to object. For the purpose of this regulation, the word "House holders" shall mean the head of a family occupying a separate house, and the word "neighborhood" shall mean the six nearest house holders on each side of the house intended to be licensed. Excepting in so far as altered by the present enactments, the said 22nd Section of the present Code remains in full force.

G. 4th January 1864.

Hereafter instead of objectors being obliged

obliged to appear personally on one and the same day before the licensing Bench, any person authorized by the present Law, shall at any time during the interval between the disposal of it, be entitled to appear before the President, and intimate his objections as effectually he could now do by a personal appearance on the day of disposal.

A. 18th May 1868.

In granting licenses on the 1st June the Magistrates in the several districts, shall issue them for only the six months thereafter, for one half the present fees.

G. 7 November 1868.

Excepting Sections XXIII and XXIV of the printed local regulations of April 11th 1862, and excepting also the regulations against the "Intoxicating

of

of Indians" which are hereby de-
-clared to be retained in full force,
all the existing Liquor Laws" are
hereby repealed; and in place
thereof, it is enacted as follows:-
Namely, Excepting as regards the
sale of Spirits, Wine or Beer by
Importers or wholesale dealers,
there shall hereafter be but one
description of Liquor License,
which shall be issuable but once
a year as hereinafter mentioned
and such License shall give the
holder permission to manufac-
-ture Spirits, Wine or Beer, and to
sell the same in any quantity,
under the restrictions contained
in the following Schedule, showing
the form in which the License
shall be granted.

Liquor License.

A.B. having paid Ten Pounds, is
hereby

hereby licensed from this date to the first week day in December 187-

inclusive to manufacture Spirits, Wine and Beer and to sell the same in any quantity under the following restrictions - namely

I. He shall not sell to any person between the hours of ten at night and six in the morning.

II. Nor to any person at any time during Sunday.

III. Nor at any time to any intoxicated person.

IV. Nor shall he at any time, sell to any one bringing or intending Indians either directly to the Indians, or knowingly on the part of the Settler indirectly to another for the Indians.

V. All manufacturing and selling shall be confined to the premises for which this license is granted, namely

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namely (here to follow the specification of premises).

The violation of any of these restrictions shall make this license null and void.

Red River

December 187

C.D. Any proved breach of any of the conditions of the license shall cause the forfeiture of the same without any right on the holder's part to the restitution of any portion of the license fee.

And whenever the breach involves also the violation of the Laws against the intoxicating of Indians the offender besides losing his license, shall be liable to all such penalties as he shall have incurred under the said Laws. But against any judgement of any Petty Court ordaining such

such forfeiture, or imposing such penalties, any aggrieved person may appeal to the next ensuing General Court, on giving security for such penalties, (in cases where any are imposed) as well as for the costs of the original action, and also on making the usual deposit of Twenty Shillings for entering the appeal.

But when an appeal is made, the Petty Court shall still have the power of suspending the licence till the appeal is disposed of.

Excepting in the case of a person making wine or beer for his own family use, and not for barter or sale any person who shall manufacture or sell any Spirits, wine or beer without a licence, shall on conviction before a Petty Court, be liable to a fine of not less than Five, and not more than Ten Pounds, for each offence, and failing immediate

immediate payment of the fine, he shall be liable to imprisonment, for a period of not less than five and not more than ten weeks, provided however that at any time during the period of Imprisonment he shall be entitled to be discharged on paying the fine. But from any such conviction before any Petty Court, any aggrieved person may appeal as aforesaid, on giving security for the fine, and the costs of the original action, besides making the usual deposit of 10 Shillings for entering the appeal.

On payment of the sum of Ten Pounds, it shall be lawful for the Petty Magistrates in their several Districts assembled on the first week in December, but on no other day throughout the year, to grant Liquor Licenses according to the foregoing form.

and

and every applicant for a licence shall be bound to lodge his application with the President of the Bench of the proper district, not later than the 15th day of November, specifying therein the premises for which the licence is asked.

And on the first Sunday thereafter the President shall give public written notice at all the places of Public worship in his District, and also in any other district in which any of the nearest neighbours reside, mentioning the names of the persons applying for licences, and specifying their premises, together with the day appointed for disposing of the applications. But in the case of any such application, where the granting of a licence is objected to by a majority of the householders of the neighbourhood of the house where the licence

is

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is intended to be asked, the Bench shall have no power to grant the licence and such objections shall at any time, between the date of the Public Notice and the day for disposing of the application be entitled to submit their objections either personally or in writing to the President of the Bench, without however being bound to assign any reason for their objections.

For the purposes of this regulation the word "Householder" shall mean the head of a family occupying a separate house, or if occupying only part of a house, a tenant for not less than a year, and not being the hired servant of any applicant for a licence and the word "neighborhood" shall mean the twelve householders, who irrespective of the district, are nearest to the house intended.

intended to be licensed.

In the case of any application whatsoever for a license, whether it be objected to or not by a majority of the neighborhood, the Bench shall have full discretionary powers to refuse the license, when satisfactory grounds, relating to the public welfare to them think it would be improper to grant it.

Any person may sue an offender for manufacturing or selling without a license, and shall be entitled to half the fine actually recovered.

Any person may also sue any licensed holder for the breach of his license, and where there is a fine besides a forfeiture of license the prosecutor shall be entitled to half the fine actually recovered.

No liquor license shall on any

conditions.

conditions be granted to any person intending to carry on the manufacture or the sale of Spirits, wine or beer on any part of what is known as the Indian Reserve at the Indian Settlement.

Wholesale Licenses.

From and after the first week day in December next, every wholesale dealer in Spirits, wine or beer, shall pay £10 a year, and any person selling Spirits, wine or beer by wholesale without a license in the subjoined form, shall be liable to a penalty of £10 for each offence to be recovered in the same way as the penalties for the breach of the liquor laws generally.

By the term "wholesale dealers" shall be understood a seller of Spirits or wines in quantities at a time of not less than five gallons each.

each: and of beer in quantities at a time, of not less than eight Gallons; Such wholesale licenses shall be issuable by the Benches of Petty Magistrates, in their several Districts, on the first week day in December, and on no other day, to persons applying to the Resident Justice before or on that day. But in every case the Magistrates shall have full discretionary power to grant or refuse the Licence.

Wholesale Licenses.

C.D. having paid £10, is hereby licensed for one year from this date to sell Spirits and wine in quantities of not less at a time than five gallons each, and beer in quantities of not less at a time than eight gallons.

Red River. December 187

Amended December 17. 1868.

H.

II. In all licenses granted in future for the manufacture and sale of Spirits, wine and Beer, instead of the words "not to any person at any time during Sunday" the words "not to any person at any time during Sunday, Christmas and Good Friday" shall be used.

Customs Duties.

XXV. All goods imported into the District of Assiniboia, from any part of the British Dominions, or from any foreign country, shall be subject to a levy of Four per cent ad valorem duty, to be estimated at the price current of the original place of export, London or New York &c: excepting such articles as shall be otherwise specified.

The following shall be admitted free of Customs Duties, viz:—

I. All Bar Iron and Steel.

II.

II. All books and Publications whether imported for use or Merchandize.
III. All Scientific Instruments.
IV. All agricultural Machines and Implements.
V. All baggage, all apparel and utensils that have been or are in actual use of persons.
VI. All Seeds, Roots or Plants tending to the improvement of Agriculture.
VII. All Stationery and Printed Books.
VIII. All Goods, the bona-fide property of British subjects, entered at the time of Import, as destined for parts not within the District of Assiniboia.
IX. All Cases, boxes, barrels, Bottles or other Covering, which contains Goods or Fluids of any description.
X. Monumental Tablets or Tombstones.
XI. And Grindstones and Stones.
XII. All Skins, Peltries, Parchment

unmanufactured

untanned Leather, and all produce of the Chase generally.

XIII. All goods gratuitously given, and originally designed for the benefit of the Indian Missions of Rupert's Land, also all Wines imported for Church Service.

XXVI. There shall be four Collectors of Customs, residing severally at each extreme and middle of the settlement, and at White Horse Plains, whose residences shall be houses of clearance. A Collector of Customs shall have power to administer Oaths, to search for and seize contraband goods, and to prosecute defaulters, call constables and all loyal subjects of her Brittanic Majesty to his aid, and all persons not constables so called upon shall be paid by the Collector at the Public expense

as

as Special Constables extraordi=
=nary, Say ten Shillings per diem.
A Collector of Customs shall have
power to exact and receive pay=
=ments of Customs Duties, and to
give receipts in discharge of the
same. He shall twice in every
month pay into the hands of the
Governor who is ex-officio Receiv=
=ver General all revenues received
by him, together with a list of the
persons paying, and the value
of the Goods on which the duty
has been paid; and each Collector
shall once every week transmit
to the next Clearing House a list
of all Clearances made by him.
Each shall have in addition to
his Salary be entitled to one fifth
part of the proceeds of Seizures
he shall make or cause to be
made.

XXVII. Every person bringing Goods
liable

liable to duty into the District of Assiniboia, or the Owner, Agent or Conductor, shall be provided with an Invoice or Manifest which shall combine with the name of the Consignee an accurate account of the quantity and prime cost or value of any goods contained in any Carriage Vehicle, or Vessel, or any Conveyance whatsoever, whether by land or water. This Invoice or Manifest shall be attested by the Signature of the Owner or his Representative, and on arrival of the goods within the Settlement, the said Invoice or Manifest shall be produced to the Collector at the first Port of Clearance the goods may come to, otherwise the goods shall be liable to detention. The Collector may

may verify the accuracy of any Invoice presented to him by an oath administered to the Party, or by Examination of the goods, opening Packages, if necessary, & being therewith satisfied, he shall exact payment of the duty or at his discretion accept a Bond for the amount payable within a period of not more than three months, which Bond may be sued for and recovered, the Same as any other Contract debt.

5th The Collector on receiving Satisfaction for the duty as above required, shall write on the back of the Manifest, the Words, "Examined and Passed" attaching his Signature and the date thereof; and this Shall be held as a sufficient Clearance.

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23 case where the want of manifest is or has been unavoidable the Collector may accept of the sworn declaration of the Party as to the value of the goods or otherwise satisfy himself of their value.

XXVIII. Every owner or importer or consignee of goods shall within twenty four hours of the arrival of such goods, exhibit his manifest (if not already cleared) to a Collector of Customs and any owner importer or consignee of goods failing to do so, shall in addition to the duty forfeit a sum of not more than Fifty Pounds sterling or less, at the discretion of the Court, which penalty may be sued for and recovered in the same manner as a contract debt: and any

package

package or goods in which, not
entered with any manifest shall
be seized as contraband and
forfeited to the Queen, or to the
Governor and Council acting
in her name, and in the event of
any person refusing to show his
Invoice or Manifest, or refusing
to pay the duty, or to give a bond
for the payment of the same, the
Collector shall be authorized to
seize all his goods as contraband.
any person making a false
declaration under an oath
administered by a Collector may
be indicted for wilful Perjury.
Persons claiming exemption
from Duty because of their
goods being destined for ports
beyond the circle of Assumption
shall, as in the case of goods
for home consumption, enter
them

thereon at one of the Custom Houses as being in transit for their destination, and give a Bond that the said goods will be duly carried and disposed of beyond the limits of the District of Assiniboia: which bond will be for an amount equal to half the prime cost of the goods so entered, and can only be cancelled by the certificate of a Collector of Customs that the conditions of the Bond have been fulfilled, otherwise the amount of the Bond will be forfeited and shall be recoverable in the same manner as a Contract Debt.

XXIX. All goods liable for duty shall be held as contraband if under the following circumstances they are unprotected by a clearance.

I. If they have been within the premises of the proprietor or

consignee

consignee for more than forty eight hours.

II. If they have been opened, or in any way disposed of, or otherwise have passed from the original importer or consignee.

III. If not being liable for Duty because of their destination being beyond the bounds of the District, they shall have been opened or disposed of or in any way have passed from the possession of the original importer or consignee within the bounds of the District, without the knowledge and sanction of a Collector of Customs, all such goods unless otherwise provided for shall be forfeited to the Queen, by the Governor and Council acting in her name. All goods so seized shall be deposited in the Court house, and afterwards at

authorized

authorized times be sold by Public auction for the benefit of the revenue, saving expenses and the rights of the Collectors.

XXX. That a duty of Five shillings per gallon be imposed upon all fermented and spirituous Liquors imported into the Settlement, except such as shall be proved to have been directly imported from the United Kingdom by the Consignee.

XXXI. The following shall be the Collectors of Customs.

William Dease, at Point Coupee with a Salary of £20 per annum.
Roger Goulet, at Upper Fort Garry with a Salary of £35 per annum.
Patrick Breland, at White Horse Plains, with a Salary of £20 per annum.
W. R. Smith at Lower Fort Garry.

Customs Duties.

4th June 1862

4th June 1862

I. No wines or Spirits (excepting for Church Services) shall be allowed to pass through the District of Assiniboia in Bond, but all wines and Spirits entering the said District shall bear the legal Duty.

9th April 1863

I. Instead of the omission to produce at the first house of Clearance nearest to which any imported goods shall pass, an Invoice or Manifest thereof, merely subjecting such goods to the liability of being detained, a provision is substituted in the present case, as stated in Article 27 of the Local Code of 11th April 1862, to the effect that such omission subjects the owner of the goods or his representative, to a penalty of not more than £50 Sterling, or less at the discretion of the Court, to be sued for in the

same

4th June 1862
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Duty.
9th April 1863.
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same manner as a contract debt.

And the first house of clearance shall be understood to mean that station nearest to which the goods in being conveyed to their destination by the most direct practicable route would naturally pass.

The whole of the first section of the 28th article of the said Code, being that section contained between the word "every" at the beginning of the same and the word "Contraband", as it occurs the second time in that section is repealed, and in lieu of such repealed section,

Every Owner or Importer or Consignee of Goods, at any time after the arrival of the same within the limits of Assiniboia shall be bound to exhibit the Invoice or manifest thereof to any Collector of Customs demanding

demanding it, and every owner, Importer or Consignee of Goods immediately on the arrival thereof at their destination, shall unless the goods have been already cleared, be bound to enter the same, and pay the duty to the Collector at the Custom House, nearest the same place of destination. And any importer or Owner, or Consignee neglecting to comply with either of the foregoing provisions, shall in addition to the duty, forfeit a sum of not more than Fifty Pounds Sterling, or less, at the discretion of the Court, which penalty may be sued for and recovered in the same manner as a Contract debt. And any package or goods in bulk not entered into any mani=fest shall be seized as Contraband and forfeited to the Queen, or to

the

the Governor and Council acting in Her name, and in the event of any person refusing to pay the duty, or to give a Bond for the payment of the same, the Collector shall be authorized to seize all his goods as Contraband.

15th July 1864.

K. A Tax of £15 Sterling, shall be levied on Distilleries, which Tax shall include a Retail Licence.

29th September 1864.

L. all Flour imported into the Settlement shall be duly Free

30th May 1865.

Rate of Duties on Spirits.

In place of the present rates, there shall be payable a duty of one Shilling per gallon on all Spirituous and fermented Liquors and all Wines imported into the District of Assiniboia, from any part

part of the British Dominions, or from any Foreign Country.

Excepting always from such duty all wines imported for Church Service.

4th Jan.y 1866.

N. All duties on Wines and Spirits shall be payable immediately on entry.

Police.

XXXII. Efficient Householders, not exceeding twelve in number, to remain in office for a Term of three years, from 1st Sept.r following their appointment, shall be appointed Constables on the last Thursday in each year by the Magistrates, specially assembled for the purpose, and every Constable so appointed must take the following Oath:— I Swear, by God, as I shall answer to God at the Great Day of Judgement, that I shall, till lawfully discharged from my Office of Constable for the District of

Assiniboia

Assiniboia, be always ready at all hazards, to serve and execute all legal Writs, and to maintain public peace and security: And that I shall to the utmost of my ability, obey all laws and all lawful authorities, within and for the said District, and induce all others to obey the same, and that I shall do my best to become acquainted with all local legislations.

XXXIII. For any neglect of duty any Constable may be suspended by any Magistrate or Petty Court, or may be discovered by the General Court.

XXXIV. Each Constable shall receive Twelve Pounds a year, to be paid half-yearly, except dismissed for neglect of duty, or pronounced after the close of his half year to have been decidedly suspended, he shall receive

receive daily Three Shillings and Sixpence for every day of actual service.

Police - 21st March 1865.

N. In future no Constable shall be at liberty to absent himself from the Settlement for more than one night at a time, without express permission from the Magistrate of the District to which he belongs.

Debtors

XXXV. That no immoveable Property shall be sold, without intimation made or posted previously on two successive Sundays at the door of every Church in the Settlement, and that in case the Sale may have been effected without this intimation, the buyer shall be responsible for the debts of the Seller to the amount of the true value of the immoveable Property.

XXXVI.

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XXXVI. That any creditor to the extent of not less than Twenty Shillings for making Oath before any Justice of the Peace to the correctness of the debt, and to the fact of his believing his debtor intends to proceed to a Foreign Country, or to a part of the Country over which the Civil Jurisdiction of the Courts of the Settlement does not extend, may compel the said Debtor to show grounds for expecting his return to the Settlement within the same season as his departure, or to give Security for his appearance at the then next sitting Competent Court, or failing both of these conditions, apprehend and detain his person in the Settlement till then and that from the operation of this Law, every debtor who has contracted with the Company or others to leave the Settlement for

for a limited period, but who does not contemplate an unlimited absence from the Settlement shall be exempt if his agreement has been published by the exhibition of his name in the Company's Office, or other Public place at least four days prior to the sitting of the last Competent Court preceding the date of his intended departure. And further that in no case shall a Debtor leaving the Settlement in terms of an agreement, be liable to be detained for debts which were contracted with third parties after the date of the due publication of his agreement to leave the Settlement for a limited period.

XXXVII. That in the case of a Debtor who has left the Settlement for an unlimited period, leaving property on the Settlement, such property or

as

as much of the same as may be deemed equal to the amount of the claim, if all at the discretion of any two Justices, be liable on the sworn application of a creditor to be attached in the hands of any third party, and that failing the Debtor's appearance before the said Justices, after summons by Proclamation for three successive Sundays, one two of the Protestant and two of the Catholic Church doors the Competent Court may proceed to execute justice in the matter according to their discretion, provided however that no such attachment shall be issued against the property of a Debtor who although absent can be proved to have publicly notified his intention of departure for ten days previous to the date of the same.

- Debtors - 3d Nov.r 1864

O. Whereas doubts have arisen regarding the true meaning of the phrase "the same season" as occurs in the thirty sixth section of the Revised Laws of Assiniboia of 11th April 1862, and it is desirable to remove such doubts, henceforward the aforesaid words "the same season" shall be held to mean a period of a twelvemonth immediately following the date of the debtor's expected departure from the Settlement.

- Intestate Estates -

XXXIII. When any person has died without a written will no individual shall intermeddle with the property till he has received letters of administration from the Governor of Assiniboia

P. 31st August 1865

It shall be lawful for the General

31 General Quarterly Court of the District to issue letters for the guardianship of minors residing in the District and by such letters to empower the Guardians to take and have the care of the persons and the custody and management of the property of the minors for whom they are to be appointed. Subject always to the supervision and control of the Court.

Every application for the appointment of Guardians shall be made at one Court and the letters when granted shall only be obtainable by the next succeeding Court for a fee of seven shillings and sixpence payable to the Clerk of the Court who shall record every such appointment and grant a certificate of the same.

29th Dec. 1868.

2. In all cases of Estates of Intestates

Intestates and minors, where the appointment of administrators and guardians should take immediate effect, the presiding Judge of the Court may make such temporary appointments as he in his discretion may deem necessary for the protection of the interests concerned, but the rule is maintained requiring a quarter's interval between the time of the application and that of the final issue of the letters.

29th Dec. 1866.

The General Quarterly Court shall be, and is empowered to grant letters of administration in cases of intestacy within the District of Attiboca. The application for such letters shall be made at one Court, and the letters issuable only at the next ensuing Court, public notice to all concerned being given in the

42. The meantime given at the Court house door of the fact of such application having been made. For the letters of administration when granted by the authority of the Court, the Clerk of the Court shall be entitled to a fee of seven shillings and sixpence from the applicant.

Marriage Licenses.

XXXIX. On payment of one pound a Marriage License shall be issued by the Governor of Assiniboia to any applicant who may swear before him that neither himself nor his intended Consort is already living in lawful wedlock - saving the rights whatever they may be of any ecclesiastical person or the premises.

XL. Any legally ordained Presbyterian Minister laboring in the Settlement may validly solemnize marriages

in

in the District of Assiniboia, and all Registers of marriages, Baptisms and burials, regularly Kept by any legally ordained Presbyterian Minister shall be deemed legal and valid records.

Marriage Licenses.
addition 29th Nov. 1866

R. The fees hereafter receivable by the Governor of Assiniboia for Marriage Licenses, granted by him to members of the Presbyterian Community, will be handed over to the senior Minister of the Presbyterian Church in behoof of that body.

Contracts for Service.

XLI. That it shall not be lawful for any freighter or owner of any Boat voyaging between Red River Settlement and any other place to embark any person as a Boatman without such person entering into a

Contract

Contract in writing, as nearly as may be in the form of the Schedule A. hereafter written, specifying what wages such person is to receive, in what capacity he is to serve, the time of entering such service, the period of starting and the port of place to which such voyage is to be made, and to be signed by every such Boatman respectively, and attested by one witness when both contracting parties can sign, and by two witnesses when one or both shall be unable to sign their names, the said Contract to be distinctly and truly read to such Boatman before signature.

XLII. That if any boatman, after having signed such agreement but not otherwise, shall neglect or refuse, to join the Boat, he has engaged

engaged to serve in or shall refuse to proceed on the voyage agreed upon, or shall absent himself without leave, it shall be lawful for any Justice of the Peace, upon Complaint being made on Oath by the Master or owner of such Boat who shall produce his Contract to apprehend the said Boatman, and in case such Boatman cannot give any sufficient reason for such absence, Refusal or neglect the said Justice upon sufficient proof of such default may commit the Boatman to Jail for any period not exceeding Thirty days, unless such Boatman shall agree to proceed on such voyage to the satisfaction of the Complaining party provided always that nothing contained herein shall deprive the Master or owner of his legal recourse

recourse for the recovery of wages advanced to such Boatman, nor deprive such boatman of the like recourse for wages due.

XLIII. That public and sufficient notice shall be given of the day of starting, not less than fourteen days previously.

Schedule A.

On agreement made pursuant to a Law of the Governor and Council of Assiniboia, passed in the Twenty first year of the reign of Her Majesty Queen Victoria between ---- of the Red River Settlement, Freighter and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons and they severally agree hereby to serve on board such boat or boats as may be hereafter designated, in the several capacities against their respective names expressed,

expressed, in a voyage from Red River settlement to ——— and back to Red River settlement.

and the said crew or crews further agree to conduct themselves in an orderly, faithful, honest careful and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful Commands of the said Freighter, or his representative in everything relating to the said Boat, and the Material, Stores and Cargo thereof, whether on board said boat or on Shore. In consideration of which services duly honestly, carefully, and faithfully performed, the said Freighter doth hereby promise and agree to pay the said crew, by way of compensation or wages, the amounts against their names respectively expressed.

In witness

witness whereof the said Parties have hereto subscribed their respective signatures mentioned.

Jermains
Salaire
Pompes Dotaire
Signature de l'homme
Date de l'engagement

Surveyors.

XLIV. Messrs Roger Goulet and Herbert L. Sabine shall be surveyors for this Settlement, without a salary from the Public Funds, but they shall be entitled to be paid Ten Shillings per diem each, by any person who calls for their services.

Postal.

XLV. James Ross Esquire shall be Postmaster in the middle section of the Settlement, with a salary of Ten Pounds per annum; and Thomas Sinclair

Sinclair Esqre shall be Postmaster in the Lower Section, with a Salary of Six Pounds per annum.

XLVI. A mail shall be carried between the Settlement and Pembina at the Public Expense, in connection with the United States mail to Pembina and the mail from the Settlement shall be regulated as to meet the United States mail at Pembina.

XLVIII. The charge for Postage by the Red River mail from the Settlement to Pembina, or from Pembina to the Settlement shall be as follows:-

Each letter under half an ounce, one Penny, and one Penny for each additional half Ounce.

Every Magazine or Review, Two Pence

Every Paper, one halfpenny, except such Papers going out as proceed directly from the Office of Publication, and those which come in as exchanges

on

on which there shall be no charge
Books, half a pound and under 5d
One Pound 9d
One Pound and a half one Shilling
Two Pounds one Shilling and sixpence,
and for every additional half pound
Two Pence.

All Letters carried between the Post offices in the Settlement, shall have a charge of One Penny each.

XLVIII. Letters that have been in the Post-office one month uncalled for, shall be advertized, and if not applied for within a month after advertisement, shall be returned to distributing office, and all letters so advertized, shall bear a charge of Three Pence each, to be defrayed by the individual receiving such letter in addition to the Regular Postage.

Premium on Wolves Heads.

XLIX. A Premium of Five Shillings for the Head of every Large, and of

Two

Taro Shillings and Sixpence for the head of every Small Wolf Killed within twenty miles of the Settlement, shall be paid from the Public Funds but from the premium the sum of Sixpence a head shall be retained for his own benefit by the Officer who distributes the Premiums to Claimants.

Premium on Wolves' Heads.

amended 29 Dec. 1868.

8. The article XLIX of the local enactments of April 11. 1862, is now repealed, and the payment from the Public Funds of Premiums on Wolves' heads is henceforth abolished.

Administration of Justice.

L. Doctor Bird shall be Coroner for the District of Assiniboia.

LI. James Ross shall be Sheriff for for the same.

LII. The General Court shall sit for the District of Assiniboia, with a Jury

on

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on the third Thursday of February, and on the third Tuesday of May, on the third Thursday of August, and the third Thursday of November.

LIII. In place of the laws of England of the Date of the Hudson's Bay Company's Charter, the laws of England of Her Majesty's accession, so far as they may be applicable to the condition of the Colony, shall regulate the proceedings of the General Court, till some higher authority or this Council itself shall have expressly provided, either in whole or in part, to the contrary.

LIV. Petty Courts shall sit as follows:

I. While Horse Plains section from Sturgeon Creek upwards, on both sides of the Assiniboia, on the second Monday of January, and of March, on the first Monday of June, on the second Monday of July, of September and

of

of November, at Mr. P. Breland's house

II. Lower Section from St. Johns Cathedral, downwards on both sides of the Red River, on the fourth Monday of January, of March, of May, of July, of September, and of November, at Mr. Thomas Sinclair's house.

III. Upper Section comprising all the rest of the Settlement, on the third Monday in every month at the Court house, provided however that any one of those Petty Courts may adjourn itself over seed time and harvest.

IV. The Petty Judges shall be as follows:-

I. Section Mr. Francois Bruneau President with a salary of £5. a year.

Mr. Paschal Breland with a salary of £5 a year. Mr. John Taylor with a salary of £5 a year, Mr. Pierre Falcon with a salary of £5 a year.

II. Section.

II. Section. Mr. Thomas Sinclair Presi-
-dent with a Salary of £8 a year
Mr. Donald Gunn with a Salary of
£5 a year. Mr. John Sinclair with a
Salary of £5 a year, Mr. Donald Gunn-
-ay with a Salary of £5 a year.
III. Section. Mr. Francis Brunneau
with a Salary of £16 a year, Mr.
William Deane with a Salary of £10 a year
Mr. A. Fiddler with a Salary of £5 a year
Mr. A. J. B. Baunatyne with a Salary
of £5 a year.
IVI. Two Petty Judges and the
President shall form a quorum, the
President voting only when the others
have not decided by at least a
Plurality of Votes.
LVII. The Petty Courts shall take cog-
-nizance of all actions for debt, with
the exceptions of questions of rent
not exceeding Five Pounds, also of
all Petty offences which do not
involve

involve any other than a pecuni-
ary fine of not more than Forty
Shillings Sterling, with the exception
of cases arising from Breach of the
Liquor Laws, the laws regarding
the furnishing to Indians of the
means of intoxication, in which
cases the Petty Courts are specially
competent to decide. Provided
however, that where the debt exceeds
Two Pounds, the losing party may
appeal to the General Court giving
security for costs.

LVIII. In any Petty Court the original
summons shall run only for the
town section of the Settlement, but
all other writs whatever shall
run for the District of Assiniboia.

LIX. If in any suits originally brought
before the General Court, the Bench
after verdict rendered against the
defendant, shall unanimously
decide

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decide that such suit ought to have gone before a Petty Court, the Plaintiff shall in that case, receive costs only as in such Petty Court.

LX. In any Court, either Party to a Civil action, may be made the other's witness.

LXI. Every writ, including service or execution thereof within the range settlement shall cost one Shilling.

LXII. In every case entered for the General Court, the plaintiff shall deposit Ten Shillings, which, if the case comes on for trial, shall go towards the payment of the Jury, but should the case not come to trial, the said deposit shall be forfeited, if the case has not been withdrawn at least eight full days previous to the day on which the Court sits. The sums thus

forfeited

forfeited shall go to form a fund from which each peryman summoned for the General Court, who does not sit on a civil case, shall receive Two shillings and sixpence for his attendance.

LXIV. Any person who may be imprisoned in respect of any crime, or of any penalty, shall daily receive One pound of Flour and half a pound of Pemmican, and water at discretion; and no person may be imprisoned or kept in prison at the suit of any Creditor, unless he shall receive every week in advance a daily allowance of sixpence from such creditor.

Administration of Justice

Amended 7th Jany 1864.

T. To remove all doubts as to ~~the~~ true construction of the 53d Article of the Code of 11th April 1862, the proceedings

proceedings of the General Court shall be regulated by the Laws of England, not only of the date of her present Majesty's accession so far as they may apply to the condition of the Colony, but also by all such Laws of England of subsequent date, as may be applicable to the same, in other words the proceedings of the General Court shall be regulated by the existing Laws of England for the time being in as far as the same are known to the Court, and are applicable to the condition of the Colony.

3d November 1864.

II. The sixty first section of the printed laws of Assiniboia is repealed.

For every writ in Civil actions and in Criminal prosecutions not public, for the General Court

there

there shall be payable to the
Magistrate issuing the same, three
shillings and sixpence, and for
any of the Petty Courts two shillings
and sixpence of which charges
the sum of two shillings and
sixpence in the former case, and
of one and sixpence in the latter
shall be retained by the Magis-
trates for the writ, and the other
shilling in each case shall be
paid by the Magistrate to the
Constable serving it.
For such shilling the Constable
shall be bound to serve any writ
within five miles of the residence
of the Magistrate from whom he
received it, but for any distance
he may be required to travel be-
yond that in serving a writ he
shall in addition to the shilling
be entitled to mileage, at the rate

of

of Two pence a mile, or part of a mile. all these fees shall be payable to a Magistrate before issuing a writ, and every Constable receiving a writ for service shall be bound either himself to serve it, with all due diligence, or immediately to put it into the hands of some other Constable, who in like manner shall be bound himself to serve it without delay.

The General Court shall be authorized to adopt such Scale of Fees and such rules and forms of procedure as to the Court itself may appear proper.

Executive Officer.

LXV. Mr. William Robert Smith with a Salary of One hundred Pounds a year, shall discharge all such administrative functions as may not be specially assigned to any other Person.