

shall be given to the person suing for the same, and the other half paid into the hands of his majesty's receiver general; to and for his majesty, his heirs and successors for the public uses of the said province, and the support of the government thereof, to be accounted for to his majesty, through the commissioners of his treasury for the time being; in such manner and form as it shall please his majesty to direct.

C H A P. III.

An ACT to ratify, approve and confirm the provisional Agreement entered into by the Commissioners on behalf of this Province, with the Commissioners on behalf of the Province of Lower-Canada.

MOST GRACIOUS SOVEREIGN !

BEING at all times desirous of conciliating the affection and friendship of our fellow subjects in Lower-Canada, and particularly by an approval of articles of provisional agreement that were made and entered into at Montreal, the eighteenth day of February, in the thirty-fifth year of your majesty's reign; by the commissioners nominated and appointed on behalf of the province of Upper-Canada, by an act of the legislature thereof, passed in the thirty-third year of your majesty's reign, entitled, "An act to authorize the lieutenant governor, to nominate and appoint certain commissioners for the purposes herein mentioned," and the commissioners nominated and appointed on behalf of the province of Lower-Canada, by an act of the legislature thereof, passed in the thirty-fourth year of your majesty's reign, entitled, "An act for appointing commissioners to treat with commissioners on behalf of the province of Upper-Canada, for the purposes therein mentioned," in form following:

Preamble.

Approval of the provisional agreement between the commissioners of the provinces of Upper & Lower-Canada.

ART. I. That the province of Lower-Canada, shall be and hereby is made accountable to the province of Upper-Canada, in full of all rights, claims and demands which the said province of Upper-Canada may have on the province of Lower-Canada; by reason of the duties levied upon wines, in the years one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four, under an act of the legislature of Lower-Canada, passed in the thirty-third year of his majesty's reign, entitled, "An act to establish a fund for paying the salaries of the officers of the legislative council and assembly, and for defraying the contingent expences thereof," in the sum of three hundred and thirty-three pounds four shillings and two-pence, currency; which said sum shall be paid into the hands of such person or persons as may be appointed on the part of Upper-Canada, to receive the same.

Recital of the articles of the said agreement.

ART. II. That the legislature of Upper-Canada, will not impose any duties whatsoever on any goods, wares or merchandize, imported into Lower-Canada, and passed into Upper-Canada; but will allow and admit the legislature of Lower-Canada, to impose and levy such reasonable duties on such goods, wares and merchandize aforesaid, as they may judge expedient for the purpose of raising a revenue within the province of Lower-Canada.

ART. III. That of such duties as the legislature of Lower-Canada hath already imposed, or may hereafter impose on goods, wares or merchandize, coming into the province of Lower-Canada; the province of Upper-Canada, shall be entitled to receive annually, and to dispose of one eighth of their net produce, for the use and benefit of the said province of Upper-Canada; the other seven eights remaining for the use of Lower-Canada.

ART. IV. That there shall annually in the month of December, or as soon afterwards as possible, be furnished to the lieutenant governor, or person administering the government of the province of Upper-Canada, for the time being; duplicates of the account of all duties that now are, or hereafter may be imposed by the legislature of Lower-Canada,

ART. V. That this agreement is to continue and be in force until the last day of December,

which will be in the year of our lord one thousand seven hundred and ninety-six ; and no longer.

THEREFORE, may it please your most excellent majesty, That it may be enacted, and it is hereby 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 the said articles of provisional agreement herein before particularly mentioned and inserted, and every clause, matter and thing in the said articles contained, shall be, and the said articles are hereby ratified, approved and confirmed.

Ratification thereof.

The provincial treasurer, of this province, to demand & receive, to & for the uses thereof, the monies arising by this act.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the provincial treasurer 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 the person or persons who now are, or at any time hereafter may be nominated and appointed, on the part and in the 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 ; which said provincial treasurer for the time being, is hereby authorized and empowered by himself or by any person or persons whom he may thereunto duly authorize, to grant sufficient receipts and discharges for the same, which receipts and discharges shall be taken, and held to be binding and obligatory on this province to all intents and purposes whatsoever ; and be a full and sufficient acquittal of, and for all, and every sum and sums of money, which in such receipts and discharges shall respectively, be contained.

C H A P. IV.

An ACT to explain and amend an Act passed in the Thirty fourth Year of His Majesty's Reign, entitled, " An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."

Preamble

WHEREAS doubts have arisen respecting the jurisdiction of his majesty's court of his bench in this province, as far as the same may concern the condemnation of contraband goods ; 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, all actions of debt, bill, plaint or information, that may be brought upon any seizure of contraband goods, by any ordinance or act in force, or to be in force in this province, for the prevention of smuggling or any clandestine or unlawful commerce or intercourse heretofore, now or hereafter carried on or to be carried on, by and between his majesty's subjects or people of any other state or country when and where the same may be prohibited, shall be heard and determined in his majesty's court of his bench ; and that it shall and may be lawful upon any action of debt, bill, plaint or information, brought or to be brought upon any

Jurisdiction granted to the court of king's bench in actions for goods seized as contraband & process to be had therein, as in similar cases in his majesty's court of ex-