

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/
Couverture de couleur

Coloured pages/
Pages de couleur

Covers damaged/
Couverture endommagée

Pages damaged/
Pages endommagées

Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée

Pages restored and/or laminated/
Pages restaurées et/ou pelliculées

Cover title missing/
Le titre de couverture manque

Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées

Coloured maps/
Cartes géographiques en couleur

Pages detached/
Pages détachées

Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)

Showthrough/
Transparence

Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur

Quality of print varies/
Qualité inégale de l'impression

Bound with other material/
Relié avec d'autres documents

Continuous pagination/
Pagination continue

Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Includes index(es)/
Comprend un (des) index

Title on header taken from:/
Le titre de l'en-tête provient:

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Title page of issue/
Page de titre de la livraison

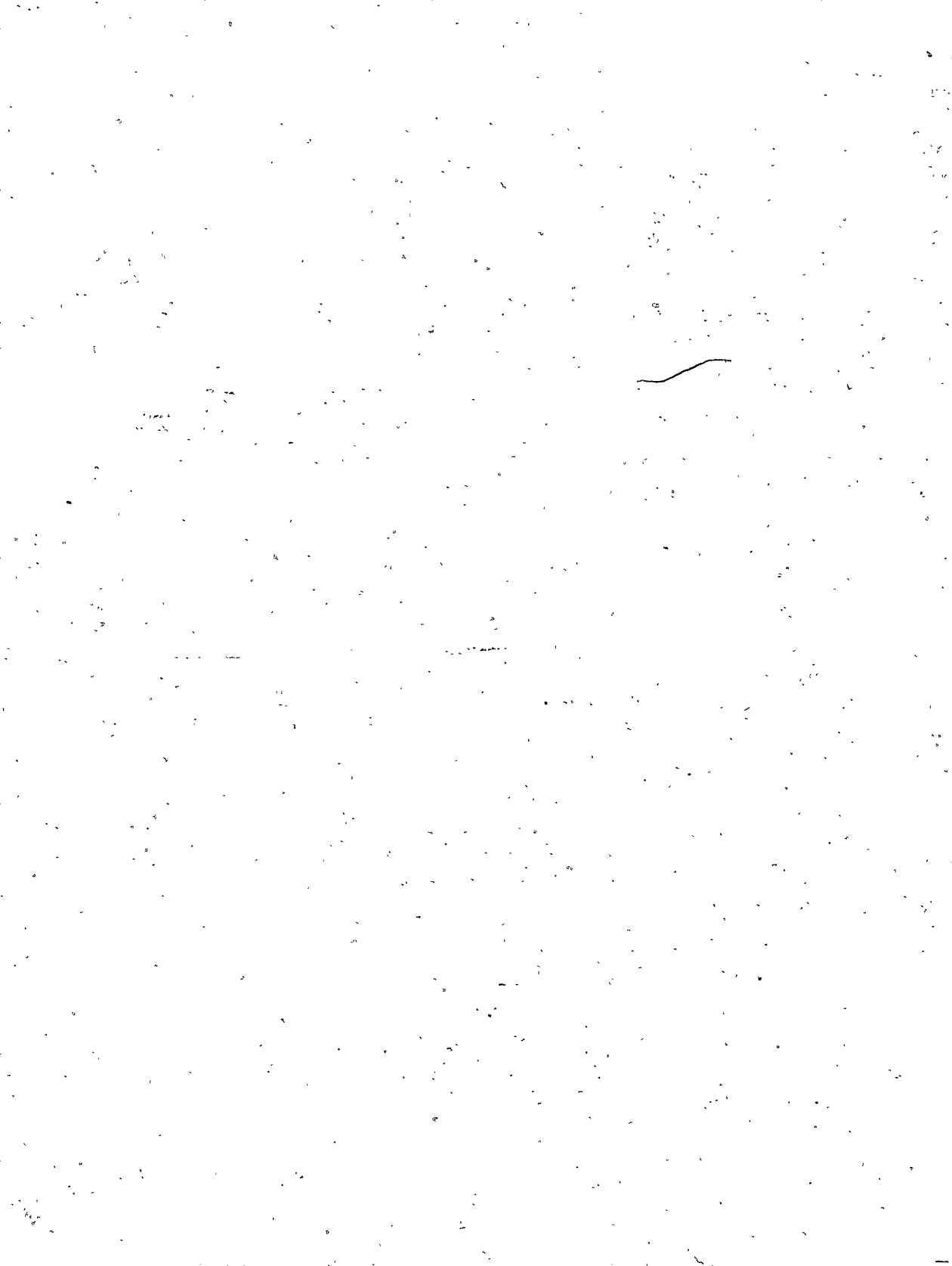
Caption of issue/
Titre de départ de la livraison

Masthead/
Générique (périodiques) de la livraison

Additional comments:/
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



A
COLLECTION
OF THE
A C T S
PASSED IN THE PARLIAMENT OF
GREAT BRITAIN,
PARTICULARLY APPLYING TO THE PROVINCE OF
UPPER-CANADA,
AND OF SUCH
ORDINANCES
OF THE
LATE PROVINCE OF QUEBEC,
AS HAVE FORCE OF LAW THEREIN.



YORK:
PRINTED BY R. C. HORNE.
1818.



IN THE FOURTEENTH YEAR OF THE REIGN OF

GEORGE THE THIRD,

At the Parliament begun and holden at Westminster, the tenth day of May, in the year of our Lord 1768, in the eighth year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the thirteenth day of January, 1774; being the Seventh Session of the Thirteenth Parliament of Great Britain.

C H A P. LXXXIII.

An Act for making more effectual provision for the Government of the Province of Quebec, in North America.

WHEREAS His Majesty, by His Royal Proclamation, bearing date the seventh day of October, in the third year of His Reign, thought fit to declare the provisions which had been made in respect to certain Countries, Territories, and Islands in America, ceded to His Majesty by the definitive Treaty of Peace, concluded at Paris, on the tenth day of February, one thousand seven hundred and sixty-three: And whereas, by the arrangements made by the said Royal Proclamation, a very large extent of country, within which there were several Colonies and Settlements of the subjects of France, who claimed to remain therein under the faith of the said Treaty, was left without any provision being made for the administration of Civil Government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: 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 all the Territories, Islands, and Countries in North America, belonging to the Crown of Great Britain, bounded on the South by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea, to a point in forty-five degrees of Northern latitude, on the Eastern bank of the River Connecticut, keeping the same latitude directly West, through the Lake Champlain, until, in the same latitude, it meets the River Saint Lawrence; from thence up the Eastern bank of the said River to the Lake Ontario; thence through the Lake Ontario, and the River commonly called Niagara; and thence along by the Eastern and South Eastern bank of Lake Erie, following the said bank, until the same shall be intersected by the Northern boundary, granted by the

Charter

Territories belonging
to Great Britain.

Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western boundaries of the said Province, until the said Western boundary strike the Ohio; but in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the North Western angle of the said Province of Pennsylvania, and thence by a right line, to the said North Western angle of the said Province; and thence along the Western boundary of the said Province, until it strike the River Ohio; and along the bank of the said River, Westward, to the banks of the Mississippi, and Northward to the Southern boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay, and also all such Territories, Islands and Countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the Government of Newfoundland, be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

Annexed to the Province of Quebec.

II. *Provided always*, That nothing herein contained, relative to the boundary of the Province of Quebec, shall in any wise affect the boundaries of any other Colony.

III. *Provided always, and be it enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this Act had never been made.

IV. And whereas the provisions made by the said Proclamation, in respect to the Civil Government of the said Province of Quebec, and the powers and authorities given to the Governor and other civil officers of the said Province, by the grants and commissions issued in consequence thereof, have been found upon experience, to be inapplicable to the state and circumstances of the said Province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the Religion of the Church of Rome, and enjoying an established form of Constitution and system of Laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said Province of Canada; *Be it therefore further enacted by the authority aforesaid*, That the said Proclamation, so far as the same relates to the said Province of Quebec, and the Commission under the authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances, made by the Governor and Council of Quebec for the time being, relative to the Civil Government and administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

Former provisions null and void.

V. And for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared, that His Majesty's subjects professing the Religion of the Church of Rome, of and in the said Province of Quebec, may have, hold and enjoy, the free exercise of the Religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the Reign of Queen Elizabeth, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said Religion.

Inhabitants of Quebec may profess the Romish religion, &c.

VI. *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 shall from time to time, think necessary and expedient.

VII. *Provided always, and be it enacted*, That no person professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the oath required by the said Statute, passed in the first year of the Reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person who, by the said Statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath, before the Governor, or such other person in such Court of Record as His Majesty shall appoint, who are hereby authorised to administer the same, viz.—

No person professing the Romish religion obliged to take the oath of 1 Elizabeth, but to take the following oath.

“ I, *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his Person, Crown and Dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and 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 Power and Person whomsoever to the contrary—So help me God.”

And every such person who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures disabilities and incapacities, as he would have incurred and been liable to, for neglecting or refusing to take the oath required by the said Statute passed in the first year of the Reign of Queen Elizabeth.

VIII. *And be it further enacted by the authority aforesaid*, That all His Majesty's Canadian subjects within the Province of Quebec, the Religious Orders and Communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner.

Canadian subjects (religious orders excepted) may hold all their possessions, &c.

ner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their allegiance to His Majesty, and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the Laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province, by His Majesty, His Heirs and Successors, shall with respect to such property and rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall from time to time, be passed in the said Province, by the Governor, Lieutenant Governor, or Commander in Chief, for the time being; by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned.

IX. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to any lands that have been granted by His Majesty, or shall hereafter be granted by His Majesty, His Heirs and Successors, to be holden in free and common soccage.

Owners of goods may alienate by will; &c.

X. *Provided also*, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said Province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devize or bequeath the same, at his or her death, by his or her last will and testament; any Law, usage or custom, heretofore or now prevailing in the Province, to the contrary hereof in any wise notwithstanding; such will being executed, either according to the Laws of Canada, or according to the forms prescribed by the Law of England.

Criminal Law of England to be continued in the Province.

XI. And whereas the certainty and lenity of the Criminal Laws of England, and the benefit and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; *Be it therefore further enacted by the authority aforesaid*, That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the description and quality of the offence, as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon, which did or might prevail in the said Province, before the year of our Lord one thousand seven hundred and sixty-four; any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the said Province, hereafter to be appointed shall, from time to time, cause to be made therein, in manner herein after directed.

XII. And whereas, it may be necessary to ordain many regulations for the future welfare and good government of the Province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for; without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there; And whereas, it is at present inexpedient to call an Assembly; *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty; His Heirs and Successors, by warrant under His or their Signet or Sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the Province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as His Majesty, His Heirs and Successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the Members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed and nominated, or the major part thereof, shall have power and authority to make Ordinances for the peace, welfare, and good government of the said Province, with the consent of His Majesty's Governor, or in his absence, of the Lieutenant Governor, or Commander in Chief, for the time being.

His Majesty may appoint a Council, &c

XIII. *Provided always,* That nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said Province, such rates and taxes only excepted, as the inhabitants of any Town or District, within the said Province, may be authorised by the said Council to assess, levy, and apply, within the said Town or District, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and œconomy of such Town or District.

XIV. *Provided also, and be it enacted by the authority aforesaid,* That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, and laid before His Majesty for his Royal Approbation; and if His Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that His Majesty's Order in Council thereupon shall be promulgated at Quebec.

XV. *Provided also,* That no Ordinance touching Religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received His Majesty's approbation.

XVI. *Provided also,* That no Ordinance shall be passed at any meeting of the Council where less than a majority of the whole Council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every Member thereof resident at Quebec or within fifty miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, to attend the same.

When Ordinances are to be passed by a majority.

XVII.

XVII. *And be it further enacted by the authority aforesaid,* That nothing herein contained, shall extend or be construed to extend, to prevent or hinder His Majesty, His Heirs and Successors, by his or their Letters Patent, under the Great Seal of Great Britain, from erecting, constituting, and appointing such Courts of Criminal, Civil, and Ecclesiastical Jurisdiction, within and for the said Province of Quebec, and appointing, from time to time, the Judges and Officers thereof, as His Majesty, His Heirs and Successors, shall think necessary and proper for the circumstances of the said Province.

XVIII. *Provided always, and it is hereby enacted,* That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of His Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also, all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in force within the said Province of Quebec, and every part thereof.

See C. 88, and 15
Geo. 3d, c. 40.

C H A P. LXXXVIII.

An Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and Support of the Civil Government within the Province of Quebec, in America.

Certain duties imposed by his most Christian Majesty upon Rum, Brandy, &c. imported into Quebec.

WHEREAS, certain Duties were imposed by the authority of His Most Christian Majesty, upon Wine, Rum, Brandy, Eau de Vie de Liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of three pounds per centum ad valorem, upon all dry goods imported into, and exported from the said Province, which Duties subsisted at the time of the surrender of the said Province to your Majesty's forces in the late war: And whereas, it is expedient that the said Duties should cease and be discontinued; and that in lieu and instead thereof, other Duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the Administration of Justice, and the Support of the Civil Government in the said Province: We your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your 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 from and after the fifth day of April, one thousand seven hundred and seventy five, all the Duties which were imposed upon Rum, Brandy, Eau de Vie de Liqueur, within the said Province, and also of three pounds per centum ad valorem, on dried Goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued;

to be discontinued.

discontinued; and that in lieu and instead thereof, there shall, from and after the said fifth day of April, one thousand seven hundred and seventy five, be raised, levied, collected, and paid, unto His Majesty, His Heirs and Successors, for and upon the respective Goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other Duties now payable in the said Province, by any Act or Acts of Parliament, the several Rates and Duties following: that is to say,

For every gallon of Brandy, or other Spirits, of the manufacture of Great Britain, three pence.

and in stead the following Duties to be paid.

For every gallon of Rum, or other Spirits, which shall be imported or brought from any of His Majesty's Sugar Colonies in the West Indies, six pence.

For every gallon of Rum, or other Spirits, which shall be imported or brought from any other of His Majesty's Colonies or Dominions in America, nine pence.

For every gallon of Foreign Brandy, or other Spirits of Foreign manufacture, imported or brought from Great Britain, one shilling.

For every gallon of Rum or Spirits, of the produce or manufacture of any of the Colonies or Plantations in America, not in the possession or under the dominion of His Majesty, imported from any other place except Great Britain, one shilling.

For every gallon of Molasses and Syrups, which shall be imported or brought into the said Province, in ships or vessels belonging to His Majesty's subjects in Great Britain or Ireland, or to His Majesty's subjects in the said Province, three pence.

For every gallon of Molasses and Syrups, which shall be imported or brought into the said Province, in any other ships or vessels, in which the same may be legally imported, sixpence; and after those rates for any greater or less quantity of such goods respectively.

II. *And it is hereby further enacted by the authority aforesaid,* That the said Rates and Duties, charged by this Act, shall be deemed, and are hereby declared to be, Sterling Money of Great Britain, and shall be collected, recovered and paid, to the amount of the value of which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver; and that the said Duties, herein before granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this Act, as any other Duties payable to His Majesty, upon Goods imported into any British Colony or Plantation in America, are or shall be raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present Act; and that all the monies that shall arise by the said Duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for

Rates deemed Sterling money of Great Britain.

How to be levied, &c.

To whom to be paid
and how applied.

the same.) shall be paid by the Collector of His Majesty's Customs, into the hands of His Majesty's Receiver General in the said Province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision, towards defraying the expences of the Administration of Justice, and of the support of Civil Government in the said Province; and that the Lord High Treasurer, or Commissioners of His Majesty's Treasury, or any three or more of them for the time being, shall be, and is or are hereby empowered, from time to time, by any warrant or warrants under his or their hand or hands, to cause such money to be applied out of the said produce of the said Duties, towards defraying the said expences; and that the residue of the said Duties shall remain and be reserved in the hands of the said Receiver General, for the future disposition of Parliament.

Regulations with respect to goods brought into the Province chargeable, &c

III. *And it is hereby further enacted by the authority aforesaid,* That if any Goods chargeable with any of the said Duties herein before mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint Johns near the River Sorrel; or if such Goods shall be brought into the said Province by any inland navigation, other than that upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel, by the said port, and shall be there entered with, and the said respective Rates and Duties paid for the same, to such Officer or Officers of His Majesty's Customs as shall be there appointed for that purpose; and if any such Goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said Rates and Duties, or shall be brought into any part of the said Province, by or through any other place whatsoever, the said Goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such Goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such Goods, to be estimated and computed according to the best price that each respective commodity bears in the Town of Quebec, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such Goods, shall also be forfeited and lost, and shall and may be seized by any Officer of His Majesty's Customs, and prosecuted, as herein after mentioned.

Penalties and forfeitures, &c.

IV. *And it is hereby further enacted by the authority aforesaid,* That the said penalties and forfeitures by this Act inflicted, shall be sued for and prosecuted in any Court of Admiralty, or Vice Admiralty, having jurisdiction within the said Province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the Laws relating to the Customs and Trade of His Majesty's Colonies in America, shall or may, by any Act or Acts of Parliament, be sued for, prosecuted, recovered, and divided.

V. *And be it further enacted by the authority aforesaid;* That there shall, from

from and after the fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid unto His Majesty's Receiver General of the said Province, for the use of His Majesty, His Heirs and Successors, a Duty of one pound sixteen shillings, Sterling Money of Great Britain, for every licence that shall be granted by the Governor, Lieutenant Governor, or Commander in Chief of the said Province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said Province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such licence, shall forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the Receiver General of the Province, for the use of His Majesty.

Any person keeping a house of public entertainment, to pay £1 16s for a licence.

Penalty of £10 for every offence.

VI. *Provided always*, That nothing herein contained shall extend or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to and belonged to His Most Christian Majesty, before and at the time of the conquest and surrender thereof to His Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid, in the same manner as if this Act had never been made, any thing therein contained to the contrary notwithstanding,

Not to make void French revenues, &c.

VII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, and if it shall appear to the Court or Judge where or before whom the same shall be tried, that such action or suit is brought for any thing that was done in pursuance of and by the authority of this Act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if the plaintiff shall discontinue such action or suit, such Court or Judge shall award to the defendant or defendants treble costs.

Treble costs. Explained & amended, 15 Geo. 3. c 40.

IN THE FIFTEENTH YEAR OF THE REIGN OF

GEORGE THE THIRD,

At the Parliament begun and holden at Westminster, the twenty-ninth day of November in the year of our Lord 1774, in the fifteenth year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the first Session of the Fourteenth Parliament of Great Britain.

C H A P. LX.

An Act for amending and explaining an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act to establish a fund towards further defraying the Charges of Administration of Justice, and support of the Civil Government within the Province of Quebec, in America."

14th Dec. 3d, c 88.

WHEREAS by an Act passed in the fourteenth year of His Majesty's Reign, intituled "An Act to establish a fund towards further defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America," it is, amongst other things enacted, That if any goods, chargeable with any of the Duties in the said Act mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint John's near the River Sorrel; or if such goods shall be brought into the said Province by any inland navigation, other than that upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel by the said port, and shall be there entered with, and the said respective Rates and Duties paid for the same, to such officer or officers of His Majesty's Customs, as shall be there appointed for that purpose; and if any such goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said Rates and Duties, or shall be brought into any part of the said Province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned, in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the Town of Quebec at the the

time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage or conveyance of such goods, shall be forfeited and lost, and shall and may be seized by any officer of His Majesty's Customs, and prosecuted as therein after mentioned: And whereas there is reason to apprehend that the regulations and restrictions contained in the said herein before recited clause, so far as they relate to the bringing of Rum, Brandy, or other Spirits, into the Province of Quebec, by land carriage, may, without further explanation, operate to the prejudice and disadvantage of the commerce carried on with the Indians in the upper or interior parts of the said Province; We your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your 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 it shall and may be lawful to and for all His Majesty's subjects, freely to bring, carry, or convey, by land carriage or inland navigation, into any parts of the Province of Quebec, not heretofore comprehended within the limits thereof by His Majesty's Proclamation of the seventh of October, one thousand seven hundred and sixty-three, any quantity of Rum, Brandy, or other Spirits; any thing contained in the before recited Act of Parliament to the contrary thereof in any wise notwithstanding.

His Majesty's subjects may bring any quantity of Rum, Brandy, &c.

IN THE THIRTY-FIRST YEAR OF THE REIGN OF

GEORGE THE THIRD.

At the Parliament begun and holden at Westminster, the Twenty-fifth day of November, in the year of our Lord 1790, in the thirty-first year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the first Session of the Seventeenth Parliament of Great Britain.

C H A P. XXXI.

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.

14th Geo. 3, cap. 63,
recited.

So much of recited
Act as relates to the ap-
pointment of a Council
for Quebec, or its pow-
ers, repealed.

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.

II. 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

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 herein after 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, 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.

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:

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 authorise 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 not 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 authorise 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.

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

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.

No person under 21 years of age, &c. to be summoned.

Members to hold their
seats for life

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 of his life, but subject nevertheless to the provisions herein after contained for vacating the same, in the cases herein after specified.*

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

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 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 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 twenty-one years, subject nevertheless to the provisions herein after contained.*

Such descendible right forfeited, and

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 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.*

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, 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.

Seats in Council 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, 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 herein before 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 conferred.

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.

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.

Seats in Council forfeited, and hereditary rights extinguished, for treason.

XI. *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 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.

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

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

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.

His Majesty may authorize the Governor to call together the Assembly,

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 authorise 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, for the purpose of electing the Members, to issue a Proclamation dividing the Province into Districts, &c.

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 authorise 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.

Power of the Governor to appoint Returning Officers to continue two years from the commencement of this Act.

XV. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That the provision herein before 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

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.

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.

No person obliged to serve as Returning Officer more than once unless otherwise provided by an Act of the 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 the Province of Lower Canada, shall not be less than fifty.

Number of Members in each Province.

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 of 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 office 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.

XX. *And be it hereby 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

By whom the Members are to be chosen.

sons 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 roture, 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 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, Ecclesiastic, or Teacher, either according to the rites of the Church of Rome, or under any other form or profession of religious faith or worship.

No person under 21 years of age, &c. capable of voting or 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 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 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.

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

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,

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 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 to make oath to the particulars herein specified.

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.

His Majesty may authorize the Governor to fix the time and place for holding Elections.

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 of 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.

and of holding the Sessions of the Council and Assembly, &c.

XXVII. *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 four years from the day of the return of the writs for chusing 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.

Council and Assembly to be called together once in 12 months, &c.

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 shall be, shall have a casting voice.

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

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

No Member to sit or vote till he has taken the following

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.

Oath.

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 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.

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

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 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 for the signification of His Majesty's pleasure thereon.

Governor to transmit to the Secretary of State, copies of such bills as have been assented to, which His Majesty in Council may declare his disallowance of, within two years from the receipt.

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

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.

Bills reserved for His Majesty's pleasure not to have any force till His Majesty's assent be communicated to the Council and Assembly, &c.

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 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 herein after specified.

Laws in force at the commencement of this Act to continue so, except repealed or varied by it, &c.

XXXIV. And whereas by an Ordinance 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

Establishment of a Court of Civil Jurisdiction in each 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.

14 Geo 3d, c 30, and

XXXV. And whereas, by the abovementioned 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 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, 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 likeuses;" 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 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

instructions of Jan. 3, 1775, to Guy Carleton, Esquire, &c. and

instructions to Sir Frederick Haldimand, and to Lord Dorchester, recited,

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

and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the restriction herein after provided.

XXXVI. 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 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 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 seventh part of the lands so granted.

His Majesty's message to Parliament recited.

His Majesty may authorize the Governor to make allotments of lands for the support of a Protestant Clergy in each Province;

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 use or purpose whatever.

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

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

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

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 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.

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

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 rights 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.

Presentations to Parsonages, and the enjoyment of them, to be subject to the jurisdiction granted to the Bishop of Nova Scotia, &c.

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, 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.

Provisions respecting the allotment of lands for the support of a Protestant Clergy, &c.

XLI. *Provided always, and be it further enacted by the authority aforesaid,* That the several provisions herein before contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within
the

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 herein after provided.

may be varied or repealed by the Legislative Council and Assembly.

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 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 presentation 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 herein 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

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, &c.

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 of being laid before Parliament previous to the signification of His Majesty's assent thereto.

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

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.

Persons holding lands in Upper Canada, may have fresh grants.

XLIV. *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.

Such fresh grants not to bar any right or title to the lands.

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 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.

13 Geo. 3d, c 22, recited.

XLVI. 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 conditions herein before 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, 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 drawbacks of 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.

This Act not to prevent the operation of any Act of Parliament, establishing prohibitions or imposing duties for the regulation of navigation and commerce, &c.

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 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.

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

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,

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

clare, 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.

Time for issuing the writs of summons and election, &c. not to be later than December 31, 1792.

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.

Between the commencement of this Act, and the first meeting of the Legislative Council and Assembly, temporary Laws may be made.

L. *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 six 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.

C H A P. CXXXVIII.

An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain Parts of North America adjoining to the said Provinces.

[11th August, 1803.]

WHEREAS, crimes and offences have been committed in the Indian Territories, and other parts of America, not within the limits of the Provinces

Provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the Courts established in those Provinces, or within the limits of any Civil Government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof, great crimes and offences have gone and may hereafter go unpunished, and greatly increase: For remedy whereof, may it please your 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 from and after the passing of this Act, all offences committed within any of the Indian Territories, or parts of America not within the limits of either of the said Provinces of Lower or Upper Canada, or of any Civil Government of the United States of America, shall be, and be deemed to be, offences of the same nature, and shall be tried in the same manner and subject to the same punishment, as if the same had been committed within the Provinces of Lower or Upper Canada.

Offences committed within any of the Indian Territories, &c. shall be tried in the same manner as if committed within the Provinces of Lower or Upper Canada.

II. *And be it further enacted*, That it shall be lawful for the Governor, or Lieutenant Governor, or Person administering the Government for the time being of the Province of Lower Canada, by Commission under his Hand and Seal, to authorize and empower any person or persons wheresoever resident or being at the time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or parts of America not within the limits of either of the said Provinces, or of any Civil Government of the United States of America, as well as within the limits of either of the said Provinces, either upon informations taken or given within the said Provinces of Lower or Upper Canada, or out of the said Provinces, in any part of the Indian Territories or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said Province of Lower Canada, to be dealt with according to Law; and it shall be lawful for any person or persons whatever, to apprehend and take before any persons so commissioned, as aforesaid, or to apprehend and convey, or cause to be safely conveyed, with all convenient speed, to the Province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody for the purpose of being dealt with according to Law.

The Governor of Lower Canada may empower persons to act as Justices for the Indian Territories, &c. for committing offenders till conveyed to Canada for trial, &c

III. *And be it further enacted*, That every such offender may and shall be prosecuted and tried in the Courts of the Province of Lower Canada, (or if the Governor or Lieutenant Governor, or Person administering the Government for the time being, shall, from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may more conveniently be administered in relation to such crime or offence in the Province of Upper Canada, and shall, by any instrument under the Great Seal of the Province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the Court of the Province of Upper Canada,) in which crimes or offences of the like nature are usually tried, and where the same

Place and manner of trial of such offenders.

same would have been tried if such crime or offence had been committed within the limits of the Province where the same shall be tried under this Act; and every offender tried and convicted under this Act, shall be liable and subject to such punishment as may, by any Law in force in the Province where he or she shall be tried, be inflicted for such crime or offence; and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such Court, and such Court may and shall proceed therein to trial, judgment, and execution, or other punishment for such crime or offence, in the same manner in every respect as if such crime or offence had been really committed within the jurisdiction of such Court; and it shall also be lawful for the Judges and other officers of the said Courts, to issue subpoenas and other processes for enforcing the attendance of witnesses on any such trial; and such subpoenas and other processes shall be as valid and effectual and be in full force and put in execution, in any parts of the Indian Territories, or other parts of America out of and not within the limits of the Civil Government of the United States of America, as well as within the limits of either of the said Provinces of Lower or Upper Canada, in relation to the trial of any crimes or offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any offender or offenders to justice under this Act, as fully and amply as any subpoenas or other processes are, within the limits of the jurisdiction of the Court from which any such subpoenas or processes shall issue as aforesaid: any Act or Acts, Law or Laws, custom, usage, matter, or thing to the contrary notwithstanding.

Offenders, not being subjects of His Majesty, and also within the limits, belonging to any European State, shall be acquitted.

IV. *Provided always, and be it further enacted* That if any crime or offence charged and prosecuted under this Act, shall be proved to have been committed by any person or persons not being a subject or subjects of His Majesty, and also within the limits of any Colony, Settlement, or Territory belonging to any European State, the Court before which such prosecution shall be had, shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge.

But subjects to His Majesty shall be tried, although offence be committed in another European State.

V. *Provided nevertheless,* That it shall and may be lawful for such Court to proceed in the trial of any other person, being a subject or subjects of His Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any Colony, Settlement, or Territory belonging to any European State as aforesaid.

ORDINANCES

OF THE

LATE PROVINCE OF QUEBEC.

IT appears, on a revision of the Ordinances of the late Province of Quebec, that none of them remain in force in this Province, unless it be the 2d and 4th clauses in an Ordinance passed in the 17th year of George 3. ch 7, entitled "An Ordinance to prevent the selling of Strong Liquors to the Indians in the Province of Quebec, as also to deter persons from buying their Arms or Clothing, and for other purposes relative to the trade and intercourse with the said Indians" which prohibits the purchase of Indian Presents, and whereby it is enacted "That from and after the publication of this Ordinance, no person or persons whatsoever shall purchase, or receive in pledge, or in exchange, any cloaths, blankets, fire-arms, or ammunition, belonging to any Indian or Indians within this Province, under a penalty of five pounds, and imprisonment for any time not exceeding one month, for the first offence, and of ten pounds, and imprisonment for any time not exceeding two months, for the second and every other subsequent offence."

"That it shall and may be lawful for any person or persons whatsoever, to sue for the penalties and forfeitures aforesaid, by information before one or more of the Commissioners of the Peace of the District in which any offence against any of the above articles of this Ordinance shall have been committed, who is and are hereby authorised and required to hear and determine such information in a summary manner, and upon the oath of one credible witness, (being some other than the informer himself,) and to inflict the said imprisonment, and to levy the said penalties or forfeitures, together with the costs of suing for the same, by a warrant to seize and sell the goods or lands of the offenders. *Provided always,* That such informations shall be brought within six calendar months from the time the offence shall have been committed, and not after."

And that part of the Ordinance passed in the 29th year of George the 3d, c 3, entitled "An Act to continue an Ordinance regulating the Practice of the Law, and to provide more effectually for the dispensation of Justice, and especially in the new Districts" which enacts "That simple larceny, when the goods stolen shall not in value exceed twenty shillings sterling money of Great Britain, shall be deemed and adjudged only petty larceny."