

and the Parliament of the United Kingdom of *Great Britain and Ireland*, 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, that nothing in this Act contained shall prevent or affect the execution of any Law which hath been or shall be made in the Parliament of the said United Kingdom for establishing regulations and Prohibitions, or for the imposing, levying or collecting duties for the regulation of Navigation, or for the regulation of the Commerce between the Province of *Canada* and any other part of Her Majesty's dominions, or between the said Province of *Canada*, or any part thereof, and any foreign Country or State, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to Her Majesty any power or authority, by and with the advice and consent of such Legislative Council and Assembly of the said Province of *Canada*, 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, that the net produce of all duties which shall be so imposed shall at all times hereafter be applied to and for the use of the said Province of *Canada*, and (except as hereinafter provided) in such manner only as shall be directed by any Law or Laws which may be made by Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of such Province.

*(Section 44, relating to the Provincial Court of Appeals and the place of sitting of certain Courts, &c., in U. C. until it should be otherwise provided by the Prov. Legislature, is superseded by the Prov. Act 12 V. c. 63, and other Acts making other provision for the same matters.)*

Powers to be exercised by Governor, with the Executive Council, or alone.

**45.** All powers, authorities, and functions which by the said Act passed in the Thirty-first Year of the Reign of His late Majesty King *George the Third*, or by any other Act of Parliament, or by any Act of the Legislature of the Provinces of *Upper and Lower Canada* respectively, are vested in or are authorized or required to be exercised by the respective Governors or Lieutenant Governors of the said Provinces, with the advice or with the advice and consent of the Executive Council of such Provinces respectively, or in conjunction with such Executive Council, or with any number of the Members thereof, or by the said Governors or Lieutenant Governors individually and alone, shall, in so far as the same are not repugnant to or inconsistent with the provisions of this Act, be vested in and may be exercised by the Governor of the Province of *Canada* with the advice or with the advice and consent of, or in conjunction, as the case may require, with such Executive Council, or any Members thereof, as may be appointed by Her Majesty for the Affairs of the Province of *Canada* or by the said Governor of the Province of *Canada* individually and alone in cases where the advice, consent, or concurrence of the Executive Council is not required.