

The Statutes of His Majesty's Province of Upper-Canada, Passed in the second session of the seventh provincial parliament of Upper-Canada (1818). York: R. C. Horne, 1818.

58 George III – Chapter 13 (Session 2)

An Act to repeal an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to continue for a limited time the Provisional Agreement entered into between this Province and Lower-Canada, at Montreal, on the Fifth Day of July, One Thousand Eight Hundred and Four, relative to Duties; also for continuing for a limited time, the several Acts of the Parliament of this Province relative thereto, and also to ratify and confirm the Provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower-Canada, at Montreal, on the Thirty-first Day of May, One Thousand Eight Hundred and Seventeen, relative to Duties, and for carrying the same into effect. Passed 1st April, 1818.

Whereas Articles of Provisional Agreement were made and entered into at Montreal, on the Thirty-first Day of May, in the Year of our Lord One Thousand Eight Hundred and Seventeen, in the Fifty-seventh Year of Your Majesty's Reign, by the Commissioners nominated and appointed on behalf of the Province of Upper-Canada, by His Excellency Francis Gore, Esquire, Lieutenant Governor of the said Province, by Commission bearing date the Twenty-third Day of April, in the Fifty-seventh 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, entitled "An Act to authorise 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, 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. "Whereas by an Act of the Provincial Parliament of Lower-Canada, passed on the Eighth of March last, entitled 'An Act to authorise the advance of a certain Sum of Money for the causes therein mentioned, to the Province of Upper-Canada, it is among other things Enacted, that in addition to the Sum of Twenty Thousand Pounds appropriated for Upper-Canada, such further Sum should be allowed as might be agreed upon by the Commissioners; Therefore WE the Subscribing Commissioners for the Two Provinces, have agreed, that there is due to Upper-Canada, from the First of January One Thousand Eight Hundred and Sixteen, to the First Day of January One Thousand Eight Hundred and Seventeen, the Sum of One Thousand Five Hundred and Eighty-five Pounds, Currency, in addition to the said Sum of Twenty Thousand Pounds, and that the same shall be without prejudice to any Claims which Upper-Canada may have for any Arrearages due previous to the Year One Thousand Eight Hundred and Sixteen.

ARTICLE FIRST. That the Legislature of Upper-Canada will not impose any Duties whatsoever, on any Goods, Wares or Merchandize, imported into Lower-Canada, and passing into Upper-Canada, during the Continuance of this Agreement, but will allow and admit the Legislature of Lower- Canada to impose and Levy such Duties, on such

Goods, Wares and Merchandize, as they may judge expedient, other than Goods imported from Upper-Canada.

ARTICLE SECOND. That during the Continuance of this Agreement, the Province of Upper-Canada shall be entitled to receive Annually, One Fifth Part of all the Duties (exclusive of the Expence of Collection) which shall be Raised, Levied and Collected, in Lower-Canada, under, and by virtue of an Act of the Parliament of Great Britain, passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America, and also One Fifth Part of all Duties (exclusive of Expence of Collection) which the Legislature of Lower-Canada have already imposed, or may hereafter impose on Goods, Wares and Merchandize, imported, or to be imported into Lower-Canada, during the continuance of this Agreement. Provided nevertheless, that this Agreement shall not be construed to extend to Duties laid upon Goods sold at Auction in Lower-Canada as aforesaid.

ARTICLE THIRD. That the operation of this Agreement shall be considered to commence on the First Day of January last, and shall be in force until the First Day of July, which will be in the Year of our Lord One Thousand Eight Hundred and Nineteen." And whereas it is expedient that the said recited Agreement should be ratified and confirmed, 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, 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 all and every part of the Provisional Agreement, herein before mentioned, and every Clause thereof is ratified, approved, and confirmed accordingly, and shall have full effect, force and validity, for and during the continuance of this Act.

I. And whereas it is inexpedient to continue an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to continue for a limited time the Provisional Agreement entered into between this Province and Lower Canada, at Montreal, on the Fifth day of July One Thousand Eight Hundred and Four" relative to duties, also for continuing for a limited time the several Acts of the Parliament of this Province relative thereto; Be it therefore enacted by the authority aforesaid" that the said Act and every part thereof, and every matter or clause therein contained shall be and the same is hereby repealed, any thing therein contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid That it shall and may be Lawful for the Receiver General of this Province, for the time being (when and as often as the same may from time to time become due and payable) to ask for, demand and receive, to and for the uses of this Province, of and from all and every Person or Persons, who

now are or at any time hereafter may be nominated and appointed on the part and in behalf of the Province of Lower Canada, for the payment thereof, all and every Sum and Sums of Money which now is or are become due and payable, 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 approved and confirmed, as also all such sum or sums of money as may be found due to this Province, as Arrearages previous to the Year One Thousand Eight Hundred and Sixteen, which said Receiver General for the time being is hereby authorised and empowered by himself or by any person or persons whom he may thereunto duly authorised to grant Receipts and Discharges for the same, which said Receipts and Discharges shall be taken and held to be binding and obligatory on this Province, to all intents and purposes whatsoever, and to be a full and sufficient Acquittal of and from all and every Sum and Sums of Money which in such Receipts and Discharges shall respectively be contained.

III. And be it further enacted by the authority aforesaid That this Act shall have force and effect from the First Day of January, in the Year of Our Lord One Thousand Eight Hundred and Seventeen, and shall continue to be in force to the First Day of July in the Year of our Lord One Thousand Eight Hundred and Nineteen, and no longer.