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**HER MAJESTY'S  
INSTRUCTIONS  
TO THE  
GOVERNOR GENERAL**

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**1861.**



# VICTORIA R.

[L. S.]

**Instructions** to Our Right Trusty and Well-Beloved  
Cousin CHARLES STANLEY VISCOUNT MONCK, Our  
Captain General and Governor in Chief in and  
over Our Province of Canada, or in his absence  
to Our Lieutenant Governor or the Officer admi-  
nistering the Government of Our said Province  
for the time being.

GIVEN at Our Court, at Windsor, this Second day of  
November, 1861, in the Twenty-fifth year of Our  
Reign.

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FIRST.—Whereas by Our Commission under the Great Seal of Our  
United Kingdom of Great Britain and Ireland, bearing even date herewith,  
We have constituted and appointed you the said CHARLES STANLEY  
VISCOUNT MONCK, to be, during Our pleasure, Our Captain General and  
Governor in Chief in and over Our Province of Canada: And whereas  
We have thereby authorized, empowered, required and commanded you,  
in due manner, to do and execute all things that shall belong to your said  
Command and the trust we have reposed in you, according to the several  
powers, provisions and directions granted or appointed you by virtue of  
Our said Commission; and of a certain Act of Parliament made and  
passed in the Fourth year of Our Reign, intituled: "An Act to re-unite  
" the Provinces of Upper and Lower Canada, and for the Government of  
" Canada," and according to such Instructions as should be therewith  
given to you, and according to such other Instructions and Laws as therein  
are mentioned. And whereas it is by the said recited Act, amongst other  
things enacted, that all powers and authorities expressed therein to be  
given to the Governor of the Province of Canada shall be exercised by  
such Governor in conformity with, and subject to such orders, instructions  
and directions as we shall from time to time see fit to make or issue.

**NOW THEREFORE,** We do hereby in pursuance of the said Act of Parliament, and of all other powers in Us in that behalf vested, make and issue these Our Instructions for your guidance, in the exercise of the powers and authorities vested in you by the said Act of Parliament, and by Our said Commission.

By these Our Instructions, under Our Sign Manuel and Signet, so referred to in and accompanying Our said Commission, We do declare Our will and pleasure to be, that you, as soon as may be after the publication of Our said Commission, do take the Oath appointed to be taken by an Act passed in the twenty-first and twenty-second year of Our Reign, intituled: "An Act to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the relief of Her Majesty's Subjects professing the Jewish Religion;" and likewise that you take the usual oath for the due execution and performance of the office and trust of Our Captain General and Governor in Chief of Our said Province of Canada, and for the due and impartial Administration of Justice; which said Oaths the Chief Justices and Puisne Judges of Our Supreme Courts of Record of Upper and Lower Canada, or any three or more of them, have hereby full power and authority, and are required to tender and administer unto you.

**SECOND.**—And we do hereby give and grant unto you full power and authority from time to time and at any time hereafter, by yourself or by any other person to be authorized by you in that behalf, to administer to all and every person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Province of Canada, or who shall be resident or abiding therein, the Oath commonly called the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided.

**THIRD.**—And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our Service, you are to communicate to them these Our Instructions, and any additional Instructions which may be in like manner hereafter given to you by Us.

**FOURTH.**—And we do hereby declare, and it is Our pleasure, that Our said Council shall not proceed to the despatch of business unless duly summoned by your authority, nor unless one third of the Members of the said Council be present and assisting at any Meetings at which any such business shall be despatched. And We do further direct, that if in any

case you see sufficient cause to dissent from the opinion of the major part, or of the whole of Our said Executive Council, upon any question brought by you under their consideration, it shall be competent to you upon any such occasion to execute the powers and authorities vested in you by Our said Commission, and by these Our Instructions in opposition to such their opinions; it being, nevertheless, Our pleasure that in every case it shall be competent to any Member of Our said Council to record at length, on the Minutes of Our said Council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council.

**FIFTH.**—And it is Our pleasure, and you are hereby authorized, to appoint, by an Instrument under the Great Seal of the Province, One Member of Our said Executive Council to preside in your absence, and to remove him and appoint another in his stead. And if, during your absence, the Member so appointed shall also be absent, then the Senior Member of the Council actually present shall preside, the Seniority of the Members of the said Council being regulated according to the order of their respective appointments.

**SIXTH.**—And We do further direct and command that a full and exact Journal or Minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Executive Council, and that at each Meeting of the said Council the Minutes of the last preceding Meeting shall be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business.

**SEVENTH.**—And for the execution of so much of the powers vested in you by Our said Commission, and by virtue of the said Act passed in the fourth year of Our Reign as aforesaid, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold Our assent therefrom, or that you reserve such Bills for the signification of Our Royal pleasure thereon, it is Our will and pleasure that you do carefully observe the following rules, directions and instructions, viz: that each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other; that no clause be inserted in any Act which shall be foreign to what the title of it imports; and that no perpetual clause be part of any temporary law.

**EIGHTH.**—When any Bill is presented to you for Our assent, of either of the classes hereinafter specified, you shall (unless you shall think proper

to withhold Our assent from the same) reserve the same for the signification of Our pleasure thereon; subject nevertheless to your discretion, in case you should be of opinion that an urgent necessity exists, requiring that such Bill be brought into immediate operation; in which case you are authorized to assent to such Bill in Our name, transmitting to Us by the earliest opportunity the Bill so assented to, together with your reasons for assenting thereto, that is to say:

1. Any Bill for the divorce of persons joined together in holy matrimony;
2. Any Bill whereby any grant of land, or money, or other donation or gratuity, may be made to yourself;
3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin;
4. Any Bill imposing differential duties;
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty;
6. Any Bill interfering with the discipline or control of Our Forces in Our said Province by land and sea;
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our Subjects not residing in Our said Province, or the trade and shipping of the United Kingdom and its dependencies may be prejudiced;
8. Any Bill containing provisions to which Our assent has been once refused, or which has been disallowed by Us.

**NINTH.**—You shall take care that all laws assented to by you in Our name, or reserved for the Signification of Our Royal pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with explanatory observations upon each of them, and you are also to transmit the reasons and occasion for proposing each law, together with fair copies of the Journals and Minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper Officers in that behalf of the said Legislative Council and Assembly.

**TENTH.**—And whereas We have by Our said Commission given and granted unto you full power and authority, when you shall see cause, to pardon offenders convicted of any crime, and to remit fines, penalties, and forfeitures: Now We do hereby require and enjoin you to call upon the Judge presiding at the trial of any offenders to make to you a written report of the cases of all persons who may from time to time be condemned to suffer

death by the sentence of any Court within Our said Province, and such reports of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held, of Our said Executive Council, at which meeting the said Judge shall be specially summoned to attend, and you shall not pardon any such offender unless it shall appear to you expedient so to do, upon receiving the advice of Our said Executive Council therein, but in all such cases you are to decide whether to extend or withhold a pardon, according to your own deliberate judgment whether the Members of Our said Executive Council concur therein or otherwise, entering, nevertheless, on the Minutes of the said Council, a Minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of members thereof.

**ELEVENTH.**—It is Our further will and pleasure that all Commissions to be granted by you to any person or persons to be Judge, Justice of the Peace, or other necessary officer, unless otherwise provided by law, be granted during Our pleasure only.

**TWELFTH.**—It is Our will and pleasure to reserve to you the granting of licenses for marriages, letters of administration and probates of Wills as heretofore exercised by your predecessors.

**THIRTEENTH.**—And whereas you will receive through one of Our Principal Secretaries of State a book of tables in blank (commonly called the "Blue Book") to be annually filled up with certain Returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural produce, Manufactures and other matters in the said "Blue Book" more particularly specified with reference to the state and condition of Our said Province of Canada; Now We do hereby signify Our pleasure that all such Returns be accurately prepared and punctually transmitted to Us through one of Our Principal Secretaries of State.

**FOURTEENTH.**—And whereas great prejudice may happen to Our Service, and to the Security of Our said Province by the absence of the Governor, you shall not, upon any pretence whatever, quit the said Colony without having first obtained leave from Us for so doing, under Our Sign Manuel and Signet, or through one of Our Principal Secretaries of State.