

No. 3.
Instructions
to the
Governor of
Upper Canada,
dated
7th Sept. 1839.

“ Fifty-eighth. And in case of Distress of any other of Our Plantations, you shall, upon Application of the respective Governors thereof to you, assist them with what Aid the Condition and Safety of Our said Province under your Government can spare.

“ Fifty-ninth. If any thing shall happen which may be of Advantage or Security to Our Province under your Government which is not herein or by your Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our said Executive Council, to take Order for the present therein, provided nevertheless, that what shall be done be not repugnant to Our Commissions and Instructions, and to the said Acts passed in the Fourteenth and Thirty-first Years of the Reign of Our dearest Father His late Majesty King George the Third, giving unto Us, through one of Our Principal Secretaries of State, speedy Notice thereof, that you may receive Our Ratification, if We shall approve the same: Provided always, that you do not, by Colour of any Power or Authority hereby given you commence or declare War without Our Knowledge and particular Commands therein, except it be for the Purpose of preventing or repelling Hostilities or unavoidable Emergencies, when the Consent of Our said Executive Council shall be had, and speedy Notice given thereof to Us through one of Our Principal Secretaries of State.

“ Sixtieth. And whereas great Prejudice may happen to Our Service, and to the Security of Our said Province, by your Absence, or the Absence of Our Lieutenant Governor for the Time being; you shall not, upon any Pretence whatever, come to Europe without having first obtained Leave for so doing from Us, under Our Signet and Sign Manual or by Our Order in Our Privy Council.

“ Sixty-first. And whereas We have thought fit by Our Commission to direct that in case of your Death or Absence from Our said Province, and in case there be at that Time no Person commissioned or appointed by Us to be our Lieutenant Governor, or appointed by Us to administer the Government within the Province in the event of the Death or Absence of you and of Our Lieutenant Governor of the said Province, the senior Member of the Executive Council who shall be at the Time of your Death or Absence residing within Our said Province of Upper Canada (subject to such other Nomination and Appointment by you under the Great Seal of Our said Province as in Our said Commission is in that Behalf mentioned) shall take upon him the Administration of the Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein contained, in the Manner thereby directed; it is nevertheless Our express Will and Pleasure that in such Case the Person so administering the Government shall forbear to assent to any Acts but what are immediately necessary for the Welfare of Our said Province, without Our particular Orders for that Purpose; and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the Members of Our said Executive Council, nor any Judges, Justices of the Peace, or other Officers, Civil or Military, without the Advice and Consent of the Majority of the said Executive Council; and he is, by the first Opportunity, to transmit to Us, through one of Our Principal Secretaries of State, the Reasons of such Alterations, signed by him and the Council; and Our Will and Pleasure is, that the above Instructions with respect to such senior Councillor shall also be equally observed by and binding upon such other Executive Councillor as may be nominated and appointed by you under the Great Seal of Our said Province by virtue of Our said Commission in that Behalf.

“ Sixty-second. And whereas by Our different Commissions We have appointed you to be Our Governor and Commander in Chief of Our Provinces of Upper Canada and Lower Canada, Our Province of Nova Scotia, Our Island of Prince Edward, as well as of Our Province of New Brunswick; and it is our Intention that the Lieutenant Governors commanding in Our said Provinces of Upper Canada, New Brunswick, and Nova Scotia, and the Island of Prince Edward, should have and enjoy the full Salaries, Perquisites, and Emoluments granted to them and arising from their respective Governments, in as full and ample a Manner as if the said Governments