

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

not be allowed to vote upon any question, which shall arise in the course of the trial, or upon the determination thereof.

No member to vote who has not attended during the whole of the trial.

VII. *Provided always*, That no such determination as aforesaid, shall be made, nor any question be proposed, unless there be a quorum of the House; and no Member shall have a vote on such determination, or any other question, or resolution, who has not attended during the whole of the trial.

Persons swearing falsely, shall incur the penalties of perjury.

VIII. *And be it further Enacted by the Authority aforesaid*, That the oaths by this Act directed to be taken, shall be administered by the Clerk of the House, and that any person who shall be guilty of wilful and corrupt perjury, in any evidence, which he shall give before the House, in consequence of the oath, which he shall have taken by the direction of this Act, shall, on conviction thereof, incur, and suffer the like pains and penalties, to which any other person convicted of wilful and corrupt perjury is liable, by the Laws and Statutes of this Province.

CHAP. IV.

An ACT to ratify and confirm certain Provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties, and for carrying the same into effect; and also to continue an Act passed in the thirty-ninth year of his Majesty's reign, and continued by an Act passed in the forty first year of his Majesty's reign.

[Passed 2d March, 1805.]

MOST GRACIOUS SOVEREIGN,

Provisional Agreement recorded.

WHEREAS Articles of Provisional Agreement, were made, and entered into at Montreal, on the fifth day of July, in the forty fourth year of your Majesty's reign, by the Commissioners nominated and appointed on behalf of the Province of Upper Canada, by His Excellency Peter Hunter Esquire, Lieutenant Governor of the said Province, by commission, bearing date the twenty-second day of March, in the forty-fourth year of your Majesty's reign, in pursuance of, and under the authority of an Act, passed in the thirty-seventh year of your Majesty's reign, intituled, "An Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes therein mentioned," and the Commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the forty-fourth year of your Majesty's reign, intituled, "An Act for appointing Commissioners to treat with the Commissioners appointed, or to be appointed, on the part of Upper Canada, for the purposes therein mentioned," which agreement is as follows:—

The said Commissioners having met, and communicated to each other their respective powers and authorities, and having taken into consideration, and maturely deliberated upon the objects of their appointment, and finding, that no material alteration hath taken place in the relative situation of the two Provinces;

vinces, so as to require any change in the existing provisions, for ascertaining the respective proportion of duties, and allowance for drawbacks, on articles imported at the Port of Quebec, or otherwise, it is unanimously agreed, that the articles of agreement, at present subsisting between the two Provinces, be further continued, and be in force, as if they were here particularly inserted, until the first day of March, in the year of our Lord one thousand eight hundred and nine.

May it therefore please your most Excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That all and every part of the Provisional Agreement, herein before particularly mentioned, and every clause thereof, be ratified, approved, and confirmed, and the said Provisional Agreement, and every part and clause thereof, is ratified, approved, and confirmed accordingly, and shall have the same effect, force, and validity, for, and during the term of this Act, as if the existing Articles of Agreement were herein particularly set forth.

II. And whereas, an Act was passed in the thirty-ninth year of your Majesty's reign, intituled, "An Act to ratify, approve, and confirm the Provisional Agreement, made, and entered into by Commissioners on the part of this Province, and Commissioners on the part of the Province of Lower Canada," expired, and was at an end, on the first day of March, one thousand eight hundred and one; and whereas, the said Act was renewed, and continued, until the first day of March, in the year of our Lord one thousand eight hundred and five; and whereas it is expedient and necessary to renew, and continue the said Act, (except so much of the same, as relates to the suspending the operation of the sixth article, of the therein recited Provisional Agreement,) Be it therefore Enacted by the Authority aforesaid, That all, and every clause (excepting as herein before mentioned) obligation, penalty, fine, matter, and thing, in the said Act contained, be renewed, continued, and enacted accordingly; and all, and every clause, obligation, penalty, fine, matter, and thing therein contained, (except as herein before mentioned) shall have the same effect, force and validity for, and during the continuance of this Act, as if the same were herein particularly repeated and set forth.

39th Geo. 3d
revived and
continued.

III. And be it further Enacted by the Authority aforesaid, That the Provincial Treasurer shall, and is hereby authorized and required, to receive the monies which now are, or hereafter may become due, and payable, from the said Province of Lower Canada, to this Province, pursuant, and by virtue of this Act, and of the articles of Provisional Agreement herein before ratified and confirmed, in the same manner, as he is directed by the above recited Act, hereby renewed and continued as aforesaid.

Provincial
Treasurer to
receive the monies from the
Province of
Lower Canada.

IV. And be it further Enacted by the Authority aforesaid, That this Act shall have

Continuance
of this Act.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

have force and effect, from the first day of March, in the year of our Lord one thousand eight hundred and five, and shall continue to be in force to the first day of March, in the year of our Lord one thousand eight hundred and nine, and no longer.

CHAP. V.

An ACT to alter certain parts of an Act, passed in the forty-second year of his Majesty's reign, intituled, "An Act to provide for the administration of Justice, in the District of Newcastle."

[Passed 2d March, 1805.]

Preamble.

WHEREAS the place appointed by law, for building a Gaol and Court House, in the district of Newcastle, is inconvenient for the inhabitants of the said district; Be it therefore Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act, passed in the forty-second year of his Majesty's reign, intituled, "An Act to provide for the administration of Justice in the district of Newcastle," as directs, that a Gaol and Court House shall be built in the town of Newcastle, shall be repealed, and that it shall and may be lawful, for his Majesty's Justices of the Peace, in and for the said district of Newcastle, or the greater part of them, in the first General Quarter Sessions, after the passing of this Act assembled, to appoint some fit and proper place, in either of the townships of Haldimand, or Hamilton, within the said district of Newcastle, where a Gaol and Court House may be built, in the same manner that a Gaol and Court House is at present directed to be built, within the said town of Newcastle, any law to the contrary notwithstanding.

Part of an Act passed in the forty-second year of his Majesty's reign repealed.

Magistrates of the district of Newcastle to appoint a proper place in the townships of Haldimand or Hamilton, for building of a Gaol and Court House.

Gaol and Court House not to be built on any residue; or on private property, without permission.

Gaol & Court house to be built within two years.

II. *Provided*, That nothing in this Act, shall extend, or be construed to extend, to authorize the said Justices of the Peace, to fix the place for building the said Gaol and Court House, on any reserve of the Crown or Clergy, or on land belonging to any person, or persons, without permission first obtained, from the Government, or from the owner, or owners of said land.

III. *Provided always, and be it further Enacted by the Authority aforesaid*, That unless such Gaol and Court House shall be built, and finished, within two years, from the passing of this Act, so that prisoners may be confined in the one, and the different Courts of Justice be properly accommodated in the other, then, and in such case, this Act shall be, and the same is hereby declared to be null and void.