

Husband or Wife not to devise or bequeath more than his or her share of the community or other property, or prejudice the rights of the survivor or the customary dower of the children.

Persons restricted from devising in favor of corporations, &c. in mortmain unless intitled to accept the same.

The method of proving Wills now followed in this Province to have the same force as if made and taken before Court of a Probate.

without reserve, restriction or limitation whatsoever, any Law, Usage or Custom to the contrary hereof in any wife notwithstanding. Provided always, that it shall not be lawful for a Husband or Wife, making such Last Will and Testament, to devise or bequeath more than his or her part or share of their Community, or other Property and Estate, which he or she may hold, or thereby to prejudice the rights of the survivor, or the customary or settled Dower of the Children. Provided also, that the said right of devising, as above specified and declared, shall not be construed to extend to a devise by Will and Testament, in favor of any Corporation or other Persons in Mortmain, unless the said Corporation or Persons be, by Law, intitled to accept thereof.

II. And whereas doubts have arisen touching the method now followed of proving Last Wills and Testaments, made and executed according to the forms prescribed by the Laws of England, before one or more of the Judges of the Courts of Civil Jurisdiction in this Province: Be it therefore further enacted, that such proof, shall have the same force and effect, as if made and taken before a Court of Probate.

C A P. V.

An ACT to ratify and confirm certain Provisional Articles of Agreement entered into by the respective Commissioners of this Province and of Upper Canada, at Quebec, on the second day of February, one thousand eight hundred and one, relative to Duties, and for carrying the same into effect; and also to continue an Act passed in the thirty seventh year of His Majesty's Reign.

(8th. Apri', 1801.)

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS Articles of Provisional Agreement were made and entered into, at Quebec, on the second day of February in the forty first year of your Majesty's Reign, by the Commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof; passed in the fortieth year of your Majesty's Reign, intituled, " An Act for appointing Commissioners to treat with Commissioners appointed or to be appointed by the Province of Upper Canada, for the purposes therein mentioned," and 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 third day of July in the fortieth year of your Majesty's Reign, in pursuance of and under the authority of an Act passed in the thirty sixth year of your Majesty's Reign, intituled, " An Act to authorize the Lieutenant Governor to nominate and appoint Commissioners for the purposes therein mentioned," which Articles are as follows—

Act 4^o Geo. III. Cap. IV.

Agreement of 28th. January 1797, continued.

It. 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, have unanimously agreed, That as

an Agreement entered into on the twenty eighth day of January, one thousand seven hundred and ninety seven, and another Agreement entered into on the eleventh day of February one thousand seven hundred and ninety eight, between the Commissioners of *Upper and Lower Canada* for the purposes therein mentioned, will both expire and be at an end on the first day of March of this present year, the which Agreement of the twenty eighth day of January one thousand seven hundred and ninety seven, it is at present expedient to continue, it is therefore agreed, by and between the Commissioners on the part of *Lower Canada* and the Commissioners on the part of *Upper Canada*, that the before mentioned Agreement of the twenty eighth day of January one thousand seven hundred and ninety seven, be, and the same is hereby continued; and all and every Article and Stipulation shall be and is hereby declared, to be binding and obligatory on the respective Legislatures of *Upper and Lower Canada*, as if the same had been inserted *Verbatim*, in this Agreement.

Agreed between the Commissioners of both Provinces to relinquish all claims to a return of Duties and Drawbacks.

II^d. It is also agreed between the Commissioners aforesaid, that as the Province of *Upper Canada* is not intitled, to a return of Duties on Goods passing into *Upper Canada* by the *Côteau du Lac*, the property of persons residing in *Lower Canada*, and trading the same without the Limits of *Upper Canada*, but as the amount of such return of Duties, is not an object of importance, and is in a great measure compensated by the Drawbacks which ought to be allowed to *Upper Canada*, upon Goods passing into that Province, by the *Ottawa* River, the property of persons residing in the same. It is therefore further agreed, that for the term of this agreement, the Province of *Lower Canada* and the Province of *Upper Canada*, do, respectively, relinquish any Claim to the said return of Duties and Drawbacks.

Commissioners of *Upper Canada* stipulate, that the sixth article of the Agreement, be carried into Execution.

III^d. And it being ascertained and known, that the States of *America* have proceeded to levy the Duties, upon Articles passing from *Upper Canada* into their Territories, which by Treaty with *Great Britain* they are authorised to do, the Commissioners from *Upper Canada*, do stipulate expressly, that the sixth Article of the Agreement, hereby continued, shall be carried into effect with all possible diligence.

This Agreement to commence from the 1st of March and to continue in force until 1st March 1805.

IVth. And finally this Agreement shall commence on the first day of March now next ensuing, and shall be binding and continue in full force and effect, until the first day of March which will be in the year of our Lord one thousand eight hundred and five, and no longer. May it therefore please Your Most Excellent Majesty, that it may be enacted by the King's most Excellent Majesty, by and with the consent of the Legislative Council and Assembly of the Province of *Lower 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 said Provisional Agreement, herein before particularly mentioned, and every Clause thereof be ratified, approved and confirmed, and the said Provisional Agreement is hereby ratified, approved and confirmed accordingly.

Provisional agreement confirmed.

Act 37 Geo. III. Cap. III. continued.

II. And whereas an Act was passed in the thirty seventh year of your Majesty's Reign, intituled, "An Act to ratify and confirm certain Provisional Articles of Agreement entered

“ entered into by the respective Commissioners of this Province and of Upper Canada, at Montreal, on the twenty eight day of January one thousand seven hundred and ninety seven, relative to Duties, and for carrying the same into effect,” which Act was at an end on the first day of March one thousand eight hundred and one, And whereas it is expedient and necessary to renew and continue the said Act. Be it therefore enacted by the authority aforesaid, that all and every Clause, Obligation, Penalty, Fine, Matter and Thing in the said Act contained, be renewed, continued and enacted, and the same are hereby renewed, continued, and enacted, accordingly; and all and every Clause, Obligation, Penalty, Fine, Matter and Thing therein contained, shall have the same effect, force and validity, for and during the term of this Act, as if the same were herein particularly repeated and set forth.

Continuance of
this Act.

III. And be it further enacted by the authority aforesaid, that this Act shall have force and effect from the first day of March one thousand eight hundred and one, and shall continue to be in force to the first day of March one thousand eight hundred and five and no longer.

C A P. VI.

An ACT for the Relief of Insane Persons and for the Support of Foundlings.

(8th April, 1801)

Preamble.

WE, Your Majesty's Most dutiful and Loyal Subjects, the Legislative Council and Representatives of Your People of Lower Canada, having taken into our most serious consideration that part of the Speech of His Excellency the Lieutenant Governor of this Province, at the opening of the present Session of the Provincial Parliament, regarding the provision necessary to be made, for the securing and supporting such Indigent Persons, as from a temporary or lasting derangement of intellect, are incapable of earning their subsistence, and regarding the means to be employed to prevent the inhuman practice of exposing and deserting new born infants; and having also considered the necessity of granting aid and support to such Religious Communities, as receive and maintain sick and infirm Persons and Foundlings, do most humbly beseech Your Majesty, that it may be enacted: And be it enacted by the King's most Excellent Majesty, by and with the advice and the consent of the Legislative Council and Assembly of the Province of Lower 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 it is hereby enacted by the Authority of the same, that until further and more effectual Provision can be made, for the purposes aforesaid, it shall and may be lawful, to and for His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, out of any unappropriated monies, in the hands of the Receiver General of this Province, to apply and appropriate a sum, not exceeding one thousand Pounds per Annum, for the relief of such unfortunate Persons, as may from derangement of intellect, be incapable of earning their sustenance, and for the maintenance of such new born Infants, as may be exposed or require protection; and for the aid and support of such Religious Communities, as receive and administer

£1000 per annum for the support of Insane Persons and Foundlings.