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COPIES

OF

**The Commissions issued under the GREAT SEAL
of the United Kingdom of GREAT BRITAIN and
IRELAND, appointing the EARL of DURHAM
Captain General and Governor-in-Chief of the
Provinces of LOWER CANADA, UPPER CANADA,
NOVA SCOTIA, NEW BRUNSWICK, and the Island
of PRINCE EDWARD.**

Ordered to be printed 10th July 1838.

(256.)

COPIES

OF

The COMMISSIONS under the GREAT SEAL of the United Kingdom of Great Britain and Ireland, appointing the EARL of DURHAM Captain General and Governor-in-Chief of the PROVINCES of LOWER CANADA, UPPER CANADA, NOVA SCOTIA, and NEW BRUNSWICK, and the Island of PRINCE EDWARD.

SCHEDULE.

No. 1.—Lower Canada.—Copy of a Commission under the Great Seal of the United Kingdom, appointing the Earl of Durham Captain General and Governor-in-Chief of the Province of Lower Canada; dated 30th March 1838.

No. 2.—Upper Canada.—Ditto - Ditto - dated 30th March 1838.

No. 3.—Nova Scotia.—Ditto - Ditto - dated 6th February 1838.

No. 4.—New Brunswick.—Ditto - Ditto - dated 30th March 1838.

No. 5.—Prince Edward Island.—Ditto - Ditto - dated 6th Feb. 1838.

Colonial Office, Downing Street,
10th July 1838.

No. 1.

LOWER CANADA.

Copy of a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Earl of Durham Captain General and Governor-in-Chief of the Province of Lower Canada.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Greeting: Whereas Our Royal Predecessor His late Majesty King William the Fourth did, by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 1st Day of July 1835, in the Sixth Year of His Reign, constitute and appoint our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford to be Captain General and Governor-in-Chief in and over the Provinces of Upper Canada and Lower Canada, during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, Relation being thereunto had, may more fully and at large appear:

Now know you, That We have revoked and determined, and by these Presents do revoke and determine, such Part only and no more of the said recited Letters Patent as extends or relates to the said Province of Lower Canada, and every Clause, Article, and Thing therein contained relating to the said Province, and to the said Province only:

And further know you, That We, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said John George Earl of
(256.) A Durham,

Durham, of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint, you the said John George Earl of Durham to be during Our Pleasure Our Captain General and Governor-in-Chief in and over Our said Province of Lower Canada; the said Province being bounded by the adjacent Province of Upper Canada, and the Boundary Line between the said Provinces commencing at a Stone Boundary on the North Bank of the Lake Saint Francis at the Cove West of the Point Au Baudet in the Limit between the Township of Lancaster and the Seigneurie of New Longuevil, running along the said Limit in the Direction of North Thirty-four Degrees West to the Westernmost Angle of the said Seigneurie of New Longuevil, thence along the Northwestern Boundary of the Seigneurie of Vaudreuil, running North Twenty-five Degrees East until it strikes the Ottawas River, to ascend the said River into the Lake Temiscaming, and which said Province of Lower Canada is also bounded by a Line drawn due North from the Head of the said Lake until it strikes the Shore of Hudson's Bay.

And We do hereby require and command you the said John George Earl of Durham to do and execute all Things in due Manner 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 present Commission, and of such Instructions as are herewith given to you, or which may from Time to Time be hereafter given to you by Us under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State, and according to such Laws as are now or shall hereafter be in force within Our said Province of Lower Canada.

And Our Will and Pleasure is, that you the said John George Earl of Durham, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, entitled "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, entitled "An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, entitled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misdemeanor of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your Case: 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 Lower Canada, and for the due and impartial Administration of Justice: And further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and Plantations be duly observed: All which said Oaths the Executive Council of Our said Province of Lower Canada, or any Three or more of the Members of the said Executive Council, have hereby full Power and Authority, and are required to administer unto you: All which being duly performed, you the said John George Earl of Durham shall administer unto each of the Members of Our said Executive Council such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of Our said Council taking the same; and you are also to administer to them the usual Oaths for the due Execution of their Places and Trusts.

And whereas We may find it convenient for Our Service that certain Offices or Places within Our said Province of Lower Canada should be filled by Our Subjects who may profess the Religion of the Church of Rome: It is therefore Our Will and Pleasure, that in all Cases where such Persons shall or may be admitted into any such Offices or Places the Oath prescribed in and by an Act of Parliament passed in the Fourteenth Year of the Reign of His said late Majesty

Majesty King George the Third, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and also the Oath prescribed in and by the Act before mentioned, passed in the Tenth Year of the Reign of His said late Majesty King George the Fourth, shall be duly administered unto them; and they shall also take the usual Oaths for the due Execution of their Places and Trusts respectively. And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, from Time to Time, and at any Time hereafter, by yourself or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the Case of the Individual to whom the same shall be administered to all and every such Person and 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 Lower Canada, or who shall be resident or abiding therein. And We do hereby authorize and empower you to keep and use the Public Seal of Our said Province of Lower Canada for sealing all Things whatsoever that shall pass the Seal of Our said Province.

And We do also by these Presents authorize and empower you the said John George Earl of Durham to present to any Church, Chapel, or other Ecclesiastical Benefice according to the Establishment of the Church of England within Our said Province an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen of Incumbents or Ministers of the said Churches, Chapels, or Benefices, or any of them respectively.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, by Warrants to be by you addressed to the Receiver General for the Time being of Our said Province of Lower Canada, to make Order for the issuing for Our Service within Our said Province of all or any Sum or Sums of Money which are or shall be in the Hands of the said Receiver General: Provided nevertheless, and We do enjoin and require you, in issuing any such Warrants, to observe and conform to the Provisions of any Law which is or shall be in force within Our said Province by which the Appropriation of any such Monies hath been or shall be regulated. And we do further require and enjoin you the said John George Earl of Durham to provide that regular Accounts of all Receipts and Disbursements of such Monies be duly kept; and to cause such Accounts, with all necessary Vouchers and other Documents in support and explanation thereof, to be from Time to Time submitted to the Lords Commissioners for the Time being of Our Treasury, to be audited on Our Behalf by them or as they shall appoint.

And We do hereby authorize and empower you the said John George Earl of Durham to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Province of Lower Canada, for the better Administration of Justice and putting the Laws into execution; and to administer or cause to be administered unto them such Oath or Oaths as are usually taken for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within Our said Province of Lower Canada shall in your Opinion be unfit to continue in Our Service, to suspend such Person or Persons from his or their several Employments until Our Pleasure shall be known.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, when you shall see Cause, or judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures.

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, by and with the Advice of Our said Executive Council of Our said Province of Lower Canada, to grant Lands within the said Province; which said Grants are to pass and be sealed with the

Public Seal of Our said Province, and, being entered upon Record by such Officer or Officers as shall be appointed thereunto, shall be good and effectual in Law against Us, Our Heirs and Successors: Provided nevertheless, and We do require, that in granting and disposing of all such Lands you do conform to and observe the Provisions in that Behalf contained in any Law which is or shall be in force within Our said Province for regulating the Sale and Settlement thereof.

And We do hereby declare, ordain, and appoint, that you the said John George Earl of Durham shall and may hold, execute, and enjoy the Office and Place of Our Captain General and Governor-in-Chief in and over Our said Province of Lower Canada, together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure.

And in case of your Death, or Absence out of Our said Province of Lower Canada, We do by these Presents give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governor for the Time being of Our said Province, or in the Absence of any such Lieutenant Governor to such Person as We may by Warrant under Our Sign Manual and Signet by Name appoint to be the Administrator of the Government of Our said Province, or to such Public Officer within Our said Province, as We may by any such Warrant appoint and designate by his official Style and Title to be the Administrator of the said Government. But if upon your Death or Absence out of Our said Province of Lower Canada there be no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Province, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in command of Our Forces within Our said Province of Lower Canada shall take upon him the Administration of the Government thereof, and shall execute in Our said Province this Our Commission and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do: Provided always, and We do hereby declare Our Pleasure to be, that all such Powers and Authorities hereby granted as aforesaid shall be executed and enjoyed by such Lieutenant Governor, Administrator of the Government, or senior Military Officer as aforesaid, during Our Pleasure only.

And we do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Province of Lower Canada, to be obedient, aiding, and assisting unto you the said John George Earl of Durham in the Execution of this Our Commission, and of the Powers and Authorities herein contained. In witness, &c. Witness, &c.

Dated at Westminster, the 30th Day of March 1838.

The Right Hon. the Earl of Durham, G.C.B.
Commission, Lower Canada.

No. 2.

UPPER CANADA.

Copy of a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Earl of Durham Captain General and Governor-in-Chief of the Province of Upper Canada.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Greeting: Whereas Our Royal Predecessor His late Majesty King William the Fourth did, by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 1st Day of July 1835, in the
Sixth

Sixth Year of His Reign, constitute and appoint Our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford to be Captain General and Governor-in-Chief in and over the Provinces of Upper Canada and Lower Canada, during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, Relation being thereunto had, may more fully and at large appear :

Now know you, That We have revoked and determined, and by these Presents do revoke and determine, such Part only and no more of the said recited Letters Patent as extends or relates to the said Province of Upper Canada, and every Clause, Article, and Thing therein contained relating to the said Province, and to the said Province only :

And further know you, That We, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said John George Earl of Durham, of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint you the said John George Earl of Durham to be, during Our Pleasure, Our Captain General and Governor-in-Chief in and over Our said Province of Upper Canada ; the said Province being bounded on the East by the Line dividing that Province from Lower Canada, beginning at a Stone Boundary on the North Bank of the Lake Saint Francis at the Cove West of the Point Au Baudet in the Limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said Limit in the Direction of North Thirty-four Degrees West to the Westernmost Angle of the said Seigneurie of New Longueuil, thence along the North Western Boundary of the Seigneurie of Vaudreuil, running North Twenty-five Degrees East until it strikes the Ottawa River, to ascend the said River into the Lake Temiscaming, the said Province of Upper Canada being also bounded by a Line drawn due North from the Head of the said Lake until it reaches the Shore of Hudson's Bay ; the said Province of Upper Canada being bounded on the South, beginning at the said Stone Boundary between Lancaster and Longueuil, by the Lake Saint Francis, the River Saint Lawrence, the Lake of the Thousand Islands, Lake Ontario, the River Niagara which falls into the Lake Erie, and along the Middle of that Lake on the West by the Channel of Detroit, Lake Saint Clair, up the River Saint Clair, Lake Huron, the West Shore of Drummond Island, that of Saint Joseph and Sugar Island, thence into Lake Superior.

And We do hereby require and command you the said John George Earl of Durham to do and execute all Things in due Manner 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 present Commission, and of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, entitled " An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled ' An Act for making more effectual Provision for the Government of Quebec in North America,' and to make further Provision for the Government of the said Province," and of such Instructions as are herewith given to you, or which may from Time to Time hereafter be given to you, in respect to the said Province of Upper Canada, by Us under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State, and according to such Laws as are now in force or shall hereafter be made and established within Our said Province of Upper Canada under and by virtue of such Powers, Provisions, and Directions as aforesaid.

And Our Will and Pleasure is, that you the said John George Earl of Durham, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, entitled " An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants ; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, entitled " An Act for altering the Oath of Abjuration and the Assurance ; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, entitled ' An Act

for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your Case; 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 Upper Canada, and for the due and impartial Administration of Justice; and further, that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and Plantations be duly observed: All which said Oaths the Executive Council of Our said Province of Upper Canada, or any Three or more of the Members of the said Executive Council, have hereby full Power and Authority and are required to administer unto you: All which being duly performed, you the said John George Earl of Durham shall administer unto each of the Members of Our said Executive Council such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of Our said Council taking the same, and you are also to administer to them the usual Oaths for the due Execution of their Places and Trusts.

And whereas We may find it convenient for Our Service that certain Offices or Places within Our said Province of Upper Canada should be filled by Our Subjects who may profess the Religion of the Church of Rome: It is therefore Our Will and Pleasure, that in all Cases where such Persons shall or may be admitted into any such Offices or Places the Oath prescribed in and by an Act of Parliament passed in the Fourteenth Year of the Reign of His said late Majesty King George the Third, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and also the Oath prescribed in and by the Act before mentioned, passed in the Tenth Year of the Reign of His said late Majesty King George the Fourth, shall be duly administered unto them, and they shall also take the usual Oaths for the due Execution of their Places and Trusts respectively.

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, from Time to Time, and at any Time hereafter, by yourself or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the Case of the Individual to whom the same shall be administered to all and every such Person and Persons as you shall think fit, who shall hold any Office or Place of Trust or Profit, and who shall at any Time or Times pass into our Province of Upper Canada, or who shall be resident or abiding therein.

And We do hereby authorize and empower you to keep and use the Public Seal of our said Province of Upper Canada for sealing all Things whatsoever that shall pass the Seal of Our said Province.

And whereas by the said recited Act passed in the Thirty-first Year of the Reign of His said late Majesty King George the Third it is enacted, that there shall be within Our said Province of Upper Canada a Legislative Council and an Assembly, to be composed and constituted in the Manner in the said Act described, and that in the said Province We, Our Heirs and Successors, shall have Power, during the Continuance of the said Act, by and with the Advice and Consent of the said Legislative Council and Assembly, to make Laws for the Peace, Welfare, and good Government of the said Province, such Laws not being repugnant to the said Act; and that all such Laws, being passed by the said Legislative Council and Assembly, and being assented to by Us, Our Heirs and Successors, or assented to in Our Name by such Person as We, Our Heirs and Successors, shall from Time to Time appoint to be Our Governor or Lieutenant Governor of the said Province, or by such Person as We, Our Heirs and Successors, shall from Time to Time appoint to administer the Government within the said Province, as are by the said Act declared to be by virtue of and under the Authority of the said Act valid and binding to all Intents and Purposes whatsoever within the said Province.

And

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority to issue Writs of Summons and Election, and to call together the Legislative Council and Assembly of the said Province of Upper Canada, in such Manner as in the said Act is authorized and directed, subject to the Provisions and Regulations therein contained in that Behalf, and to such Instructions and Authorities as shall be herewith or at any Time hereafter given unto you by Us in that Behalf under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State.

And We hereby give and grant unto you the said John George Earl of Durham full Power and Authority to fix the Times and Places of holding every Session of the Legislative Council and Assembly of Our said Province of Upper Canada, and to prorogue the same from Time to Time, and to dissolve the same by Proclamation or otherwise, subject nevertheless to the Regulations, Provisions, and Directions of the said last-mentioned Act, and to such Instructions and Authorities as in respect of the Premises may be herewith or at any Time hereafter given by Us unto you, under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State.

And We do also by these Presents authorize and empower you the said John George Earl of Durham to present, subject to the Provisions in the above-mentioned Act in that Behalf contained, to any Church, Chapel, or other Ecclesiastical Benefice according to the Establishment of the Church of England within Our said Province, an Incumbent or Minister of the Church of England, who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen of Incumbents or Ministers of the said Churches, Chapels, or Benefices, or any of them respectively.

And We hereby give and grant unto you the said John George Earl of Durham full Power and Authority to issue Warrants under your Hand for the issuing of all Public Monies for all Public Services; and We do particularly require you to take care that regular Accounts of all Receipts and Disbursements of such Monies be duly kept.

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, when and so often as any Bill which has been passed in the Legislative Council and House of Assembly of Our said Province of Upper Canada shall be presented unto you for Our Royal Assent to declare, according to your Discretion, (but subject nevertheless to the Provisions contained in the said recited Act passed in the Thirty-first Year of the Reign of His said late Majesty King George the Third, and subject also to such Instructions, Directions, and Authorities as We shall herewith or at any Time hereafter give unto you in that Behalf, under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State,) that you assent to such Bill in Our Name, or that you withhold Our Assent from such Bill, or that you reserve such Bill for the Signification of Our Royal Pleasure thereon.

And We do hereby authorize and empower you the said John George Earl of Durham to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Province of Upper Canada, for the better Administration of Justice and putting the Laws into execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually taken for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within our said Province of Upper Canada from which he or they may be liable to be removed by Us shall in your Opinion be unfit to continue in Our Service, to suspend such Person or Persons from his or their several Employments until Our Pleasure shall be known.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, when you shall see Cause, or judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due

due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures.

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, by and with the Advice of Our said Executive Council of Our said Province of Upper Canada, to grant Lands within the said Province; which said Grants are to pass and be sealed with the Public Seal of Our said Province, and, being entered upon Record by such Officer or Officers as shall be appointed thereunto, shall be good and effectual in Law against Us, Our Heirs and Successors.

And We do hereby declare and appoint, that you the said John George Earl of Durham shall and may hold, execute, and enjoy the Office and Place of Our Captain General and Governor-in-Chief in and over Our said Province of Upper Canada, together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure.

And in case of your Death, or Absence out of Our said Province of Upper Canada, We do by these Presents give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governor for the Time being of Our said Province, or, in the Absence of any such Lieutenant Governor, to such Person as We may by Warrant under Our Sign Manual and Signet authorize and appoint to be the Administrator of the Government of Our said Province, such Powers and Authorities to be by him executed and enjoyed during Our Pleasure:

But if upon your Death, or Absence out of Our said Province of Upper Canada, there be no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Province, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in command of Our Forces within Our said Province of Upper Canada shall take upon him the Administration of the Government thereof, and shall execute in Our said Province this Our Commission and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do.

And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Province of Upper Canada, to be obedient, aiding and assisting unto you the said John George Earl of Durham in the Execution of this Our Commission, and of the Powers and Authorities herein contained. In witness, &c. Witness, &c.

Dated at Westminster the 30th March 1838.

The Right Hon. the Earl of Durham, G C.B.
Commission, Upper Canada.

No. 3.

NOVA SCOTIA.

Copy of a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Earl of Durham Captain General and Governor-in-Chief of the Province of Nova Scotia.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Greeting: Whereas Our Royal Predecessor His late Majesty King William the Fourth did, by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the First Day of July One thousand eight hundred and thirty-five, amongst other Things therein contained, constitute and appoint Our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford to be Captain General and Governor-in-Chief

Chief in and over the Province of Nova Scotia during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, Relation being thereunto had, may more fully and at large appear :

Now know you, That We have revoked and determined, and by these Presents do revoke and determine, such Part only and no more of the said recited Letters Patent as extend or relate to the Province of Nova Scotia, and every Clause, Article, and Thing therein contained relative to the said Province, and to the said Province only :

And further know you, That we, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said John George Earl of Durham, of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint you the said John George Earl of Durham to be Our Captain General and Governor-in-Chief in and over Our said Province of Nova Scotia in America, the said Territory being bounded on the Westward by a Line drawn from Cape Sable across the Entrance to the Centre of the Bay of Fundy, on the Northward by a Line drawn along the Centre of the said Bay to the Mouth of the Musquat River, by the said River to its Source, and from thence by a due East Line across the Isthmus into the Bay of Verte, on the Eastward by the said Bay and the Gulf of St. Lawrence to the Cape or Promontory called Cape Breton in the Island of that Name, including the said Island, and also including all Islands within Six Leagues of the Coast, and on the Southward by the Atlantic Ocean from the said Cape to Cape Sable aforesaid, including the Island of that Name and all other Islands within Forty Leagues of the Coast, with all the Rights, Members, and Appurtenances whatsoever thereunto belonging.

And whereas We have deemed it expedient that there should henceforward be Two distinct Councils in Our said Province of Nova Scotia for the Purposes herein-after mentioned, We do therefore by these Presents grant, provide, and declare that there shall henceforward be within Our said Province of Nova Scotia Two distinct and separate Councils to be respectively called the Legislative Council and the Executive Council of Our said Province.

And We do hereby further direct and declare Our Pleasure to be, that all and every the Powers and Authorities heretofore vested in or exercised by the Council of Our said Province, so far as respects the Enactment of any Laws to be made within Our said Province, shall henceforth be and the same are hereby vested in the said Legislative Council, and that all other Powers and Authorities whatsoever vested in or exercised by the Council of Our said Province shall be and the same are hereby vested in the said Executive Council.

And We do hereby appoint and declare, that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many Members as shall from Time to Time for that Purpose be nominated and appointed by Us under Our Sign Manual and Signet, or as shall be provisionally appointed by you the said John George Earl of Durham, until Our Pleasure therein shall be known: Provided nevertheless, and We do hereby declare Our Will and Pleasure to be, that the total Number of the Members for the Time being of Our said Executive Council resident within Our said Province shall not at any Time by any such provisional Appointments be raised to a greater Number in the whole than Nine; and that the total Number of Members of the said Legislative Council resident within Our said Province shall not at any Time by any such provisional Appointments be raised to a greater Number in the whole than Fifteen.

And We do further direct and appoint, that Five Members of Our said Executive Council shall be a Quorum for the Dispatch of the Business thereof; and that Eight Members of Our said Legislative Council shall be a Quorum for the Dispatch of the Business thereof.

And We do further direct and appoint, that the Members of the said respective Councils shall hold their Places therein during Our Pleasure, and not otherwise; and that the senior Members respectively for the Time being of each of the said respective Councils shall preside at all the Deliberations thereof respectively, save only when you the said John George Earl of Durham shall be present and presiding at the Deliberations of the said Executive Council, the Seniority of the Members of the said Councils respectively between themselves

being determined by such Rules and Regulations as are for that Purpose provided by such Instructions as are herein-after mentioned.

And We do hereby require and command you to do and execute all Things in due Manner that shall belong to your said Command and the Trust We have reposed in you, according to the several Powers and Authorities granted or appointed you by this present Commission and the Instructions herewith given to you, or by such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force or shall hereafter be made and agreed upon by you, with the Advice and Consent of the Legislative Council and Assembly of Our said Province of Nova Scotia under your Government, in such Manner and Form as herein-after is expressed.

And Our Will and Pleasure is, that you the said John George Earl of Durham as soon as may be after the Publication of these Our Letters Patent do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, entitled "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, entitled "An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, entitled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your Case; 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, and for the due and impartial Administration of Justice; and further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and Plantations be duly observed; all which said Oaths Our Executive Council of Our said Province of Nova Scotia, or any Three or more of the Members thereof, have hereby full Power and Authority and are required to tender and administer unto you; which being duly performed you shall administer unto each of the Members of the said Executive Council and of the said Legislative Council respectively such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of Our said respective Councils taking the same; and you are also to administer to them the usual Oaths for the due Execution of their Places and Trusts.

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, from Time to Time and at any Time hereafter, by yourself or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the Case of the Individual to whom the same shall be administered, to all and every such 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, or be resident or abiding therein.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority to suspend any of the Members of Our said Executive and Legislative Councils respectively from sitting, voting, and assisting in such respective Councils, if you shall find just Cause for so doing; and if it shall at any Time happen, that by the Death, Departure out of Our said Province, Suspension or Resignation of any of the said Councillors, or otherwise, there shall be a Vacancy in either of Our said Councils, Our Will and Pleasure is, that you signify the same to Us by the first Opportunity, that We may under Our Sign Manual and Signet constitute and appoint others in their Stead;

but that Our Affairs at that Distance may not suffer for Want of a due Number of Councillors, We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority to choose as many Persons out of the principal Freeholders, Inhabitants of Our said Province of Nova Scotia, as shall be necessary to supply any Vacancy or Vacancies which may from Time to Time occur in the said Councils or either of them; which Persons so chosen and appointed by you shall be to all Intents and Purposes Councillors in Our said Province until their Appointment shall either be confirmed or disallowed by Us.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, with the Advice and Consent of Our said Executive Council, from Time to Time as need shall require, to summon and call General Assemblies of the Freeholders and Settlers within the said Province under your Government, in such Manner and Form as has been already appointed and used, or according to such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council. And Our Will and Pleasure is, that the Persons thereupon duly elected by the major Part of the Freeholders of the respective Counties and Places, and so returned, shall before their sitting take such of the Oaths mentioned in the said several Acts as shall be applicable to the Case of the Individual taking the same; which Oaths you shall commission fit Persons, under the Public Seal of Our said Province of Nova Scotia, to tender and administer unto them; and until the same shall be so taken no Person shall be capable of sitting, though elected. And We do hereby declare, that the Persons so elected and qualified shall be called and deemed the General Assembly of Our said Province of Nova Scotia; and that you the said John George Earl of Durham, with the Advice and Consent of Our said Legislative Council and Assembly, or the major Part of them, shall have full Power and Authority to make, constitute, and ordain Laws, Statutes, and Ordinances for the public Peace, Welfare, and good Government of Our said Province, and of the People and Inhabitants thereof, and such others as shall resort thereunto, and for the Benefit of Us, Our Heirs and Successors; which said Laws, Statutes, and Ordinances are not to be repugnant, but, as near as local Circumstances will admit, agreeable to the Laws and Statutes of this Our United Kingdom of Great Britain and Ireland: Provided that all such Laws, Statutes, and Ordinances, of what Nature or Duration soever, be within Three Months, or sooner, after the making thereof, transmitted to Us, under the Public Seal of Our said Province of Nova Scotia, for Our Approbation or Disallowance of the same, as also Duplicates of the same by the next Conveyance; and in case any or all of the said Laws, Statutes, and Ordinances not before confirmed by Us shall at any Time be disallowed and not approved, and so signified by Us, Our Heirs and Successors, under Our or Their Sign Manual and Signet, or by Order of Our or Their Privy Council, unto you the said John George Earl of Durham, then such and so many of the said Laws, Statutes, and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine, and become utterly void and of none Effect, any thing to the contrary thereof in anywise notwithstanding.

And to the end that nothing may be passed or done by Our said Legislative Council or Assembly to the Prejudice of Us, Our Heirs and Successors, We will and ordain that you the said John George Earl of Durham shall have and enjoy a Negative Voice in the making and passing all Laws, Statutes, and Ordinances as aforesaid; and you shall and may likewise from Time to Time, as you shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

And Our further Will and Pleasure is, that you shall and may keep and use the Public Seal of Our said Province of Nova Scotia for sealing all Things whatsoever that pass the Seal of Our said Province under your Government.

And We do hereby authorize and empower you to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Province, for the better Administration of Justice and putting the Laws in execution, and to administer or cause to be administered unto them such Oath or Oaths

as are usually given for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within Our said Province, from which they may be liable to be removed by Us, shall in your Opinion be unfit to continue in Our Service, to suspend or remove such Person or Persons from their several Employments.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, when you shall see Cause, or shall judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures.

And We do by these Presents give and grant unto you the said John George Earl of Durham full Power and Authority, without expecting any further special Warrant from Us, from Time to Time to give Order and Warrant for the preparing of Grants of the Custodies of Idiots and Lunatics and their Estates, as shall be found by Inquisition thereof taken or to be taken and returnable into Our Courts of Chancery; and thereupon to make and pass Grants and Commitments, under the Public Seal of Our said Province of Nova Scotia, of the Custodies of all Idiots and Lunatics and their Estates, to such Person or Persons, Suitors in that Behalf, as according to the Rules of Law and the Use and Practice in those and the like Cases you shall judge meet for that Trust.

And We do by these Presents authorize and empower you the said John George Earl of Durham to collate any Person or Persons to any Churches, Chapels, or other Ecclesiastical Benefices within Our said Province of Nova Scotia, as often as any of them shall be void.

And Our Will and Pleasure is, that all Public Monies raised or which shall be raised by any Act made or hereafter to be made as aforesaid in Our said Province be issued out by Warrant from you, by and with the Advice and Consent of Our said Executive Council, and disposed of by you for the Support of the Government of Our said Province, or for such other Purposes as shall be particularly directed in and by any such Act, and not otherwise.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, by and with the Advice and Consent of Our said Executive Council, in Our Name and on Our Behalf, to grant and dispose of, under the Public Seal of Our said Province, such Lands, Tenements, and Hereditaments within the said Province as now are or hereafter shall be in Our Power to grant or dispose of: Provided nevertheless, and We do require, that in granting and disposing of all such Lands, Tenements, and Hereditaments you do conform to and observe the Provisions in that Behalf contained in any Act or Acts made or to be made by the Governor, Council, and Assembly of Our said Province for regulating the Sale and Settlement thereof; and We do hereby declare Our Pleasure to be, that all such Grants shall be entered upon Record by such Officer or Officers as shall be appointed thereunto, and shall be good and effectual in Law against Us, Our Heirs and Successors.

And We do hereby declare and appoint, that you the said John George Earl of Durham shall and may hold, execute, and enjoy the Office and Place of Our Captain General and Governor-in-Chief in and over Our said Province of Nova Scotia, together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure.

And in case of your Death or Absence, out of Our said Province of Nova Scotia, We do by these Presents give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governor for the Time being of Our said Province, or, in the Absence of any such Lieutenant Governor, to such Person as We may by Warrant under Our Sign Manual and Signet authorize and appoint to be the Administrator of the Government of Our said Province, such Powers and Authorities to be by him executed and enjoyed during Our Pleasure. But if upon your Death, or Absence out of Our said Province of Nova Scotia, there be no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Province,

vince, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in Command of Our Forces within Our said Province of Nova Scotia shall take upon him the Administration of the Government thereof, and shall execute this Our Commission and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do.

And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Province of Nova Scotia, to be obedient, aiding, and assisting unto you the said John George Earl of Durham in the Execution of this Our Commission and of the Powers and Authorities herein contained. In witness, &c. Witness, &c.

Dated at Westminster, 6th February 1833.

The Right Hon. The Earl of Durham, G. C. B.
Commission, Nova Scotia.

No. 4.

NEW BRUNSWICK.

Copy of a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Earl of Durham to be Captain General and Governor-in-Chief of the Province of New Brunswick.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Greeting: Whereas Our Royal Predecessor His late Majesty King William the Fourth did, by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the First Day of July One thousand eight hundred and thirty-five, in the Sixth Year of His Reign, constitute and appoint Our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford to be Captain General and Governor-in-Chief in and over the Province of New Brunswick during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, Relation being thereunto had, may more fully and at large appear:

Now know you, That We have revoked and determined, and by these Presents do revoke and determine, the said recited Letters Patent, and every Clause, Article, and Thing therein contained;

And further know you, That We, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said John George Earl of Durham, of Our especial Grace, certain Knowledge, and mere Motion have thought fit to constitute and appoint, and do by these Presents constitute and appoint, you the said John George Earl of Durham to be Our Captain General and Governor in Chief in and over Our said Province of New Brunswick in America, bounded on the Westward by the Mouth of the River St. Croix, by the said River to its Source, and by a Line drawn due North from thence to the Southern Boundary of Our Province of Quebec, to the Northward by the said Boundary as far as the Western extremity of the Bay de Chaleurs, to the Eastward by the said Bay and the Gulph of St. Lawrence to the Bay called Bay Verte; to the South by a Line in the Centre of the Bay of Fundy from the River St. Croix aforesaid to the Mouth of the Musquat River, by the said River to its Source, and from thence by a due East Line across the Isthmus into the Bay Verte to join the Eastern Line above described, including all Islands within Six Leagues of the Coast, with all the Rights, Members, and Appurtenances whatsoever thereunto belonging:

And whereas His said late Majesty did, by certain other Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bear-

ing Date at Westminster the Third Day of December One thousand eight hundred and thirty-two, in the Third Year of His Reign, grant, provide, and declare that there should thenceforth be within the said Province of New Brunswick Two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Province : And whereas We did by certain further Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the Nineteenth Day of October One thousand eight hundred and thirty-seven, in the First Year of Our Reign, revoke certain Parts of the said last-recited Letters Patent, and did make certain other and further Provisions in relation thereto : Now know you, That We have revoked and determined, and do hereby revoke and determine, all such Part or Parts of the said recited Letters Patent of the Third Day of December One thousand eight hundred and thirty-two as now remain in force, and also all and every Part or Parts of the said recited Letters Patent of the Nineteenth Day of October One thousand eight hundred and thirty-seven, and all and singular Matters and Things therein contained : And We do by these Presents grant, provide, and declare that there shall henceforth be within Our said Province of New Brunswick Two distinct and separate Councils, to be respectively called the Legislative Council of Our said Province and the Executive Council of Our said Province : And We do further direct and declare Our Pleasure to be, that all and every the Powers and Authorities heretofore exercised by the Legislative Council of Our said Province of New Brunswick shall continue to be exercised by Our said Legislative Council hereby re-established ; and that all the Powers and Authorities heretofore vested in or exercised by the Executive Council of Our said Province of New Brunswick shall continue to be exercised by Our said Executive Council of Our said Province hereby established : And We do hereby appoint and declare, that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many Members as shall from Time to Time for that Purpose be nominated and appointed by Us under Our Sign Manual and Signet, or as shall be provisionally appointed by you the said John George Earl of Durham, until Our Pleasure therein shall be known ; provided nevertheless, and We do hereby declare Our Pleasure to be, that the total Number of the Members for the Time being of Our said Executive Council shall not by any such provisional Appointment be raised to a greater Number in the whole than Nine, and that the total Number of the Members of the said Legislative Council resident within Our said Province shall not at any Time by any such provisional Appointments be raised to a greater Number in the whole than Fifteen : And We do further direct and appoint, that Five Members of Our said Executive Council shall be a Quorum for the Despatch of the Business thereof, and that Eight Members of Our said Legislative Council shall be a Quorum for the Despatch of the Business thereof : And We do further direct and appoint, that the Members of the said respective Councils shall hold their respective Places therein during Our Pleasure, and not otherwise ; and that the senior Members respectively for the Time being of each of the said respective Councils shall preside at all the Deliberations thereof respectively, save only when you the said John George Earl of Durham shall be present and presiding at the Deliberations of the said Executive Council, the Seniority of the Members of the said Councils respectively between themselves being determined by such Rules and Regulations as are for that Purpose provided by such Instructions as are herein-after mentioned :

And We do hereby require and command you to do and execute all Things in due Manner that shall belong unto your said Command and the Trust We have reposed in you, according to the several Powers and Authorities granted or appointed you by this present Commission and the Instructions herewith given to you, or by such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted to or appointed you under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force or shall hereafter be made and agreed upon by you, with the Advice and Consent of the Legislative Council and Assembly of Our said Province under your Government, in such Manner and Form as is herein-after expressed :

And

And Our Will and Pleasure is, that you the said John George Earl of Durham, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, entitled "An Act for the further Security of His Majesty's Person and Government, and for the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, entitled "An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, entitled 'An Act for the Improvement of the Union of the Two Kingdoms,' as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your Case; and likewise that you take the usual Oath for the due Execution of the Office and Trust of Our Captain General and Governor-in-Chief of Our said Province, and for the due and impartial Administration of Justice; and further, that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be duly observed; all which said Oaths Our Executive Council in Our said Province, or any Three or more of the Members thereof, have hereby full Power and Authority, and are required, to tender and administer unto you; all which being duly performed, you shall administer unto each of the Members of the said Executive Council and of the said Legislative Council respectively such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of Our said respective Councils taking the same; and you are also to administer to them the usual Oath for the due Execution of their Places and Trusts:

And We do further give and grant unto you the said John George Earl of Durham full Power and Authority, from Time to Time, and at any Time hereafter, by yourself, or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the Case of the Individual to whom the same shall be administered to all and every such Person and 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, or be resident or abiding therein: And We do hereby authorize and empower you to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Province, for the better Administration of Justice and putting the Laws into execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes:

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within Our said Province of New Brunswick shall, in your Opinion, be unfit to continue in Our Service, to suspend such Person or Persons from his or their several Employments until Our Pleasure shall be known:

And We do hereby give and grant unto you full Power and Authority to suspend any of the Members of Our said Executive and Legislative Councils respectively from sitting, voting, and assisting therein, if you shall find just Cause for so doing; and if it shall at any Time happen that by the Death, Departure out of Our said Province, Suspension or Resignation of any of Our said Councillors, or otherwise, there shall be a Vacancy in either of Our said Councils, Our Will and Pleasure is that you signify the same unto Us by the first Opportunity, that We may, under Our Sign Manual and Signet, constitute and appoint others in their Stead; but that Our Affairs at that Distance may not suffer for Want of a due Number of Councillors We do hereby give and grant unto

you the said John George Earl of Durham full Power and Authority to choose as many Persons out of the principal Freeholders, Inhabitants of Our said Province of New Brunswick, as shall be necessary to supply any Vacancy or Vacancies which may from Time to Time occur in the said Councils or either of them, which Persons so chosen and appointed by you shall be to all Intents and Purposes Councillors in Our said Province until their Appointments shall either be confirmed or disallowed by Us :

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, with the Advice and Consent of Our said Executive Council, from Time to Time as Need shall require, to summon and call General Assemblies of the Freeholders and Settlers in the said Province under your Government in such Manner and Form as has been already appointed and used, or according to such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council ; and Our Will and Pleasure is, that the Persons thereupon duly elected by the major Part of the Freeholders of the respective Countries and Places, and so returned, shall before their sitting take such of the Oaths mentioned in the said several Acts as shall be applicable to the Case of the Individual taking the same, which Oaths you shall commission fit Persons, under Our Seal of Our Province of New Brunswick, to tender and administer unto them, and until the same shall have been so taken no Person shall be capable of sitting, though elected ; and We do hereby declare that the Persons so elected and qualified shall be called and deemed the General Assembly of Our Province of New Brunswick ; and that you the said John George Earl of Durham, with the Advice and Consent of Our said Legislative Council and Assembly, or the major Part of them respectively, shall have full Power and Authority to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of Us, Our Heirs and Successors ; which said Laws, Statutes, and Ordinances are not to be repugnant, but, as near as local Circumstances will admit, may be agreeable to the Laws and Statutes of this Our United Kingdom of Great Britain and Ireland ; provided that all such Laws, Statutes, and Ordinances, of what Nature or Duration soever, be within Three Months, or sooner, after the making thereof, transmitted to Us, under the Public Seal of Our said Province, for Our Approbation or Disallowance of the same, as also Duplicates thereof by the next Conveyance ; and in case any or all of the said Laws, Statutes, and Ordinances not before confirmed by Us shall at any Time be disallowed and not approved and so signified by Us, Our Heirs and Successors, under Our or Their Sign Manual and Signet, or by Order of Our or Their Privy Council, unto you the said John George Earl of Durham, then such and so many of the said Laws, Statutes, and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine, and become utterly void and of none effect, any thing to the contrary thereof notwithstanding :

And to the end that nothing may be passed or done by Our said Legislative Council or Assembly to the Prejudice of Us, Our Heirs and Successors, We will and ordain, that you the said John George Earl of Durham shall have and enjoy a negative Voice in making and passing all Laws, Statutes, and Ordinances as aforesaid ; and you shall and may likewise from Time to Time as you shall judge it necessary adjourn, prorogue, and dissolve all General Assemblies as aforesaid : And We do hereby authorize and empower you to keep and use the Public Seal for sealing all Things whatsoever that shall pass the Public Seal of Our said Province :

And We do hereby give and grant unto you full Power and Authority, when you shall see Cause, or shall judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures : And We do by these Presents give and grant unto you the said John George Earl of Durham full Power and Authority, without expecting any further especial Warrant from Us, from Time to Time to give Order and Warrant for the preparing of Grants of the Custodies of Idiots and Lunatics, and their Estates, as are or shall be found by Inquisition thereof taken

taken or to be taken and returnable into Our Courts of Chancery, and thereupon to make and pass Grants and Commitments under Our Public Seal of Our Province of New Brunswick of the Custodies of all and every such Idiots and Lunatics and their Estates to such Person or Persons, Suitors in that Behalf, as according to the Rules of Law and the Use and Practice in those and the like Cases you shall judge meet for that Trust :

And We do by these Presents authorize and empower you the said John George Earl of Durham to collate any Person or Persons to any Churches, Chapels, or other Ecclesiastical Benefices within Our said Province of New Brunswick, as often as any of them shall happen to be void :

And it is Our further Will and Pleasure that all Public Monies raised by any Act made or hereafter to be made as aforesaid within Our said Province be issued out by Warrant from you, by and with the Advice and Consent of Our said Executive Council, and disposed of by you for the Support of the Government of Our said Province, or for such other Purposes as shall be particularly directed in and by such Act, and not otherwise :

And We do likewise give and grant unto you full Power and Authority, by and with the Advice and Consent of Our said Executive Council, in Our Name and on Our Behalf, to grant and dispose of, under the Public Seal of Our said Province, such Lands, Tenements, and Hereditaments within the said Province as now are or hereafter shall be in Our Power to grant or dispose of: Provided nevertheless, and We do hereby require, that in granting and disposing of all such Lands, Tenements, and Hereditaments, you do conform to and observe the Provisions in that Behalf contained in any Act or Acts made or to be made by the Governor, Legislative Council, and Assembly of Our said Province for regulating the Sale and Settlement thereof: And We do hereby declare Our Pleasure to be that all such Grants shall be entered upon Record by such Officer or Officers as shall be appointed thereunto, and shall be good and effectual in Law against Us, Our Heirs and Successors :

And We do hereby declare, ordain, and appoint that you the said John George Earl of Durham shall and may hold, execute, and enjoy the Office and Place of Our Captain General and Governor-in-Chief in and over Our said Province of New Brunswick, with all the Rights, Members, and Appurtenances whatsoever, together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure :

And in case of your Death, or Absence out of Our said Province of New Brunswick, We do by these Presents give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governor for the Time being of Our said Province, or, in the Absence of any such Lieutenant Governor, to such Person as We may by Warrant under Our Sign Manual and Signet authorize and appoint to be the Administrator of the Government of Our said Province, such Powers and Authorities to be by him executed and enjoyed during Our Pleasure ; but if upon your Death, or Absence out of Our said Province of New Brunswick, there be no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Province, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in command of Our Forces within Our said Province of New Brunswick shall take upon him the Administration of the Government thereof, and shall execute in Our said Province this Our Commission, and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do :

And We do hereby command all Our Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Province, to be obedient, aiding, and assisting unto you the said John George Earl of Durham in the Execution of this Our Commission, and of the Powers and Authorities herein contained. In witness, &c. Witness, &c.

Dated at Westminster, 30th March 1838.

The Right Hon. the Earl of Durham, G. C. B.
Commission, Province of New Brunswick.

PRINCE EDWARD ISLAND.

Copy of a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Earl of Durham Captain General and Governor-in-Chief of the Island of Prince Edward.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Greeting: Whereas Our Royal Predecessor His late Majesty King William the Fourth did, by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 1st Day of July 1835, amongst other Things therein contained, constitute and appoint Our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford to be Captain General and Governor-in-Chief in and over the Island of Prince Edward, during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, Relation being thereunto had, may more fully and at large appear:

Now know you, That We have revoked and determined, and by these Presents do revoke and determine, such Part only, and no more, of the said recited Letters as extend or relate to the Island of Prince Edward, and every Clause, Article, and Thing therein contained relative to the said Island, and to the said Island only:

And further know you, That We, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said John George Earl of Durham, of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint you the said John George Earl of Durham to be Our Captain General and Governor-in-Chief in and over Our said Island of Prince Edward.

And We do hereby require and command you to do and execute all Things in due Manner that shall belong to your said Command, and the Trust We have reposed in you, according to the several Powers and Authorities granted or appointed you by this present Commission, and the Instructions herewith given to you, or by such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force, or shall hereafter be made and agreed upon by you, with the Advice and Consent of Our Council and Assembly of Our said Island under your Government, in such Manner and Form as herein-after is expressed.

And Our Will and Pleasure is, that you the said John George Earl of Durham, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, entitled "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, entitled "An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, entitled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act, shall

shall be applicable to your Case: 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 Island, and for the due and impartial Administration of Justice: And further, that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and Plantations be duly observed: All which said Oaths Our said Council of Our said Island, or any Three or more of the Members thereof, have hereby full Power and Authority and are required to tender and administer unto you; which being duly performed, you shall administer unto each of the Members of the said Council such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of the said Council taking the same; and you are also to administer to them the usual Oaths for the due Execution of their Places and Trusts.

And we do further give and grant unto you the said John George Earl of Durham full Power and Authority from Time to Time, and at any Time hereafter, by yourself or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained, as shall be applicable to the Case of the Individual to whom the same shall be administered, 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 Island, or be resident or abiding therein.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority to suspend any of the Members of Our Council of Our said Island from sitting, voting, or assisting therein, if you shall find just Cause for so doing. And if it shall at any Time happen that by the Death, Departure out of Our said Island, Suspension or Resignation of any of the said Councillors, or otherwise, there shall be a Vacancy in our said Council, Our Will and Pleasure is, that you signify the same to Us by the first Opportunity, that We may, under Our Sign Manual and Signet, constitute and appoint others in their Stead; but, that our Affairs at that Distance may not suffer for Want of a due Number of Councillors, if ever it shall happen that there shall be less than Nine of them residing in Our said Island of Prince Edward, We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority to choose as many Persons out of the principal Freeholders, Inhabitants of Our said Island of Prince Edward, as shall make up the Number of Our said Council to be Nine, and no more; which Persons so chosen and appointed by you shall be to all Intents and Purposes Councillors in Our said Island, until their Appointments shall either be confirmed or disallowed by Us.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, with the Advice and Consent of Our said Council, from Time to Time, as Need shall require, to summon and call General Assemblies of the Freeholders and Settlers within the said Island under your Government, in such Manner and Form as has been already appointed and used, or according to such further Powers, Instructions, and Authorities as shall at any Time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council: And Our Will and Pleasure is, that the Persons thereupon duly elected by the major Part of the Freeholders of the respective Counties and Places, and so returned, shall, before their Sitting, take such of the Oaths mentioned in the said several Acts as shall be applicable to the Case of the Individual taking the same; which Oaths you shall commission fit Persons, under the Public Seal of Our said Island of Prince Edward, to tender and administer unto them; and until the same shall be so taken no Person shall be capable of sitting, though elected. And We do hereby declare, that the Persons so elected and qualified shall be called and deemed the General Assembly of Our said Island of Prince Edward. And that you the said John George Earl of Durham, with the Advice and Consent of Our said Council and Assembly, or the major Part of them, shall have full Power and Authority to make, constitute, and ordain Laws, Statutes, and Ordinances for the public Peace, Welfare, and good Government of Our said Island, and the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of Us, Our Heirs and Successors; which said Laws, Statutes, and Ordinances are not to be

repugnant, but, as near as local Circumstances will admit, agreeable to the Laws and Statutes of Our United Kingdom of Great Britain and Ireland: Provided that all such Laws, Statutes, and Ordinances, of what Nature or Duration soever, be, within Three Months or sooner after the making thereof, transmitted to Us, under the Public Seal of Our said Island, for Our Approbation or Disallowance of the same, as also Duplicates of the same by the next Conveyance: And in case any or all of the said Laws, Statutes, and Ordinances not before confirmed by Us shall at any Time be disallowed and not approved, and so signified by Us, Our Heirs and Successors, under Our or Their Sign Manual and Signet, or by Order of Our or Their Privy Council, unto you the said John George Earl of Durham, then such and so many of the said Laws, Statutes, and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine, and become utterly void and of none Effect, any thing to the contrary thereof in anywise notwithstanding. And to the end that nothing may be passed or done by Our said Council and Assembly to the Prejudice of Us, Our Heirs and Successors, We will and ordain that you the said John George Earl of Durham shall have and enjoy a negative Voice in the making and passing all Laws, Statutes, and Ordinances as aforesaid; and you shall and may likewise from Time to Time, as you shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

And Our further Will and Pleasure is that you shall and may keep and use the Public Seal of Our said Island of Prince Edward for sealing all Things whatsoever that pass the Seal of Our said Island under your Government.

And We do hereby authorize and empower you to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Island, for the better Administration of Justice and putting the Laws in execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due Execution and Performance of Offices and Places, and for the clearing of Truth in judicial Causes.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within Our said Island from which they may be liable to be removed by Us shall in your Opinion be unfit to continue in Our Service, to suspend or remove such Person or Persons from their several Employments.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, when you shall see Cause or shall judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures.

And We do by these Presents give and grant unto you the said John George Earl of Durham full Power and Authority, without expecting any further official Warrant from Us, from Time to Time to give Order and Warrant for the preparing of Grants of the Custodies of Idiots and Lunatics and their Estates as shall be found upon Inquisition thereof taken or to be taken and returnable into Our Courts of Chancery, and thereupon to make and pass Grants and Commitments under the Public Seal of Our said Island of the Custodies of all Idiots and Lunatics and their Estates to such Person or Persons, Suitors in that Behalf, as according to the Rules of Law and the Use and Practice in those and the like Cases you shall judge meet for that Trust.

And We do by these Presents authorize and empower you the said John George Earl of Durham to collate any Person or Persons to any Churches, Chapels, or other Ecclesiastical Benefices within Our said Island of Prince Edward, as often as any of them shall be void.

And Our Will and Pleasure is that all Public Monies raised or which shall be raised by any Act made or hereafter to be made as aforesaid in Our said Island be issued out by Warrant from you, by and with the Advice and Consent of Our said Council, and disposed of by you for the Support of the Government of Our said Island, or for such other Purposes as shall be particularly directed in and by any such Act, and not otherwise.

And We do hereby give and grant unto you the said John George Earl of Durham full Power and Authority, by and with the Advice and Consent of
Our

Our said Council, in Our Name and on Our Behalf, to grant and dispose of, under the Public Seal of Our said Island, such Lands, Tenements, and Hereditaments within the said Island as now are or hereafter shall be in Our Power to grant or dispose of, upon such Terms, and under such Quit Rents, Services, and Acknowledgments, as We may think fit to order and direct: And We do hereby declare Our Pleasure to be that all such Grants shall be entered upon Record by such Officer or Officers as shall be appointed thereunto, and shall be good and effectual in Law against Us, Our Heirs and Successors.

And We do hereby declare and appoint that you the said John George Earl of Durham shall and may hold, execute, and enjoy the Office and Place of Our Captain General and Governor-in-Chief in and over Our Island of Prince Edward, together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure.

And in case of your Death, or Absence out of Our said Island, We do by these Presents give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governor for the Time being of Our said Island, or, in the Absence of any such Lieutenant Governor, to such Person as We may by Warrant under Our Sign Manual and Signet authorize and appoint to be the Administrator of the Government of Our said Island, such Powers and Authorities to be by him executed and enjoyed during Our Pleasure. But if upon your Death, or Absence out of Our said Island, there being no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Island, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in command of Our Land Forces within Our said Island of Prince Edward, shall take upon him the Administration of the Government thereof, and shall execute this Our Commission, and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do.

And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Island, to be obedient, aiding, and assisting unto you the said John George Earl of Durham in the Execution of this Our Commission, and of the Powers and Authorities herein contained. In witness, &c. Witness, &c.

Dated at Westminster, 6th February 1838.

The Right Hon. the Earl of Durham, G.C.B.
Commission, Prince Edward Island.
