

A bill 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 Great Britain [London? : s.n., 1791?]

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The Constitutional Act of 1791 was created in the wake of the American Revolution and the arrival of loyalist refugees. The third constitutional document since the fall of Quebec, the act sought to establish a balance amongst monarchy, aristocracy, hereditary rights, and democracy, the latter of which, however, had restrictions. Many factors behind the Rebellions of 1837-38 can be traced back to this statute.

LIV
THE CONSTITUTIONAL ACT 1791¹
(31 George III., c. 31.)

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.

Preamble.
14 Geo. III, cap.
83 recited.

Whereas an Act was passed in the fourteenth year of the reign of his present Majesty, intituled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America": And whereas it is expedient and necessary that further provision should now be made for the good Government and prosperity thereof: May it therefore please your most Excellent 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 Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that so much of the said Act as in any manner relates to the appointment of a Council for the affairs of the said Province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make ordinances for the peace, welfare, and good Government of the said Province, with the consent of His Majesty's Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall be, and the same is hereby repealed.

II. And whereas his Majesty has been pleased to signify, by his message to both Houses of Parliament, his Royal intention² to divide his Province of Quebec into two separate Provinces,

¹ The events which led to the passing of this act are outlined in the previous documents. The debates are in Hansard, vols. xxviii and xxix.

² This intention was carried out by an order-in-council dated August 24, 1791. (See Doughty and McArthur, *Documents relating to the Constitutional History of Canada*, Canadian Archives 1914, p.3.)

So much of
recited Act as
relates to the
appointment of a
Council for
Quebec, or its
powers repealed.

Within each of
the intended
Provinces a
Legislative
Council and
Assembly to be
constituted, by
whose advice His
Majesty may
make laws for the
Government of
the Province.

to be called the Province of Upper Canada and the Province of Lower Canada: Be it enacted by the authority aforesaid, that there shall be within each of the said Provinces respectively a Legislative Council and an Assembly, to be severally composed and constituted in the manner hereinafter described; and that in each of the said Provinces respectively, His Majesty, His Heirs, and Successors, shall have power during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces respectively, to make laws for the peace, welfare and good Government thereof, such laws not being repugnant to this Act; and that all such laws being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in His Majesty's name by such person as His Majesty, His Heirs or Successors, shall from time to time appoint to be the Governor or Lieutenant-Governor of such Province, or by such person as His Majesty, His Heirs or Successors, shall from time to time appoint to administer the Government within the same, shall be, and the same are hereby declared to be, by virtue of and under this Act, valid and binding, to all intents and purposes whatever, within the Province in which the same shall have been so passed.

III. And be it further enacted by the authority aforesaid, that for the purpose of constituting such Legislative Council, as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his heirs, or successors, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant-Governor, or person administering the Government, in each of the said Provinces respectively, within the time herein after mentioned, in His Majesty's name, and by an instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient number of discreet and proper persons, being not fewer than seven, to the Legislative Council for the Province of Upper Canada, and no fewer than fifteen to the Legislative Council for the Province of Lower Canada; and that it shall also be lawful for his Majesty, his heirs or successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant-Governor, or person administering the Government in each of the said Provinces respectively to summon to the Legislative Council of such Province in like manner such other persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a member of such Legislative Council, to which he shall have been so summoned.

IV. Provided always, and be it enacted by the authority aforesaid, that no person shall be summoned to the Legislative Council, in either of the said Provinces, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty having become such by the conquest and cession of the Province of Canada.

V. And be it further enacted by the authority aforesaid, that every member of each of the said Legislative Councils shall hold his seat therein for the term his life, but subject nevertheless to the provisions hereinafter contained for vacating the same, in the cases hereinafter specified.

VI. And be it further enacted by the authority aforesaid, that whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the Crown of Great Britain, by letters patent under the Great Seal of either of the said Provinces, any hereditary title of honor, rank, or dignity of such Province, descendible according to any course of descent limited in such letters patent, it shall and may be lawful for his Majesty, his heirs or successors, to annex thereto by the said letters patent, if his Majesty, his heirs or successors shall so think fit, an

His Majesty may
authorize the
Governor or
Lieutenant-
Governor of each
Province to
summon
members to the
Legislative
Council.

No Person under
21 years of age,
etc., to be
summoned.

Members to hold
their seats for
life.

His Majesty may
annex to
hereditary titles
of honour the
right of being
summoned to the
Legislative
Council.

hereditary right of being summoned to the Legislative Council of such Province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant-Governor, or person administering the Government of such Province, his writ of summons to such Legislative Council at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provision hereinafter contained.

VII. Provided always, and be it further enacted by the authority aforesaid, that when and so often as any person to whom such hereditary right shall have descended shall, without the permission of his Majesty, his heirs or successors, signified to the Legislative Council of the Province by the Governor, Lieutenant-Governor or person administering the Government there, have been absent from the said Province for the space of four years continually, at any time between the date of his succeeding to such right and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when and so often as any such person shall, at any time before his applying for such writ of summons have taken any oath of allegiance or obedience to any foreign prince or power, in any such case such person shall not be entitled to receive any writ of summons to the Legislative Council by virtue of such hereditary right, unless his Majesty, his heirs or successors, shall at any time think fit, by instrument under his or their sign manual, to direct that such person should be summoned to the said Council; and the Governor, Lieutenant-Governor, or person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person applying for the same, to interrogate such person upon oath, touching the said several particulars, before such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such Province for the affairs thereof.

VIII. Provided also, and be it further enacted by the authority aforesaid, that if any member of the Legislative Councils of either of the said Provinces respectively, shall leave such Province, and shall reside out of the same for the space of four years continually, without the permission of his Majesty, his heirs or successors, signified to such Legislative Council by the Governor, or Lieutenant-Governor, or person administering his Majesty's Government there, or for the space of two years continually without the like permission, of the permission of the Governor, Lieutenant-Governor, or person administering the Government of such Province, signified to such Legislative Council in the manner aforesaid; or if any such member shall take any oath of allegiance or obedience to any foreign prince or power, his seat in such Council shall thereby become vacant.

Seats in Councils vacated in certain cases.

IX. Provided also, and be it further enacted by the authority aforesaid, that in every case where a writ of summons to such Legislative Council shall have been lawfully withheld from any person to whom such hereditary right, as aforesaid, to shall have descended, by reason of such absence from the Province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign prince or power, and also in every case where the seat in such Council of any member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes hereinbefore specified, such hereditary right shall remain suspended during the life of such person unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the death of such person such right,

Hereditary rights and seats so forfeited, or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the person next entitled thereto.

Seats in Council forfeited and hereditary rights extinguished for treason.

subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the letters patent by which the same shall have been originally conferred.

X. Provided also, and be it further enacted by the authority aforesaid, that if any member of either of the said Legislative Councils shall be attainted for treason in any Court of law within any of his Majesty's dominions, his seat in such Council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other person through him, shall be utterly forfeited and extinguished.

XI. Provided also, and be it enacted by the authority aforesaid, that whenever any question shall arise respecting the right of any person to be summoned to either of the said Legislative Councils respectively, or respecting the vacancy of the seat in such Legislative Council of any person having been summoned thereto, every such question shall by the Governor or Lieutenant-Governor of the Province, or by the person administering the Government there, be referred to such Legislative Council to be by the said Council heard and determined; and that it shall and may be lawful, either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's Attorney-General of such Province in his Majesty's name, to appeal from the determination of the said Council in such case to his Majesty in his Parliament of Great Britain; and that the judgment thereon of his Majesty in his said Parliament shall be final and conclusive to all intents and purposes whatever.

XII. And be it further enacted by the authority aforesaid, that the Governor or Lieutenant-Governor of the said Provinces respectively, or the person administering His Majesty's Government therein respectively, shall have power and authority from time to time, by an instrument under the great Seal of such Province, to constitute, appoint and remove the Speakers of the Legislative Councils of such Provinces respectively.

XIII. And be it further enacted by the authority aforesaid, that for the purpose of constituting such Assembly as aforesaid in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant-Governor, or person administering the Government in each of the said Provinces respectively, within the time hereinafter mentioned, and thereafter from time to time as occasion shall require, in his Majesty's name and by an instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

XIV. And be it further enacted by the authority aforesaid, that for the purpose of electing the members of such Assemblies respectively it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize the Governor or Lieutenant-Governor of each of the said Provinces respectively, or the person administering the Government therein, within the time hereinafter mentioned, to issue a proclamation³ dividing such Province into districts, or counties, or circles, and towns or townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts, or counties, or circles, and towns or townships respectively; and that it shall also be lawful for his Majesty, his heirs or successors, to authorize such Governor or Lieutenant-Governor, or person administering the Government, from time to time to nominate and appoint proper persons to execute the office of returning-officer in each of the said districts, or counties,

Power of the Governor to appoint returning officers to continue two years from the commencement of this Act.

³ The proclamations dividing Lower Canada and Upper Canada into electoral districts were issued on May 7, 1792, and July 16, 1792, respectively. (See Doughty and McArthur, pp. 72, 77.)

Questions respecting the right to be summoned to Council, etc., to be determined as herein mentioned.

The Governor of the Province may appoint and remove the Speaker.

His Majesty may authorize the Governor to gather the Assembly,

and, for the purpose of electing the members, to issue a proclamation dividing the Province into

or circles, and towns or townships respectively; and that such division of the said Provinces into districts, or counties, or circles, and towns or townships, and such declaration and appointment of the number of representatives to be chosen by each of the said districts, or counties, or circles, and towns or townships, respectively, and also such nomination and appointment of returning-officers in the same, shall be valid and effectual to all the purposes of this Act, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the provision hereinbefore contained for empowering the Governor, Lieutenant-Governor, or person administering the Government of the said Provinces respectively, under such authority as aforesaid from his Majesty, his heirs or successors, from time to time to nominate and appoint proper persons to execute the office of returning-officer in the said districts, counties, circles, and towns or townships, shall remain and continue in force in each of the said Provinces respectively for the term of two years from and after the commencement of this Act within such Province, and no longer; but subject nevertheless to be sooner repealed or varied by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

No person obliged to serve as returning officer more than once unless otherwise provided by an Act of the Province.

XVI. Provided always, and be it further enacted by the authority aforesaid, that no person shall be obliged to execute the said office of returning-officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

Number of members in each Province.

XVII. Provided also, and be it enacted by the authority aforesaid, that the whole number of members to be chosen in the Province of Upper Canada shall not be less than sixteen, and the whole number of members to be chosen in Lower Canada shall not be less than fifty.

XVIII. And be it further enacted by the authority aforesaid, that writs for the election of members to serve in the said Assemblies respectively shall be issued by the Governor, Lieutenant-Governor, or person administering his Majesty's Government within the said Provinces respectively, within fourteen days after the sealing of such instrument as aforesaid for summoning and calling together such Assembly, and that such writs shall be directed to the respective returning-officers of the said districts, or counties, or circles, and towns or townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that writs shall in like manner and form be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the Legislative Council of either Province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason or his being so summoned as aforesaid, the writ for the election of a new member shall be issued within six days after the same shall be made known to the proper officer for issuing such writs of election.

Regulations for issuing writs for the election of members to serve in the Assemblies.

XIX. And be it further enacted by the authority aforesaid, that all and every the returning-officers so appointed as aforesaid, to whom any such writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such writs.

Returning officers to execute writs.

By whom the members are to be chosen.

XX. And be it further enacted by the authority aforesaid, that the members for the several districts, or counties, or circles of the said Provinces respectively shall be chosen by the majority of votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such district, or county, or circle, as the case shall be, such lands being by them held in freehold, or in fief, or in rotture, or by certificate derived under the authority of the Governor and Council of the Province of Quebec, and being of the yearly value of forty shillings sterling or upwards, over and above all rents and charges payable out of or in respect of the same; and that the members for the several towns or townships within the said Provinces respectively shall be chosen by the majority of votes of such persons as either shall be severally possessed for their own use and benefit of a dwelling house and lot of ground in such town or township, such dwelling house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling or upwards, or, as, having been resident within the said town or township for the space of twelve calendar months next before the date of the writ of summons for the election, shall *bona fide* have paid one year's rent for the dwelling house in which they shall have so resided, at the rate of ten pounds sterling per annum or upwards.

Certain persons
not eligible to the
assemblies.

XXI. Provided always, and be it further enacted by the authority aforesaid, that no person shall be capable of being elected a member to serve in either of the said Assemblies, or of sitting and voting therein, who shall be a member of either of the said Legislative Councils to be established as aforesaid in the said two Provinces, or who shall be a minister of the Church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the Church of Rome, or under any other form or profession or religious faith or worship.

No person under
21 years of age,
etc., capable of
voting or of
being elected;

XXII. Provided also, and be it further enacted by the authority aforesaid, that no person shall be capable of voting at any election or a member to serve in such Assembly, in either of the said Provinces, or of being elected at any such election who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject or his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty having become such by the conquest and cession of the Province of Canada.

nor any person
attainted for
treason or felony.

XXIII. And be it also enacted by the authority aforesaid, that no person shall be capable of voting at any election of a member to serve in such Assembly in either of the said Provinces, or of being elected at any such election, who shall have been attainted for treason or felony in any Court of law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

Voters if required
to take the
following oath.

XXIV. Provided also, and be it further enacted by the authority aforesaid, that every voter before he is admitted to give his vote at any such election shall, if required by any of the candidates, or by the returning-officer, take the following oath, which shall be administered in the English or French language, as the case may require:

Oath.

I, A. B., do declare and testify, in the presence of Almighty God, that I am, to the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this election.

And to make oath
to the particulars
herein specified.

And that every such person shall also, if so required as aforesaid, make oath previous to his being admitted to vote that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has *bona fide* been so resident and paid such rent for his dwelling house as entitles him according to the

provisions of this Act, to give his vote at such election for the county, or district, or circle, or for the town or township, for which he shall offer the same.

XXV. And be it further enacted by the authority aforesaid that it shall and may be lawful for his Majesty, his heirs, or successors, to authorize the Governor or Lieutenant-Governor, or person administering the Government within each of the said Provinces respectively, to fix the time and place of holding such elections, giving not less than eight days' notice of such time, subject nevertheless to such provisions as may hereafter be made in these respects, by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs, or successors.

XXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs, or successors, to authorize the Governor or Lieutenant-Governor of each of the said Provinces respectively, or the person administering the Government therein, to fix the places and times of holding the first and every other session of the Legislative Council and Assembly or such Province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same by proclamation or otherwise, whenever he shall judge it necessary or expedient.

XXVII. Provided always, and be it further enacted by the authority aforesaid, that the said Legislative Council and Assembly in each of the said Provinces shall be called together once at the least in every twelve calendar months, and that every Assembly shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor or Lieutenant-Governor of the Province, or person administering his Majesty's Government therein.

XXVIII. And be it further enacted by the authority aforesaid, that all questions which shall arise in the said Legislative Councils or Assemblies respectively shall be decided by the majority of voices of such members as shall be present; and that in all cases where the voices shall be equal the Speaker of such Council or Assembly, as the case may be, shall have a casting voice.

XXIX. Provided always, and be it enacted by the authority aforesaid, that no member either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath, either before the Governor or Lieutenant-Governor or such Province, or person administering the Government therein, or before some person or persons authorized by the said Governor or Lieutenant-Governor, or other person as aforesaid, to administer such oath, and that the same shall be administered in the English or French language, as the case may require:

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty, King George, as lawful Sovereign of the Kingdom of Great Britain, and of these Provinces dependent on and belonging to the said Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against his person, crown, and dignity; and that I will do my utmost [to] endeavour to disclose and make known to his Majesty, his heirs or successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary—So help me God.

XXX. And be it further enacted by the authority aforesaid, that whenever any bill, which has been passed by the Legislative Council and by the House of Assembly in either of the said

His Majesty may authorize the Governor to fix the time and place for holding elections,

and of holding the Sessions of the Council and Assembly, etc.

Council and Assembly to be called together once in twelve months, etc..

And all questions therein to be decided by the majority of votes.

No member to sit or vote until he has taken the following

Oath.

Governor may give or withhold His Majesty's assent to bills passed by the Legislative Council and Assembly, or receive them for His Majesty's pleasure.

Provinces respectively, shall be presented, for his Majesty's assent to the Governor or Lieutenant-Governor of such Province, or person administering his Majesty's Government therein, such Governor or Lieutenant-Governor, or person administering the Government shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

XXXI. Provided always, and be it further enacted by the authority aforesaid, that whenever any bill which shall have been so presented for his Majesty's assent to such Governor, Lieutenant-Governor, or person administering the Government, shall by such Governor, Lieutenant-Governor, or person administering the Government, have been assented to in his Majesty's name, such Governor, Lieutenant-Governor, or person as aforesaid shall, and he is hereby required, by the first convenient opportunity to transmit to one of his Majesty's principal Secretaries of State, an authentic copy of such bill so assented to; and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such Secretary of State for his Majesty, his heirs or successors, by his or their Order-in-Council to declare his or their disallowance of such bill, and that such disallowance, together with a certificate under the hand and seal of such Secretary of State testifying the day on which such bill was received as aforesaid, being signified by such Governor, Lieutenant-Governor, or person administering the Government, to the Legislative Council and Assembly of such Province, or by proclamation, shall make void and annul the same, from and after the date of such signification.

XXXII. And be it further enacted by the authority aforesaid, that no such bill which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said Provinces respectively until the Governor, or Lieutenant-Governor, or person administering the Government shall signify, either by speech or message, to the Legislative Council and Assembly of such Province, or by proclamation, that such bill has been laid before his Majesty in Council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made in the journals of the said Legislative Council of every such speech, message, or proclamation; and a duplicate thereof duly attested shall be delivered to the proper officer to be kept amongst the public records of the Province; and that no such bill, which shall be so reserved as aforesaid shall have any force or authority within either of the said Provinces respectively unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent, to the Governor, Lieutenant-Governor, or person administering the Government of such Province.

XXXIII. And be it further enacted by the authority aforesaid, that all laws, statutes, and ordinances which shall be in force on the day to be fixed in the manner herein after directed for the commencement of this Act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect in each of the said Provinces respectively as if this Act had not been made, and as if the said Province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter by virtue of and under the authority of this Act be repealed or varied by his Majesty, his heirs, or successors by and with the consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the

Bills reserved for His Majesty's pleasure not to have any force till His Majesty's need be communicated.

to the Council and Assembly.

Laws in force at the commencement of this Act to continue so, except repealed as varied by it, etc.

same may be repealed or varied by such temporary laws or ordinances as may be made in the manner hereinafter specified.

XXXIV. And whereas by an ordinance⁴ passed in the Province of Quebec the Governor and Council of the said Province were constituted a Court of civil jurisdiction for hearing and determining appeals in certain cases therein specified, be it further enacted by the authority aforesaid, that the Governor, or Lieutenant-Governor, or person administering the Government of each of the said Provinces respectively, together with such Executive Council as shall be appointed by his Majesty for the affairs of such Province, shall be a Court of civil jurisdiction, within each of the said Provinces respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom as such appeals might, before the passing of this Act, have been heard and determined by the Governor and Council of the Province of Quebec; but subject nevertheless to such further or other provisions as may be made in this behalf by any Act of the Legislative Council and Assembly of either of the said Provinces respectively, assented to by his Majesty, his heirs, or successors.

XXXV. And whereas by the above mentioned Act passed in the fourteenth year of the reign of his present Majesty it was declared that the clergy of the Church of Rome in the Province of Quebec might hold, receive, and enjoy their accustomed dues and rights,⁵ with respect to such persons only as should profess the said religion; provided nevertheless that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion and for the maintenance and support of a Protestant clergy within the said Province as he or they should from time to time think necessary and expedient: And whereas by his Majesty's Royal instruction,⁶ given under his Majesty's Royal sign manual on the third of January in the year of our Lord one thousand seven hundred and seventy-five to Guy Carleton, Esquire, now Lord Dorchester, at that time his Majesty's Captain-General and Governor in Chief in and over his Majesty's Province of Quebec, his Majesty was pleased amongst other things to direct that no incumbent professing the religion of the Church of Rome, appointed to any parish in the said Province, should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the said Guy Carleton, Esquire, his Majesty's Captain-General and Governor in Chief in and over his Majesty's said Province of Quebec, should appoint, and should be reserved in the hands of his Majesty's Receiver General of the said Province for the support of a Protestant clergy in his Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, Esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should during such vacancy be reserved for and applied to the like uses; and whereas his Majesty's pleasure has likewise been signified to the same effect in his Majesty's Royal Instructions given in like manner to Sir Frederick Haldimand, Knight of the most honorable Order of the Bath, late his Majesty's Captain-General and Governor in Chief in and over his Majesty's said Province of Quebec; and also in his Majesty's Royal instructions given in like manner to the said Right Honorable Guy Lord Dorchester, now his Majesty's Captain-General and Governor in Chief in and over his Majesty's said Province of Quebec; be it enacted by the authority aforesaid that the said

⁴ See No. XXXVI.

⁵ See Quebec act, § v (No. XXXI).

⁶ See Carleton's instructions for 1775, Section 21, § 5 (No. XXXV.)

and to Lord
Dorchester
recited,

and the
declaration and
provisions
therein respecting
the clergy of the
Church of Rome
to continue in
force.

His Majesty's
message to
Parliament
recited.

His Majesty may
authorize the
Governor to
make allotments
of land for the
support of a
Protestant clergy
in each Province:

declaration and provision contained in the said above mentioned Act, and also the said provision so made by his Majesty in consequence thereof by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

XXXVI. And whereas his Majesty has been graciously pleased, by message⁷ to both Houses of Parliament, to express his Royal desire to be enabled to make a permanent appropriation of land in the said Provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased by his said message further to signify his Royal desire that such provision may be made with respect to all future grants of land within the said Provinces respectively as may best conduce to the due and sufficient support and maintenance of the Protestant clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof; therefore, for the purpose of more effectually fulfilling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, or Lieutenant-Governor of each of the said Provinces respectively, or the person administering the Government therein, to make from and out of the lands of the Crown within such Provinces such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: And that, whenever any grant of lands within either of the said Provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands so allotted and appropriated shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

XXXVII. And be it further enacted by the authority aforesaid that all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant clergy within the Province in which the same shall be situated, and to no other purpose whatever.

XXXVIII. And be it further enacted by the authority aforesaid that it shall and may be lawful for his Majesty, his heirs and successors, to authorize the Governor or Lieutenant-Governor of each of the said Provinces respectively, or the person administering the Government therein, from time to time, with the advice of such Executive Council as shall have have [*sic*] been appointed by his Majesty, his heirs or successors, within such Province for the affairs thereof, to constitute

and the rents
arising from such
allotment to be
applicable to that
purpose solely.

His Majesty may
authorize the
Governor with
the advice of the
Executive
Council, to erect
parsonages and
endow them.

⁷ For George III's message to parliament February 25, 1791, see Hansard, vol. xxviii, p. 1271.

and erect within every township or parish which is now or hereafter may be formed, constituted or erected within such Province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England; and from time to time by instrument under the great seal of such Province to endow every such parsonage or rectory with so much or such a part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty in respect of any lands granted by his Majesty before the commencement of this Act, as such Governor, Lieutenant-Governor, or person administering the Government shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

XXXIX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant-Governor, or person administering the Government of each of the said Provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

XL. Provided always, and be it further enacted by the authority aforesaid, that every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's Royal letters patent to the Bishop of Nova Scotia,⁸ or which may hereafter by his Majesty's Royal authority be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England which are lawfully made and received in England.

XLI. Provided always, and be it further enacted by the authority aforesaid, that the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said Provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same shall be subject to be varied or repealed by any express provisions for that purpose contained in any act or acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, his heirs or successors under the restriction hereinafter provided.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, that whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above recited declaration and provision contained in the said Act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in his Majesty's Royal

⁸ For the instructions providing for such jurisdiction, see Shortt and Doughty, *op. cit.*, pp. 838 ff.

And the Governor to present incumbents to them, who are to enjoy the same, as incumbents in England.

Presentations to parsonages and enjoyment of them to be subject to the jurisdiction granted to the Bishop of Nova Scotia, etc.

Provisions respecting the allotment of lands for the support of a Protestant clergy, etc., may be varied or repealed by the Legislative Council and Assembly.

Acts of the Legislative Council and Assembly containing provisions to the effect herein mentioned to be laid before Parliament previous to receiving His Majesty's assent, etc.

instructions given on the third day of January in the year of our Lord one thousand, seven hundred and seventy-five to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the provisions herein before contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions herein before contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said Provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said Provinces; or respecting the presentations of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same: And also that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights therein before mentioned; or shall in any manner relate to the granting, imposing or recovering any other dues or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England amongst the ministers and members thereof within the said Provinces or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said houses, or to assent to any such Act or Acts in case either House of Parliament shall within the said thirty days address his Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes within either of the said Provinces unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-Governor, or person administering the Government of such Province, an address or addresses specifying that such Act contains provisions for some of the said purposes herein before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay for the purpose or being laid before Parliament previous to the signification of his Majesty's assent thereto.

XLIII. And be it further enacted by the authority aforesaid, that all lands which shall be hereafter granted within the said Province of Upper Canada shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said Province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the Province.

XLIV. And be it further enacted by the authority aforesaid, that if any person or persons holding lands in the said Province of Upper Canada by virtue of any certificate of occupation derived under the authority of the Governor and Council of the Province of Quebec, and having

Lands in Upper Canada to be granted in free and common soccage and also in Lower Canada if desired.

Persons holding lands in Upper Canada may have fresh grants.

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, by petition to the Governor, or Lieutenant-Governor, or person administering the Government of the said Province, setting forth that he, she or they, is or are desirous of holding the same in free and common soccage, such Governor, or Lieutenant-Governor, or person administering the Government shall thereupon cause a fresh grant to be made to such person of such lands to be holden in free and common soccage.

XLV. Provided nevertheless, and be it further enacted by the authority aforesaid, that such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons other than the person or persons surrendering the same shall have been entitled either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to such right, title, and interest, and that every such right, title, or interest shall be as valid and effectual as if such surrender and grant had never been made.

XLVI. And whereas by an Act⁹ passed in the eighteenth year of the reign of his present Majesty, intituled “An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies; and for repealing so much of an Act made in the seventh year of his present Majesty as imposes a duty on tea imported from Great Britain into any Colony or Plantation in America, or relates thereto,” it has been declared “that the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty’s Colonies, Provinces, and Plantations in North America, or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province, or Plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations are ordinarily paid and applied”: And whereas it is necessary for the general benefit of the British Empire, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs or successors, and the Parliament of Great Britain, subject nevertheless to the conditions hereinbefore recited with respect to the application of any duties which may be imposed for that purpose: Be it therefore enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the execution of any law which hath been or shall at any time be made by his Majesty, his heirs or successors, and the Parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of the commerce to be carried on between the said two Provinces,¹⁰ or between either of the said Provinces and any other part of his Majesty’s dominions, or between either of the said Provinces and any foreign country or state, or for appointing and directing the payment of draw-backs or such duties so imposed, or to give to his Majesty, his heirs or successors, any power or authority, by and with the advice and consent of such Legislative Councils and Assemblies respectively, to vary or repeal any such law or laws or any part thereof, or in any manner to prevent or obstruct the execution thereof.

XLVII. Provided always, and be it enacted by the authority aforesaid, that the net produce of all duties which shall be so imposed shall at all times hereafter be applied to and for

⁹ See No. XXXIX.

¹⁰ Grave disputes arose between the two provinces over duties on goods imported via the St. Lawrence. These disputes led to the passing of the Canada Trade Act by the British parliament (3 George IV, c. 119). See Bradshaw, F. *Self-Government in Canada* (London, n.d.).

18 Geo. III, cap. 12, recited.

This Act not to prevent the execution of any Act of parliament establishing prohibitions or imposing duties for the regulation of navigation and commerce etc.

Such duties to be applied to the use of the respective Provinces.

the use of each of the said Provinces respectively, and in such manner only as shall be directed by any law or laws which shall be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of such Province.

XLVIII. And whereas, by reason of the distance of the said Provinces from this country, and of the change to be made by this Act in the Government thereof, it may be necessary that there should be some interval of time between the notification of this Act to the said Provinces respectively, and the day of its commencement within the said Provinces respectively; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, with the advice of the Privy Council, to fix and declare, or to authorize the Governor or Lieutenant-Governor of the Province of Quebec, or the person administering the Government there, to fix and declare the day of the commencement of this Act within the said Provinces respectively, provided that such day shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-one.

XLIX. And be it further enacted by the authority aforesaid, that the time to be fixed by his Majesty, his heirs or successors, or under his or their authority by the Governor, Lieutenant-Governor, or person administering the Government in each of the said Provinces respectively, for issuing the writs of summons and election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two.

His Majesty in Council to fix and declare the commencement of this Act, etc.

Time for issuing the writs summons and election, etc., not to be later than 31st December, 1792.

A bill 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

Great Britain

[London? : s.n., 1791?]

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A
BILL
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 Provi- sion for the Government of the said Province.

Ordered to be printed 7th March 1791.

A
BILL
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.

Note.—*The Figures in the Margin denote the Number of the Folios in the written Copy.*

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled, “An Act for making more effectual Provision for “the Government of the Province of *Quebec*, in *North America*.”

And whereas the said Act is in many Respects inapplicable to the present Condition and Circumstances of the said Province:

And whereas it is expedient and necessary that further Provision should now be made for the good Government and Prosperity thereof:

May it therefore please Your Most Excellent 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 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as in any Manner relates to the Appointment of a Council for the Affairs of the said Province of *Quebec*, or to the Power given by the said Act to the said Council, or to the major Part of them, to make Ordinances for the Peace, Welfare, and good Government of the said Province, with the Consent of His Majesty’s Governor, Lieutenant Governor, or Commander in Chief for the Time being, shall be and the same is hereby repealed.

And whereas His Majesty has been pleased to signify, by His Message to both Houses of Parliament, His Royal Intention to divide His Province of *Quebec* into Two separate Provinces, to be called *The Province of Upper Canada*, and *The Province of Lower Canada*; Be it Enacted by the Authority aforesaid, That there shall be within each of the said Provinces respectively a Legislative Council, and an Assembly, to be severally composed and constituted in the Manner hereinafter described; and that in each of the said Provinces respectively His Majesty, His Heirs or Successors, shall have Power, during the Continuance of this Act, by and with the Advice and Consent of the Legislative Council and Assembly of such Provinces respectively, to make Laws for the Peace, Welfare, and good Government thereof, such Laws not being repugnant to this Act; and that all such Laws, being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in His Majesty’s Name, by such Person as His Majesty, His Heirs or Successors, shall from Time to Time appoint to be the Governor or Lieutenant Governor of such Province, or by such Person as His Majesty, His Heirs or Successors, shall from Time to Time appoint to administer the Government within the same in the Absence of such Governor or Lieutenant Governor, shall be, and the same are hereby declared to be, by virtue of and under the Authority of this Act, valid and binding to all Intents and Purposes whatever, within the Province in which the same shall have been so passed.

And be it further Enacted by the Authority aforesaid, That for the Purpose of constituting such Legislative Council as aforesaid in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign

Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time hereinafter mentioned, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient Number of discreet and proper Persons, being not fewer than to the Legislative Council for the Province of *Upper Canada*, and not fewer than to the Legislative Council for the Province of *Lower Canada*; and that it shall also be lawful for His Majesty, His Heirs or Successors, from Time to Time, by any Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like Manner, such other Person or Persons as His Majesty, His Heirs or Successors, shall think fit; and that every Person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council to which he shall have been so summoned.

Provided always, and be it Enacted by the Authority aforesaid, That no Person shall be summoned to the said Legislative Council in either of the said Provinces, who shall not be of the full Age of Years, and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

And be it further Enacted by the Authority aforesaid, That every Member of each of the said Legislative Councils shall hold his Seat therein for the Term of his Life, but subject nevertheless to the Provisions hereinafter contained for vacating the same, in the Cases hereinafter specified.

And be it further Enacted by the Authority aforesaid, That whenever His Majesty, His Heirs or Successors, shall think proper to confer upon any Subject of the Crown of *Great Britain*, by Letters Patent under the Great Seal of either of the said Provinces, any Hereditary Title of Honour, Rank, or Dignity of such Province, descendible according to any Course of Descent limited in such Letters Patent, it shall and may be lawful for His Majesty, His Heirs or Successors, to annex thereto, by the said Letters Patent, if His Majesty, His Heirs or Successors, shall so think fit, an Hereditary Right of being summoned to the Legislative Council of such Province, descendible according to the Course of Descent so limited with respect to such Title, Rank, or Dignity; and that every Person to whom such Right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or Person administering the Government of such Province, his Writ of Summons to such Legislative Council, at any Time after he shall have attained the Age of Years, subject nevertheless to the Provisions hereinafter contained.

Provided always, and be it further Enacted by the Authority aforesaid, That when and so often as any Person to whom such Hereditary Right shall have descended shall, without the Permission of His Majesty, His Heirs or Successors, signified to the Legislative Council of the Province by the Governor, Lieutenant Governor, or Person administering the Government there, have been absent from the said Province for the Space of Years continually, at any Time between the Date of his succeeding to such Right and the Time of his applying for such Writ of

Summons, if he shall have been of the Age of Years or upwards at the Time of his so succeeding, or at any Time between the Date of his attaining the said Age and the Time of his so applying, if he shall not have been of the said Age at the Time of his so succeeding; and also when and so often as any such Person shall at any Time, before his applying for such Writ of Summons, have taken any Oath of Allegiance or Obedience to any Foreign Prince or Power, in every such Case such Person shall not be entitled to receive any Writ of Summons to the Legislative Council by virtue of such Hereditary Right, unless His Majesty, His Heirs or Successors, shall at any Time think fit, by Instrument under his or their Sign Manual, to direct that such Person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or Person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such Writ of Summons to any Person so applying for the same, to interrogate such Person upon Oath touching the said several Particulars, before such executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof.

Provided also, and be it further Enacted by the Authority aforesaid, That if any Member of the Legislative Councils of either of the said Provinces respectively shall leave such Province, and shall reside out of the same for the Space of Years continually, without the Permission of His Majesty, His Heirs or Successors, signified to such Legislative Council by the Governor or Lieutenant Governor, or Person administering His Majesty's Government there, or for the Space of Years continually, without the like Permission, or the Permission of the Governor, Lieutenant Governor, or Person administering the Government of such Province, signified to such Legislative Council in the Manner aforesaid; or if any such Member shall take any Oath of Allegiance or Obedience to any Foreign Prince or Power; his Seat in such Council shall thereby become vacant.

Provided also, and be it further Enacted by the Authority aforesaid, That in every Case where a Writ of Summons to such Legislative Council shall have been lawfully withheld from any Person to whom such Hereditary Right as aforesaid shall have descended, by Reason of such Absence from the Province as aforesaid, or of his having taken an Oath of Allegiance or Obedience to any Foreign Prince or Power, and also in every Case where the Seat in such Council of any Member thereof, having such Hereditary Right as aforesaid, shall have been vacated by Reason of any of the Causes hereinbefore specified, such Hereditary Right shall remain suspended during the Life of such Person, unless His Majesty, His Heirs or Successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the Death of such Person such Right, Subject to the Provisions herein contained, shall descend to the Person who shall next be entitled thereto, according to the Course of Descent limited in the Letters Patent by which the same shall have been originally confirmed.

Provided also, and be it further Enacted by the Authority aforesaid, That if any Member of either of the said Legislative Councils shall be attainted, for Treason or Felony in any Court of Law within any of His Majesty's Dominions, his Seat in such Council shall thereby become vacant, and any such Hereditary Right as aforesaid then vested in such Person, or to be derived to any other Persons through him, shall be utterly forfeited and extinguished.

Provided also, and be it further Enacted by the Authority aforesaid, That whenever any Question shall arise respecting the Right of any Person to be summoned to either of the said

Legislative Councils respectively, or respecting the Vacancy of the Seat in such Legislative Council of any Person having been summoned thereto, every such Question shall, by the Governor or Lieutenant Governor of the Province, or by the Person administering the Government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the Person desiring such Writ of Summons, or for the Person respecting whose Seat such Question shall have arisen, or for His Majesty's Attorney General of such Province in His Majesty's Name, to appeal from the Determination of the said Council, in such Case, to His Majesty in His Parliament of *Great Britain*; and that the Judgment of His Majesty in His said Parliament shall be final and conclusive to all Intents and Purposes whatever.

And be it further Enacted by the Authority aforesaid, That the Governor or Lieutenant Governor of the said Provinces respectively, or the Person administering His Majesty's Government therein respectively, shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces respectively.

And be it further Enacted by the Authority aforesaid, That, for the Purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time hereinafter mentioned, and thereafter from Time to Time, as Occasion shall require, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

And be it further Enacted by the Authority aforesaid, That, for the Purpose of electing the Members of such Assemblies respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign Manual, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, within the Time hereinafter mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the Limits thereof, and declaring and appointing the Number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; and that it shall also be lawful for His Majesty, His Heirs or Successors, to authorize such Governor or Lieutenant Governor, or Person administering the Government, from Time to Time to nominate and appoint proper Persons to execute the Office of Returning Officer in each of the said Districts, or Counties, or Circles, and Towns or Townships respectively; and that such Division of the said Provinces into Districts, or Counties, or Circles, and Towns or Townships, and such Declaration and Appointment of the Number of Representatives to be chosen by each of the said Districts, or Counties, or Circles, and Towns or Townships respectively, and also such Nomination and Appointment of Returning Officers in the same, shall be valid and effectual to all the Purposes of this Act, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

Provided always, and be it further Enacted by the Authority aforesaid, That no Person shall be obliged to execute the said Office of Returning Officer for any longer Time than or oftener than Once, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province; assented to by His Majesty, His Heirs or Successors.

Provided also, and be it Enacted by the Authority aforesaid, That the whole Number of Members to be chosen in the Province of *Upper Canada* shall not be less than and that the whole Number of Members to be chosen in the Province of *Lower Canada* shall not be less than

And be it further Enacted by the Authority aforesaid, That Writs for the Election of Members to serve in the said Assemblies respectively shall be issued by the Governor, Lieutenant Governor, or Person administering His Majesty's Government within the said Provinces respectively, within Days after the sealing of such Instrument as aforesaid for summoning and calling together such Assembly, and that such Writs shall be directed to the respective Returning Officers of the said Districts, or Counties, or Circles, and Towns or Townships, and that such Writs shall be made returnable within Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that Writs shall in like Manner and Form be issued for the Election of Members in the Case of any Vacancy which shall happen by the Death of the Person chosen, or by his being summoned to the Legislative Council of either Province, and that such Writs shall be made returnable within Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that in the Case of any such Vacancy which shall happen by the Death of the Person chosen, or by Reason of his being so summoned as aforesaid, the Writ for the Election of a new Member shall be issued within Days after the same shall be made known to the proper Office for issuing such Writs of Election.

And be it further Enacted by the Authority aforesaid, That all and every the Returning Officers so appointed as aforesaid, to whom any such Writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such Writs.

And be it further Enacted by the Authority aforesaid, That the Members for the several Districts, or Counties, or Circles of the said Provinces respectively, shall be chosen by the Majority of such Persons as shall severally be possessed, for their own Use and Benefit, of Lands or Tenements within such District, or County, or Circle, as the Case shall be, such Lands being by them held in Freehold, or in Fief, or in Reture, or by Certificate derived under the Authority of the Governor and Council of the Province of *Quebec*, and being of the Yearly Value of Sterling, or upwards, over and above all Rents and Charges payable out of or in respect of the same; and that the Members of the several Towns or Townships within the said Provinces respectively shall be chosen by the Majority of Votes of such Persons as either shall severally be possessed, for their own Use and Benefit, of a Dwelling House and Lot of Ground in such Town or Township, such Dwelling House and Lot of Ground being by them held in like Manner as aforesaid, and being of the Yearly Value of Sterling, or upwards, or, as having been resident within the said Town or Township for the Space of Months next before the Date of the Writ of

Summons for the Election, shall *bona fide* have paid Rent for the Dwelling House in which they shall have so resided, at the Rate of Sterling *per Annum*, or upwards.

Provided always, and be it further Enacted by the Authority aforesaid, That no Person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils to be established as aforesaid in the said Two Provinces, or who shall be a Minister of the Church of *England*, or a Minister, Priest, or Ecclesiastic, either according to the Rites of the Church of *Rome*, or under any other Form or Profession of Religious Faith or Worship.

Provided also, and be it further Enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall not be of the full Age of and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

And be it also Enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall have been attainted for Treason or Felony in any Court of Law within any of His Majesty's Dominions, or who shall be within any Description of Persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

Provided also, and be it further Enacted by the Authority aforesaid, That every Voter, before he is admitted to give his vote at any such Election, shall, if required by any of the Candidates, or by the Returning Officer, take the following Oath, which shall be administered in the *English* or *French* Language, as the Case may require.

"I *A. B.* do declare and testify, in the Presence of Almighty God, That I am, to the best of my Knowledge and Belief, of the full Age of Years, and that I have not been polled before at this Election."

And that every such Person shall also, if so required as aforesaid, make Oath, previous to his being admitted to vote, that he is, to the best of his Knowledge and Belief, duly possessed of such Lands and Tenements, or of such a Dwelling House and Lot of Ground, or that he has *bona fide* been so resident, and paid such Rent for his Dwelling House, as entitles him, according to the Provisions of this Act, to give his Vote at such Election for the County, or District, or Circle, or for the Town or Township for which he shall offer the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor, or Person administering the Government within each of the said Provinces respectively, to fix the Time and Place of holding such Elections, subject nevertheless to such Provisions as may hereafter be made in these Respects by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person or Persons administering the Government therein, to fix the Places and Times of holding the First and every other Session of the Legislative Council and Assembly of such Province, and to prorogue the same from Time to Time, and to dissolve the same by Proclamation or otherwise, whenever he shall judge it necessary or expedient.

Provided always, and be it Enacted by the Authority aforesaid, That the said Legislative Council and Assembly, in each of the said Provinces, shall be called together Once at the least in every twelve Calendar Months, and that every Assembly shall continue for Years from the Day of the Return of the Writs for chusing the same, and no longer, subject nevertheless to be sooner dissolved by the Governor or Lieutenant Governor of the Province, or Person administering His Majesty's Government therein.

And be it further Enacted by the Authority aforesaid, That all Questions which shall arise in the said Legislative Councils or Assemblies respectively shall be decided by the Majority of Voices of such Members as shall be present; and that in all Cases where the Voices shall be equal the Speaker of such Council or Assembly, as the Case shall be, shall have a casting Voice.

Provided always, and be it Enacted by the Authority aforesaid, That no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following Oath, either before the Governor or Lieutenant Governor of such Province, or Person administering the Government therein, or before some Person or Persons authorized by the said Governor or Lieutenant Governor, or other Person as aforesaid, to administer such Oath, and that the same shall be administered in the *English* or *French* Language, as the Case shall require:

“I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King *George*, as lawful Sovereign of the Kingdom of *Great Britain*, and of these Provinces dependant on and belonging to the said Kingdom; and that I will defend him to the utmost of my Power against all traitorous Conspiracies and Attempts whatever which shall be made against his Person, Crown, and Dignity; and that I will do my utmost [to] Endeavour to disclose and make known to His Majesty, His Heirs or Successors, all Treasons and traitorous Conspiracies and Attempts, which I shall know to be against Him, or any of them.

And all this I do swear without any Equivocation, mental Evasion, or secret Reservation; and renouncing all Pardons and Dispensations from any Person or Power whatever to the contrary.

So help me GOD.”

And be it further Enacted by the Authority aforesaid, That whenever any Bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces respectively, shall be presented, for His Majesty's Assent, to the Governor or Lieutenant Governor of such Province, or to the Person administering His Majesty's Government

therein, such Governor or Lieutenant Governor, or Person administering the Government, shall, and he is hereby authorized and required to declare, according to his Discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from Time to Time be given in that Behalf by His Majesty, His Heirs or Successors, that he assents to such Bill in His Majesty's Name, or that he withholds His Majesty's Assent from such Bill, or that he reserves such Bill until His Majesty's Pleasure shall be signified thereon.

And be it further Enacted by the Authority aforesaid, That no such Bill, which shall be so reserved for the Signification of His Majesty's Pleasure thereon, shall have any Force or Authority within the Province until such Governor or Lieutenant Governor, or Person administering the Government, shall signify, either by Speech or Message, to the Legislative Council and Assembly of such Province, or by Proclamation, that such Bill has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same; and that an Entry shall be made, in the Journals of the said Legislative Council, of every such Speech, Message, or Proclamation; and a Duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept amongst the public Records of the Province.

And be it further Enacted by the Authority aforesaid, That all Laws, Statutes, and Ordinances now in Force in the said Provinces, or in either of them, or in any Part thereof respectively, shall remain and continue to be of the same Force, Authority, and Effect, in each of the said Provinces respectively, as before the passing of this Act, except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the Authority of this Act, be repealed or varied by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the same may be repealed or varied by such temporary Laws or Ordinances as may be made in the Manner hereinafter specified.

Provided always, and be it Enacted by the Authority aforesaid, That in every Case in which, by virtue of the said Laws, Statutes, and Ordinances, or any of them, an Appeal now lies to His Majesty in Council from the Judgment of any Court of Law or Equity within the said Provinces, or either of them respectively, it shall and may be lawful to and for any of the Parties in such Case, if he, she, or they shall think fit, to appeal from the Judgment of the King in Council to His Majesty in His Parliament of *Great Britain*; and that such Appeal, being so brought, shall be entertained, heard, and adjudged in the same Manner and Form as Appeals brought before the King in Parliament, from any Court within this Kingdom from which such an Appeal doth lie; and that the Judgment of His Majesty in His said Parliament, on every such Appeal, shall be final and conclusive to all Intents and Purposes whatever.

And whereas, by the above-mentioned Act, passed in the Fourteenth Year of the Reign of His present Majesty, it was declared, that the Clergy of the Church of *Rome*, in the Province of *Quebec*, might hold, receive, and enjoy their accustomed Dues and Rights, with respect to such Persons only as should profess the said Religion; provided nevertheless, that it shall be lawful for His Majesty, His Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they should

from Time to Time think necessary and expedient: And whereas by His Majesty's Royal Instructions, given under His Majesty's Royal Sign Manual on the Third Day of *January*, in the Year of our Lord One thousand Seven hundred and Seventy-five, to *Guy Carleton*, Esquire, now Lord *Dorchester*, at that Time His Majesty's Captain General and Governor in Chief in and over His Majesty's Province of *Quebec*, His Majesty was pleased, amongst other Things, to direct, "that no Incumbent professing the Religion of the Church of *Rome*, appointed to any Parish in the said Province, should be entitled to receive any Tythes for Lands or Possessions occupied by a Protestant, but that such Tythes should be received by such Persons as the said *Guy Carleton*, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of *Quebec*, should appoint, and should be reserved in the Hands of His Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy, in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said *Guy Carleton*, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province should receive from His Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should, during such Vacancy, be reserved for and applied to the like Uses." And whereas His Majesty's Pleasure has likewise been signified to the same Effect in His Majesty's Royal Instructions, given in like Manner to Sir *Frederick Haldimand*, Knight of the most Honourable Order of the Bath, late His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of *Quebec*; and also in His Majesty's Royal Instructions, given in like Manner to the said Right honourable *Guy* Lord *Dorchester*, now His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of *Quebec*: Be it Enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Act, and also the said Provision so made by His Majesty in Consequence thereof, by His Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said Two Provinces of *Upper* and *Lower Canada* respectively, as to such Part or Parts of the said Two Provinces respectively as had been granted, by or under the Authority of the *French King*, to any Individual or Individuals, or to any Body or Bodies Corporate or Politic, Ecclesiastical or Civil, previously to the Conquest and Cession of the Province of *Canada*, except in so far as the said Declaration or Provinces respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction hereinafter provided.

And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces, for the Support and Maintenance of a Protestant Clergy within the same, in Proportion to such Lands as have been already granted within the same by His Majesty, and whereas His Majesty has been graciously pleased, by His said Message, further to signify His Royal Desire that such Provision may be made, with respect to all future Grants of Land within the said Provinces respectively, as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in Proportion to such Increase as may happen in the Population and Cultivation thereof: Therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or

Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands, for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty: And that whenever any Grant of Lands within either of the said Provinces shall hereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose, within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands, so allotted and appropriated, shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Part of the Lands so granted.

And be it further Enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments, which may at any Time arise from such Lands so allotted and appropriated as aforesaid, shall be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

And be it further Enacted by the Authority aforesaid, That shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of *England*; and by an Instrument under the Great Seal of such Province to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose, by or in virtue of any Instruction which may be given by His Majesty, in respect of any Lands granted before the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government, shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish; and that such Lands, with which such Parsonage or Rectory shall be so endowed, shall be held and taken to be in lieu of all Claims or Demands of Tythes, for or in respect of the Lands so granted, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every

such Parsonage or Rectory an Incumbent or Minister of the Church of *England*, who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory, shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in *England*.

Provided always, and be it further Enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of *Nova Scotia*, or which may hereafter, by His Majesty's Royal Authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of *Nova Scotia*, or by any other Person or Persons, according to the Laws and Canons of the Church of *England*, which are lawfully made and received in *England*.

Provided always, and be it further Enacted by the Authority aforesaid, That the several Provisions hereinbefore contained, respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Appointment of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction hereinafter provided.

Provided nevertheless, and be it further Enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provision contained in the said Act passed in the Fourteenth Year of the Reign of His present Majesty; or to vary or repeal the above-recited Provision contained in His Majesty's Royal Instructions, given on the Third Day of *January*, in the Year of our Lord One thousand Seven hundred and Seventy-five, to the said *Guy Carleton*, Esquire, now Lord *Dorchester*; or to vary or repeal the Provisions hereinbefore contained for continuing the Force and Effect of the said Declaration and Provisions; or to vary or repeal any of the several Provisions hereinbefore contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces; or respecting the Appointment of Incumbents or Ministers to the same; or respecting the Manner in which such Incumbents or Ministers shall hold the same: And also that whenever any Act or Acts shall be so passed, containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Religious Form or Mode of Worship; or shall impose or create any Penalties, Burthens, Disabilities, or Disqualifications in respect of the same; or shall in any Manner relate to or affect

the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights hereinbefore mentioned; or shall in any Manner relate to the granting, imposing, or recovering any other Dues, or Stipends, or Emoluments whatever, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Religious Form or Mode of Worship, in respect of his said Office or Function; or shall in any Manner relate to or affect the Establishment or Discipline of the Church of *England*, amongst the Ministers and Members thereof within the said Provinces; or shall in any Manner relate to or affect the King's Prerogative touching the granting the Waste Lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in *Great Britain*; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts, until Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said Days, address His Majesty, His Heirs or Successors, to refuse His or their Assent to such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses, specifying that such Act contains Provisions for some of the said Purposes hereinbefore specially described, and defining that, in order to give Effect to the same, such Act should be transmitted to *England* without Delay, for the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

And be it further Enacted by the Authority aforesaid, That all Lands which shall be hereafter granted within the said Province of *Upper Canada* shall be granted in Free and Common Soccage; and that in every Case where Lands shall be hereafter granted within the said Province of *Lower Canada*, and where the Grantee thereof shall desire the same to be granted in Free and Common Soccage, the same shall be so granted.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons holding any Lands in the said Province of *Upper Canada*, by virtue of any Certificate of Occupation derived under the Authority of the Governor and Council of the Province of *Quebec*, and having 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, by Petition to the Governor or Lieutenant Governor, or Person administering the Government of the said Province, setting forth that he, she, or they is or are desirous of holding the same in Free and Common Soccage, such Governor or Lieutenant Governor, or Person administering the Government, shall thereupon cause a fresh Grant to be made to such Person or Persons of such Lands, to be holden in Free and Common Soccage.

Provided nevertheless, and be it Enacted by the Authority aforesaid, That such Surrender and Grant shall not avoid or bar any Right or Title to any such Lands so surrendered, or any Interest in the same, to which any Person or Persons (other than the Person or Persons surrendering the same) shall have been entitled, either in Possession, Remainder, or Reversion, or otherwise, at the Time of such Surrender; but that every such Surrender and Grant shall be

made subject to every such Right, Title, and Interest, and that every such Right, Title, or Interest shall be as valid and effectual as if such Surrender and Grant had never been made.

And whereas by an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled “An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of *Great Britain*, in any of the Colonies, Provinces, and Plantations in *North America* and the *West Indies*; and for repealing so much of an Act, made in the Seventh Year of the Reign of His present Majesty, as imposes a Duty on Tea imported from *Great Britain* into any Colony or Plantation in *America*, or relates thereto,” it has been declared, “that the King and Parliament of *Great Britain* will not impose any Duty, Tax, or Assessment whatever, payable in any of His Majesty’s Colonies, Provinces, and Plantations in *North America*, or the *West Indies*, except only such Duties as it may be expedient to impose for the Regulation of Commerce, the net Produce of such Duties to be always paid and applied to and for the Use of the Colony, Province, or Plantation in which the same shall be respectively levied, in such Manner as other Duties collected by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied:” And whereas it is necessary, for the general Benefit of the *British* Empire, that such Power of Regulation of Commerce should continue to be exercised by His Majesty, His Heirs or Successors, and the Parliament of *Great Britain*, subject nevertheless to the Condition hereinbefore recited, with respect to the Application of any Duties which may be imposed for that Purpose: Be it therefore Enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the due Execution of any Law which hath been or shall at any Time be made by His Majesty, His Heirs or Successors, and the Parliament of *Great Britain*, for establishing Regulations or Prohibitions, or for imposing, levying, or collecting Duties for the Regulation of Commerce and Navigation, or to give to His Majesty, His Heirs or Successors, by and with the Advice and Consent of such Legislative Councils and Assemblies respectively, any Power or Authority to vary or repeal any such Law or Laws, or any Part thereof, or in any Manner to prevent or obstruct the Execution thereof.

Provided always, and be it Enacted by the Authority aforesaid, That the whole Amount and Produce of all Duties which shall be so imposed shall at all Times hereafter be applied to and for the Use of each of the said Provinces respectively, and in such Manner only as shall be directed by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the Legislative Council and Assembly of such Province.

And whereas, by Reason of the Distance of the said Provinces from this Country, and of the Change to be made by this Act in the Government thereof, it may be necessary that there should be some Interval of Time between the Notification of this Act to the said Provinces respectively, and the Day of its Commencement within the said Provinces respectively: Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, with the Advice of His Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of *Quebec*, or the Person administering the Government there, to fix and declare the Day of the Commencement of this Act within the said Provinces respectively, provided that such Day shall not be later than the

And be it further Enacted by the Authority aforesaid, That the Time to be fixed by His Majesty, His Heirs or Successors, or, under His or their Authority, by the Governor, Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, for issuing the Writs of Summons and Election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the

Provided always, and be it further Enacted by the Authority aforesaid, That during such Interval as may happen between the Commencement of this Act within the said Provinces respectively and the First Meeting of the Legislative Council and Assembly of each of the said Provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the Person administering the Government therein, with the Consent of the major Part of such Executive Council as shall be appointed by His Majesty for the Affairs of such Province, to make temporary Laws and Ordinances for the good Government, Peace, and Welfare of such Province, in the same Manner, and under the same Restrictions, as such Laws or Ordinances might have been made by the Council for the Affairs of the Province of *Quebec*, constituted by virtue of the above-mentioned Act of the Fourteenth Year of the Reign of His present Majesty; and that such temporary Laws or Ordinances shall be valid and binding within such Province, until the Expiration of Months after the Legislative Council and Assembly of such Province shall have been first assembled by virtue of and under the Authority of this Act, subject nevertheless to be sooner repealed or varied by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the said Legislative Council and Assembly.