

Laws of His Majesty's Province of Upper-Canada in North America. York: Titus G. Simons, Printer to the King's Most Excellent Majesty, 1799.

Laws passed in the Second Session of the Second Provincial Parliament, which were reserved for, and received His Majesty's Assent.

39 George III – Chapter 5 Session 3

An Act to ratify, approve and confirm the Provincial Agreement made and entered into by Commissioners on the part of this Province, and Commissioners on the part of the Province of Lower Canada.

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 prefect 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 further with Commissioners on behalf of the province of Upper Canada for the purposes therein mentioned, it was agreed in manner and form following, that is to say:—

I. That the Legislature of Upper Canada will not impose any duties whatever on any goods, wares, or merchandizes, imported or brought into Lower Canada, and passing into Upper Canada; nor on any article the growth, produce, or manufacture of Lower Canada, passing 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 merchandizes, and such articles aforesaid, as they may judge expedient, for the purpose of raising a revenue within the province of Lower Canada.

II. In consideration of the Legislature of Upper Canada relinquishing the imposition of duties as aforesaid, the Legislature of Lower Canada will allow a just proportion of the duties imposed by them, to be paid to Upper Canada; and in order to ascertain such pro-portion, a fit and proper person shall be appointed, at the joint and equal expence of both provinces, to reside at Coteau du Lac, as inspector, for the purpose of demanding and receiving accounts of articles subject to duties contained in boats, canoes, and carriages passing by that place.

III. That it shall be enacted by the Legislature of Lower Canada, that the said inspector shall have authority to stop at Coteau du Lac, before passing the locks upwards, all boats and canoes, until that there shall be delivered him a written account, signed by the person or persons who shall have furnished the lading of any such boat or canoe, or brigade thereof;

or who shall have dispatched, or who shall accompany the same, specifying the qualities of such articles subject to duties in Lower Canada, as are contained in such boat or canoe, or brigade thereof; and if the said inspector shall have reason to believe that any such account is false, (whether the same be of such articles passing from Lower Canada, or coming from Upper Canada) he shall have authority at any time within three months after the same shall have been received, (either by himself, or any other person he may see fit to appoint by letter, for that purpose) to require such account to be verified on oath before a justice of the peace, by the person or persons who signed such account; and every person when so required, who shall refuse to verify on oath any such account by him signed, shall for every such offence, forfeit and pay the sum of ten pounds, with costs of suit.

IV. That all carriages passing Coteau du Lac upwards, shall stop at the office of the inspector, under the penalty of ten shillings on every driver thereof, who shall refuse, or neglect so to stop; and if not provided with a written account, signed as aforesaid, of the articles subject to duties, contained in such carriage or carriages, or not being able to give a verbal account of such articles, to the satisfaction of the inspector, he, the said inspector, shall have authority to search and examine the loadings thereof, in order to ascertain the same. Provided always, that no account shall be necessary to be given of any article subject to duty, being bona fide for the use of the driver or passengers in any such carriage, during his or their journey.

V. That the said inspector shall enter into a book, to be by him provided and kept for the purpose, all such accounts as he shall or may be furnished with, as before prescribed, together with such as he shall take from actual examinations, in cases where carriages shall not be provided therewith, and therefrom twice in every year, that is to say, on the thirtieth day of June, and on the thirtieth day of December, he shall make up and certify upon oath before a justice of the peace, two general accounts of the quantities of all such articles so passing Coteau du Lac upwards, on which duties shall have been imposed by the Legislature of Lower Canada, and shall transmit one of such certified general accounts to the Governor, Lieutenant-Governor, or Person administering the government of Lower Canada, and the other thereof to the Governor, Lieutenant-Governor, or Person administering the government of Upper Canada.

VI. That the Legislature of Upper Canada shall 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 are, or shall be imposed and levied on similar articles when brought from the United States into Lower Canada, and that the Legislature of Upper Canada shall take the most effectual measures that their local situation will admit of, for enforcing the collection of such duties.

VII. That any boat, canoe, or carriage, coming from Upper Canada into Lower Canada, upon, or along the River Saint Lawrence, if containing articles subject to duties at the port of Quebec, or within the province of Lower Canada, shall stop at Coteau du Lac, until that there shall be delivered to the said inspector an account thereof in the manner and form before

prescribed for such articles passing upwards; and the conductor, or person, or persons having charge of any such boat or canoe, or brigade thereof, having on board any such articles from Upper Canada, (knowing the same) who shall refuse, or neglect so to stop, and to notify the same to the said inspector, shall forfeit and pay the sum of forty shillings; and the driver of any carriage loaded in whole, or in part, with any such articles from Upper Canada, who shall refuse, or neglect to stop at the office of the said inspector for delivery of such accounts, or for examination and search, if not provided therewith, shall forfeit and pay the sum of ten shillings, with costs of suit, in each of the said cases.

VIII. That the said inspector shall also enter into the book before mentioned, the accounts of such articles subject to duties, as shall be brought from Upper Canada, and twice in every year, at the periods before mentioned, shall make out, certify on oath, and transmit as before directed, two general accounts of the quantities thereof, and the amount of duties on the same, being deducted from the amount of duties on the quantities contained in the aforesaid general accounts, of such articles passing from Lower into Upper Canada by Coteau du Lac, the residue shall (after deducting therefrom the charges of levying and collecting in Lower Canada the duties composing such residue) be the amount which Upper Canada shall be entitled to receive as their proportion of duties imposed, levied, and collected in Lower Canada.

IX. That the Legislature of Lower Canada will not impose any duties upon any article passing from Upper Canada into Lower Canada, and that they shall take immediate steps for carrying into effect the regulations stipulated in these articles.

X. That the penalties herein mentioned, shall be recovered and applied in such manner and form as shall be prescribed by the Legislature of each province.

XI. That this agreement shall continue, and be in force for four years and no longer, to be reckoned from the first day of March next; and that the aforesaid inspector to reside at Coteau du Lac under this agreement, shall, for the first two years, be appointed by the Governor, Lieutenant Governor, or Person administering the government of Lower Canada; and for the remaining two years, by the Governor, Lieutenant Governor, or Person administering the government of Upper Canada.

And Whereas by other articles of provisional agreement made and entered into at Montreal, on the eleventh day of February, now last passed, by Commissioners on the part of the said province of Lower Canada, appointed by an act of the Provincial Parliament thereof, passed in the thirty-eighth year of his Majesty's reign, entitled, "An act to repeal an act passed in the thirty-sixth year of the reign of his present Majesty, and For appointing other Commissioners on behalf of this province, to treat with Commissioners on behalf of the province of Upper Canada, for the purposes therein mentioned," and Commissioners on the part of Upper Canada, appointed under the authority of an act of the Provincial Parliament thereof, passed in the thirty-seventh 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," it was further agreed in manner and form following, that is to say—

I. That the Legislature of Upper Canada may ratify the aforesaid Provisional Agreement, with a condition suspending the operation and execution of the sixth Article thereof, so long as the government of the United States of America do not lay duties on goods, wares and merchandizes passing from the province of Upper Canada into the territories of the said States.

II. That the Legislature of the province of Lower Canada will allow, and pay to the province of Upper Canada, such just proportion of the duties imposed and levied by the Legislature of Lower Canada, as the aforesaid province of Upper Canada would have had a right to claim if the aforesaid Articles of Agreement had been ratified and confirmed by the Legislature of the province of Upper Canada.

III. That this agreement shall continue and be in force until the full day of March, one thousand eight hundred and one, 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 the said two Provisional Agreements are hereby severally approved, ratified and confirmed.

Provided nevertheless, That the operation and execution of the sixth Article of the said first above-mentioned Provisional Agreement shall be, and the same is hereby suspended, so long as the government of the United States of America shall not lay duties on goods, wares, and merchandizes passing from this province into the territories of the said States, and no longer.

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 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 tor 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 inch receipts and discharges shall respectively be contained.