

Duties imposed by Lower Canada to remain in force till repealed or altered by a Legislative Act of that Province.

XXVIII. And whereas the Division of the Province of Quebec into the two Provinces of *Upper* and *Lower Canada*, was intended for the common Benefit of His Majesty's Subjects residing within both of the newly constituted Provinces, and not in any manner to obstruct the Interchange or prejudice the Trade to be carried on by the Inhabitants of any part of the said late Province of *Quebec* with *Great-Britain*, or with other Countries; and it has accordingly been made a subject of mutual stipulation between the said Two Provinces, in the several agreements which have heretofore subsisted, that the Province of *Upper-Canada* should not impose any Duties upon Articles imported from *Lower-Canada*, but would permit and allow the Province of *Lower-Canada* to impose such Duties as they might think fit, upon Articles imported into the said Province of *Lower-Canada*; of which Duties a certain Proportion was by the said Agreements appointed to be paid to the Province of *Upper Canada*: And whereas in consequence of the Inconveniences arising from the Cessation of such Agreements as above recited, it has been found expedient to remedy the Evils now experienced in the Province of *Upper Canada*, and to guard against such as might in future arise from the Exercise of an exclusive Controul, by the Legislature of *Lower Canada*, over the Imports and Exports into and out of the Port of *Quebec*, and it is further expedient, in order to enable the said Province of *Upper Canada* to meet the necessary Charges upon its ordinary Revenue, and to provide with sufficient Certainty for the Support of its Civil Government, to establish such Controul as may prevent the Evils which have arisen or may arise from the Legislature of *Lower Canada* suffering to expire unexpectedly, or repealing suddenly, and without affording to *Upper Canada* an Opportunity of Remonstrance, existing Duties, upon which the principal Part of its Revenue, and the necessary maintenance of its Government may depend; be it therefore enacted, That all and every the Duties which, at the Time of the Expiration of the last Agreement between the said Provinces of *Upper* and *Lower Canada*, were payable under any Act or Acts of the Province of *Lower Canada*, on the Importation of any Goods, Wares, or Commodities into the said Province of *Lower Canada* (except such as may have been imposed for the Regulation of the Trade by Land or Inland Navigation, between the said Province and the United States of *America*), shall be payable and shall be levied according to the Provisions contained in any such Acts until any such Act or Acts for repealing or altering the said Duties, or any Part thereof respectively, shall be passed by the Legislative Council and Assembly of the said Province of *Lower Canada*, and until such Act or Acts, repealing or altering such Duties, shall after a Copy thereof has been transmitted to the Governor, Lieutenant Governor or Person administering the Government of the Province of *Upper Canada*, be laid before both Houses of the Imperial Parliament, according to the Forms and Provisions contained in a certain Act of the Parliament of *Great Britain*, passed in the Thirty-first Year of the Reign of His said late Majesty, 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,* &c. the Royal Assent thereto proclaimed within the Province of *Lower Canada*, according to the Provisions of the said last-mentioned Act.

XXIX. And be it further enacted, That from and after the passing of this Act, no Act of the Legislature of the Province of *Lower Canada*, whereby any additional or other Duties shall or may be imposed on Articles imported by Sea into the said Province of *Lower Canada*, and whereby the Province of *Upper Canada* shall or may in any respect be directly or indirectly affected, shall have the Force of Law until the same shall have been laid before the Imperial Parliament, as provided in certain Cases

by the said Act passed in the Thirty-first Year of His said late Majesty's Reign, and the Royal Assent thereto published by Proclamation in the said Province of *Lower Canada*, a Copy of such Act having, within One Month from the Time of presenting the same for the Royal Assent in the said Province, been transmitted by the Governor, Lieutenant Governor, or Person administering the Government of the Province of *Lower Canada*, to the Governor, Lieutenant Governor, or Person administering the Government of the Province of *Upper Canada*: Provided always nevertheless, that it shall not be necessary to transmit any such Act to be laid before the Imperial Parliament, if, before the same shall have been presented for the Royal Assent within the said Province of *Lower Canada*, the Legislative Council and House of Assembly of the said Province of *Upper Canada* shall by Address to the Governor, Lieutenant-Governor, or Person administering the Government of the said Province of *Upper-Canada*, pray that their Concurrence in the imposition of the Duties intended to be imposed by such Act may be signified to the Governor, Lieutenant-Governor, or Person administering the Government of the said Province of *Lower-Canada*.

XXX. And whereas it is expedient that the Productions of the Province of *Upper Canada* should be permitted to be exported without being made subject by any Act of the Province of *Lower Canada*, either directly or indirectly, to Duties or Impositions on their Arrival in that Province, or in passing through the Waters thereof: Be it enacted, That from and after the passing of this Act, all and every the Boats, Scows, Rafts, Cribbs, and other Craft belonging to any of His Majesty's Subjects, and coming from the Province of *Upper Canada* into the Province of *Lower Canada*, not laden with the Productions of any Foreign Country, shall be allowed freely to pass into and through the said Province, and shall not be subject to any Rate, Tax, Duty, or Imposition, other than any Charge which may now exist for Pilotage, or which may now be established for Toll at any Lock or other work now actually erected on the navigable Waters thereof; any Law, Statute or Usage of the Province of *Lower Canada* to the contrary notwithstanding: and that the Expence of Improving the Navigation of the Waters of the River *Saint Lawrence* shall in future be defrayed by such Measures and in such Proportions as the Arbitrators to be appointed under the Provisions of this Act shall determine, upon the Prayer of either Province: Provided always, that no such Determination shall be carried into effect until sanctioned and enacted by the Legislatures of both the said Provinces.

XXXI. And whereas Doubts have been entertained whether the Tenures of Lands within the said Provinces of *Upper* and *Lower Canada* holden in Fief and Seigniorly can legally be changed: And whereas it may materially tend to the Improvement of such Lands, and to the general Advantage of the said Provinces, that such Tenures may henceforth be changed in manner herein-after mentioned: Be it therefore further enacted and declared, That if any Person or Persons holding any Lands in the said common Provinces of *Lower* and *Upper Canada*, or either of them, in Fief and Seigniorly, and having legal Power and Authority to alienate the same, shall at any Time from and after the Commencement of this Act, surrender the same into the Hands of His Majesty, His Heirs or Successors, and shall by Petition to His Majesty, or to the Governor, Lieutenant Governor, or Person administering the Government of the Province in which the Lands so holden shall be situated, set forth that he, she, or they is or are desirous of holding the same in free and common Socage, such Governor, Lieutenant Governor, or Person administering the Government of such Province as aforesaid in pursuance of His Majesty's Instructions, transmitted through his Principal Secretary of State for Colonial Affairs, and by and with the Advice and Consent of the Executive Council of such Province, shall cause a fresh Grant to be made

31 G. S. c. 31.

No Act of Legislature imposing Duties, whereby the Province of *Upper Canada* may be affected, to be valid until laid before Parliament.

Boats and other Craft belonging to His Majesty's Subjects may go from *Upper Canada* into *Lower Canada*, not laden with Foreign Productions, without being subject to any Duty.

How Expences of improving the Navigation shall be paid.

Lands held in Fief and Seigniorly may on Petition of the Owners to His Majesty, &c. be changed to the Tenure of free and common Socage.