

The Provincial Statutes of Lower-Canada, Being the second session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1818.

58 George III – Chapter 4

An Act to ratify and confirm the Provisional Articles of Agreement entered into by the respective Commissioners of this Province and of Upper-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. (1st April, 1818.)

MOST GRACIOUS SOVEREIGN,

Whereas Provisional Articles of Agreement were made and entered into at Montreal, on the thirty-first day of May, in the fifty-seventh year of Your Majesty's Reign, by the Commissioners nominated and appointed on the behalf of the Province of Lower-Canada, by Act of the Legislature thereof, passed in the said fifty-seventh year of your Majesty's Reign, intituled, "An Act for appointing Commissioner to treat with Commissioners appointed, or to be appointed, on the part of Upper Canada; for the purposes therein-mentioned," and the Commissioner nominated and appointed on the part of Upper Canada. Which Articles follow—ARTICLE first. That the Legislature of Upper-Canada will not impose any Duties whatever 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 act the Duties (exclusive of the expense 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, intituled, "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 the expense of collection) which the Legislature of Lower-Canada have already imposed, or may hereafter impose on goods, wares or 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. May it therefore please your 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 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 all and every the said Provisional Articles of agreement herein before particularly mentioned and inserted, and

all and every the clauses, obligations, matters and things in the said articles contained, shall be, and the same are hereby ratified, approved, confirmed and enacted; and all and every the said Articles of Agreement, and the clauses, obligations, matters and things therein-contained, shall have the same force, effect and validity, for and during the time mentioned in the said Articles, as if the same were again herein particularly repeated; any law, statute or ordinance, or usage to the contrary thereof in any wise notwithstanding.

II. Provided always, and be it further enacted by the authority aforesaid, that the foregoing Articles shall not be binding or obligatory upon the Province of Lower-Canada towards the Province of Upper-Canada, unless the same shall be approved, confirmed and ratified by the Legislature of Upper-Canada.

III. And whereas it is expedient to guard against the introduction of dutiable articles, which (consideration being had to the local situation of Upper-Canada), may be brought into this Province from the United States, of America; without having paid the Duties in the said Province of Upper-Canada; be it enacted by the authority aforesaid, that no Article of merchandize, subject to duty upon entry at the Port of St. John, shall be allowed to pass as on transit from Upper-Canada by Côteau du Lac, unless the person or persons bringing the same, shall produce to the Inspector, a Certificate from an Officer duly authorized by Law, or in the interim authorized by the Governor, Lieutenant-Governor, or person administering the Government of Upper-Canada, that such articles of merchandize were bona fide flapped or laden in the Province of Upper-Canada, or have paid Duties there.

IV. And in order to avoid all doubts which may arise upon, or concerning the construction of the second clause of the above recited provisional Article of Agreement—be it therefore further enacted by the authority aforesaid, that the proportion of Duties to be paid to Upper-Canada as aforesaid, shall be held, taken, and considered to be the one fifth part of all the Duties 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, intituled, "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, the one-fifth part of all Duties which already are, or which during the continuance of this Act, shall or may by any Act of the Legislature of this Province, be imposed upon goods, wares and merchandize imported, or to be imported into this Province; the expense of the collection of all such Duties as above-mentioned, being, previously deducted from and out of the same.

V. And be it further enacted by the authority aforesaid, that the due application of all and every the sum and sums of money, which shall at any time be paid and advanced to Upper-Canada, as aforesaid, under and in virtue of this Act, shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors shall direct.

VI. And be it further enacted by the authority aforesaid, that this Act shall continue to 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 no longer.