

Commissioners of his treasury for the time being, in such manner and as it shall please his Majesty to direct, and the other moiety thereof shall belong to the person or persons who shall sue for the same.

Limitation of Actions for any thing done in pursuance of this act.

Pleadings & costs.

XIV. And be it further enacted by the Authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the matter or thing done, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and if afterwards judgement shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-suited or discontinued his, her or their action or suit, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs at law.

Continuance of this act.

XV And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force, four years from and after the passing of the same, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

C H A P. X.

An ACT for granting to his Majesty, his heirs and successors, to and for the uses of this Province, the like duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from the United States of America into the Province of Lower Canada.

Passed 10th March, 1807.

Preamble.

WHEREAS by articles of provisional agreement made and entered into at Montreal, on the twenty eighth day of January in the thirty-seventh year of his present Majesty's reign, by commissioners nominated and appointed on behalf of the Province of Upper Canada, under and by virtue of an Act of the Legislature thereof, passed in the thirty-sixth year of his Majesty's reign, entitled, "an Act to authorize the Lieutenant Governor to nominate and appoint certain commissioners for the purposes therein mentioned, and commissioners nominated and appointed in behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the thirty sixth year of his Majesty's reign, entitled, "an Act for appointing commissioners on behalf of this Province, to treat and confer with commissioners on behalf of the Province of Upper Canada, for the purposes herein mentioned," it was amongst other things agreed, that the Legislature of Upper Canada, should impose and levy upon all articles subject to duties in Lower Canada, which shall be brought into Upper Canada from the United States of America, without passing through Lower Canada, duties equal to those that were or should be imposed and levied on similar articles when brought

Provisional agreement between Upper and Lower Canada, in part recited.

brought from the United States into Lower Canada, and that the legislature of Upper Canada should take the most effectual measures that their local situation would admit of, for enforcing the collection of such duties. And whereas by an Act of the Provincial Parliament of Lower Canada, passed in the forty fifth year of the reign of his present Majesty, entitled, "an Act to provide for the erecting of a common Gaol in each of the Districts of Quebec and Montreal respectively, and the means for defraying the expences thereof," it was amongst other things enacted, that from and after the passing of that Act there should be raised, levied, collected and paid, for and upon the respective goods, wares and merchandize thereinafter mentioned, which should be imported or brought into any part of that Province, from any place or places from whence the same might be legally imported, over and above all other duties then charged and payable thereon in that Province, by any Act or Acts of the Parliament of Great Britain, or of the Provincial Parliament of that Province, the several rates and duties therein mentioned, that is to say, for every pound Avoir-du-pois weight of Bohea Tea, two pence ; secondly, for every pound like weight of Souchong or other black Tea, four pence ; thirdly, for every pound like weight of Hyson Tea, six pence ; fourthly, for every pound like weight of all other green Teas, four pence ; fifthly, for every gallon English measure of all spirits or other strong liquors, three pence ; sixthly, for every gallon like measure of all wine, three pence ; seventhly, for every gallon like measure of all molasses and syrups, two pence, and after those rates for any greater or less quantity of such goods respectively.

Act of the provincial Parliament of Lower Canada, 45 of Geo. 3. in part recited.

And wheras it is expedient in conformity to the said provisional agreement before mentioned, that the like duties, should be raised, levied, collected and paid upon the respective goods, wares and merchandizes above recited, which should be imported or brought into any part of this Province from the United States of America, over and above all other duties now charged and payable thereon, as are now imposed on similar articles brought from the said United States of America into Lower Canada : 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, entitled, " an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, " 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 from and after the passing of this Act, there shall be raised, levied, collected and paid for and upon the respective goods wares and merchandizes hereinafter mentioned, which shall be imported or brought into any part of this Province, from the United States of America, over and above all other duties now charged and payable thereon in this Province, by any Act or Acts of the Parliament of Great Britain, or of the Provincial Parliament of this Province, the several rates and duties following, that is to say For every pound avoirdupois weight of Bohea, two pence ; secondly, for every pound like weight of Souchong or other black Tea, four pence ; thirdly, for every pound like weight of Hyson Tea, six pence ; fourthly, for every pound like weight

In conformity to the provisional agreement, additional duties imposed on certain goods, wares, and merchandize, imported from the United States of America, into this Province.

weight of all other green Teas, four pence; fifthly, for every gallon English measure, of all spirits or other strong liquors, three pence; sixthly, for every gallon like measure, of all Wine, three pence; seventhly, for every gallon like measure of all Molasses and syrups, two pence, and after those rates for any greater or less quantity of such goods respectively.

Mode of collecting the said duties.

II. *And be it further enacted by the Authority aforesaid,* That the several rates and duties herein before recited, shall be raised, levied, collected and paid in the same manner and form, and under the same rules and regulations, penalties and forfeitures as are by law now established in this Province, for the levying and collecting of other rates and duties.

Continuance of this Act.

III. *And be it further enacted by the Authority aforesaid,* That this Act 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.

C H A P. XI.

*An Act to Establish the Fees of the Clerks of the Peace, and to regulate the Fees in the several Courts of Quarter Sessions throughout this Province.*

Passed 10th March, 1807

Preamble.

WHEREAS it is proper to establish the fees of the different Clerks of the Peace in this Province, and that provision be made for the payment of costs arising in the Court of General Quarter Sessions :

Fees allowed to the clerks of the peace.

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, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "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 from and after the passing of this Act the following fees shall be allowed to the different clerks of the peace in this Province; for drawing the receipt and attending commissioners to sign the same, and transmitting it to the sheriff, one pound; attending each quarter session, one pound and ten shillings; making up the records of each session, two pounds and ten shillings; notice of every appointment, one shilling; list of jurors, every one hundred names, two shillings and six pence; making up estreats of each session and transmitting the same to the inspector general, five shillings; to be paid out of the district treasury:—every recognizance for the peace or good behaviour, to be paid by the party bound, five shillings; for discharging the same, two shillings and six pence; subpoena, two shillings and six pence; bench warrant, five shillings; drawing indictment, ten shillings; allowance of certiorari, to be paid by the person applying for the same, five shillings.