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CANADA.

COPY

OF

The ROYAL INSTRUCTIONS given to the Right
Hon. C. POULETT THOMSON when appointed
Governor General of CANADA.

Ordered to be printed 29th June 1840.

(180.)

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C O P Y
OF THE
ROYAL INSTRUCTIONS
TO
THE RIGHT HON. C. POULETT THOMSON
WHEN APPOINTED
GOVERNOR GENERAL OF CANADA.

Ordered to be printed 29th June 1840.

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CANADA.

No. 1.

COPY of INSTRUCTIONS under the ROYAL SIGN MANUAL addressed to the Right Honourable CHARLES POULETT THOMSON, which accompanied the Commission appointing him Captain General and Governor in Chief of the Province of Lower Canada.

No. 1.
Instructions
to the
Governor of
Lower Canada,
dated
7th Sept. 1839.

Instructions to Our right trusty and well-beloved Councillor Charles Poulett Thomson, Our Captain General and Governor in Chief in and over Our Province of Lower Canada, or in his Absence to Our Lieutenant Governor or the Officer administering the Government of Our said Province for the Time being. Given at Our Court at Windsor the 7th Day of September 1839, in the Third Year of Our Reign.

WHEREAS His Majesty King George 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 12th Day of April 1820, in the First Year of His Reign, constitute and appoint George Earl of Dalhousie (since deceased) to be Captain General and Governor in Chief in and over Our Provinces of Upper and Lower Canada, in America: And whereas certain general Instructions under the Royal Sign Manual and Signet accompanied the said recited Letters Patent, addressed to the said George Earl of Dalhousie, in the following Words; that is to say,

[For Instructions to the Earl of Dalhousie here quoted, vide Parliamentary Paper, printed by Order of the House of Lords 15th August 1838, No. 367, pp. 2 to 17.]

And whereas 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 24th Day of November 1830, in the First Year of His Reign, constitute and appoint Matthew Lord Aylmer to be Captain General and Governor in Chief in and over the said Provinces of Upper Canada and Lower Canada, and did thereby require and command him the said Matthew Lord Aylmer to execute his said Commission and the Trust thereby reposed in him, so far as the same related to the Province of Lower Canada, according to the said general Instructions herein-before at length recited, addressed to the said George Earl of Dalhousie: And whereas certain Parts of the said general Instructions to the said George Earl of Dalhousie (herein-before at length recited) were subsequently amended by certain additional Instructions addressed by His said late Majesty under the Royal Sign Manual and Signet to the said Matthew Lord Aylmer, in the following Words; that is to say,

“ Additional Instructions to Our right trusty and well-beloved Matthew
“ Lord Aylmer, Knight Commander of the Most Honourable Mili-
“ tary Order of the Bath, Lieutenant General of Our Forces, Our
“ Captain General and Governor in Chief in and over Our Province
“ of Lower Canada, or in his Absence to Our Lieutenant Governor
“ or Commander in Chief of Our said Province for the Time being,
“ Given at Our Court at St. James’s this 8th Day of February 1835,
“ in the Fifth Year of Our Reign.”

“ WHEREAS by Our Commission under Our Great Seal of Our United
“ Kingdom of Great Britain and Ireland, bearing Date at Westminster the
“ 24th Day of November 1830, constituting and appointing you to be Our
“ Captain General and Governor in Chief in and over Our Province of Upper
“ Canada, and in and over Our Province of Lower Canada, in North America.
“ We did amongst other things give and grant, that if upon your Death or
(180.) A 2 “ Absence

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to the
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“ Absence out of Our said Provinces of Upper Canada and Lower Canada,
 “ or either of them, there be no Person upon the Place commissioned or
 “ appointed by Us to be Our Lieutenant Governor, or specially appointed by
 “ Us to administer the Government within Our said Provinces, Our Will and
 “ Pleasure is, that the senior Military Officer in command of Our Forces
 “ within Our said Province of Upper Canada or in Our said Province of
 “ Lower Canada shall take upon him the Administration of the Government
 “ thereof; and that he, or such other Military Officer as may from Time to
 “ Time succeed to the Command of Our Forces, shall execute in Our said
 “ Provinces respectively Our said Commission, and the Instructions in Our
 “ said Commission mentioned, 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 in case
 “ of your Absence or until your Return, or in all Cases until Our further
 “ Pleasure should be known therein: And whereas We did by the said Com-
 “ mission require and command you to do and execute all Things in due
 “ Manner that should 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 the
 “ Act of Parliament therein particularly mentioned, and of such Instructions
 “ as had been given to the Earl of Dalhousie, late Captain General and
 “ Governor in Chief of Our said Provinces, or which might from Time to
 “ Time be given in manner therein mentioned: And whereas by the said
 “ Instructions to the said Earl of Dalhousie Provision is made respecting the
 “ Succession to and temporary Administration of the Governments of Our
 “ said Province of Upper Canada and of our said Province of Lower Canada,
 “ in certain Contingencies mentioned in such Instructions: And whereas
 “ the said Instructions, so far as they relate to such Succession and temporary
 “ Administration, are inconsistent and at variance with Our said Commission:
 “ Now, We do hereby revoke and annul so much and such Parts of the said
 “ Instructions so given as aforesaid to the said Earl of Dalhousie as provide
 “ for, regulate, or in any Manner relate to the Succession to or the temporary
 “ Administration of the Government of Our said Provinces, or either of them;
 “ it being Our Will and Pleasure that the Provision made in manner aforesaid
 “ in and by Our said Commission respecting the Succession to and temporary
 “ Administration of the said Governments respectively be in all Things
 “ strictly observed and followed.”

And whereas His said late Majesty King *William* the Fourth did, by certain other Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 2d Day of April 1835, in the Fifth Year of His Reign, revoke and determine the said last-recited Letters Patent appointing the said Matthew Lord Aylmer Captain General and Governor in Chief in and over the said Provinces of Upper Canada and Lower Canada, and did constitute and appoint William Pitt Earl Amherst be Captain General and Governor in Chief in and over the said Provinces: And whereas by certain Instructions under the Royal Sign Manual and Signet, which accompanied the said last-recited Letters Patent, the said William Pitt Earl Amherst was commanded to execute the said Commission and the Trust thereby reposed in him, so far as related to the said Province of Lower Canada, according to the said general Instructions herein-before recited addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions (herein-before also recited) addressed to the said Matthew Lord Aylmer.

And whereas His said late Majesty King *William* the Fourth did, by certain other 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 Fifth Year of His Reign, revoke and determine the said last-recited Letters Patent appointing the said William Pitt Earl Amherst Captain General and Governor in Chief in and over the said Provinces of Upper and Lower Canada, and did constitute and appoint Archibald Earl of Gosford to be Captain General and Governor in Chief in and over the said Provinces: And whereas by certain Instructions under the Royal Sign Manual and Signet, which accompanied the said last-recited Letters Patent, the said Archibald Earl of Gosford was commanded to execute his said Commission and the

Trust

Trust thereby reposed in him, as far as related to the said Province of Lower Canada, according to the said general Instructions herein-before recited, addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions, herein-before also recited, addressed to the said Matthew Lord Aylmer :

And whereas We did, by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 30th Day of March 1838, in the First Year of Our Reign, revoke and determine the said last-recited Letters Patent appointing the said Archibald Earl of Gosford Captain General and Governor in Chief in and over Our said Provinces of Upper and Lower Canada, and did constitute and appoint John George Earl of Durham to be Our Captain General and Governor in Chief in and over Our said Province of Lower Canada : And whereas by certain Instructions under Our Royal Sign Manual and Signet, which accompanied Our said last-recited Letters Patent, after reciting the general Instructions herein-before recited, addressed to the said George Earl of Dalhousie, as the same were revised and amended by the said additional Instructions addressed to the said Matthew Lord Aylmer, had become in many respects obsolete and inapplicable to the then Condition of Our said Province of Lower Canada, or had been superseded by Statutes made and enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province; and that therefore it was expedient that the said general Instructions should be revised, but that in the then Condition of our said Province the final Revision thereof could not be completed without Prejudice to Our Service, the said John George Earl of Durham was commanded to execute his said Commission and the Trust thereby reposed in him, according to the said general Instructions addressed to the said George Earl of Dalhousie, as the same were revised and amended by the said additional Instructions addressed to the said Matthew Lord Aylmer, so far as the said general Instructions had not become obsolete or had not been superseded by any Statutes made or enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province, or so far as the same might not be found inapplicable to the then State of Affairs in Our said Province :

And whereas We did, by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 13th Day of December 1838, in the Second Year of Our Reign, revoke and determine the said last-recited Letters Patent appointing the said John George Earl of Durham Our Captain General and Governor in Chief in and over Our said Province of Lower Canada, and did constitute and appoint Sir John Colborne, Knight, to be Our Captain General and Governor-in-chief in and over Our said Province : And whereas by certain Instructions under Our Royal Sign Manual and Signet, which accompanied the said last-recited Letters Patent, the said Sir John Colborne was commanded to execute his said Commission and the Trust thereby reposed in him, according to the said general Instructions (herein-before recited) addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions (herein-before also recited) addressed to the said Matthew Lord Aylmer, so far as the same had not become obsolete or had not been superseded by any Statutes made or enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of the said Province, and so far as the same might not be found to be inapplicable to the then State of Affairs in Our said Province :

And whereas We have, by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster this Seventh Day of September 1839, in the Third Year of Our Reign, revoked and determined the said last-recited Letters Patent appointing the said Sir John Colborne Our Captain General and Governor in Chief in and over Our said Province of Lower Canada, and have constituted and appointed you the said Charles Poulett Thomson to be Our Captain General and Governor in Chief in and over Our said Province : And whereas it is expedient that the said general Instructions addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instruc-

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dated
7th Sept. 1839.

tions addressed to the said Matthew Lord Aylmer, should be further revised and amended; but in the present Condition of Our said Province such Revision thereof could not be made without Prejudice to Our Service: We do therefore, by these Our Instructions under Our Royal Sign Manual and Signet accompanying Our said recited Letters Patent appointing you Our Captain General and Governor in Chief in and over Our said Province of Lower Canada, command you that for the present, and until Our further Pleasure herein shall be signified, you do execute your said Commission and the Trust thereby reposed in you, according to the said general Instructions (herein-before recited) addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions (herein-before also recited) addressed to the said Matthew Lord Aylmer, so far as the same have not become obsolete or have not been superseded by any Statutes made and enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province, or so far as the same may not be found to be inapplicable to the present State of Affairs in Our said Province.

V. R.

No. 2.

No. 2.
Additional
Instructions
to the
Governor of
Lower Canada,
dated
7th Sept. 1839.

COPY OF ADDITIONAL INSTRUCTIONS under the ROYAL SIGN MANUAL addressed to the RIGHT HONOURABLE CHARLES POULETT THOMSON, which accompanied the Commission appointing him Captain General and Governor-in Chief of the Province of Lower Canada.

Additional Instructions to Our right trusty and well-beloved Councillor Charles Poulett Thomson, Our Captain General and Governor in Chief in and over Our Province of Lower Canada, or in his Absence to Our Lieutenant Governor or the Officer administering the Government of Our said Province for the Time being. Given at Our Court at Windsor the 7th Day of September 1839, in the Third Year of Our Reign.

Whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland constituting you Our Captain General and Governor in Chief in and over Our Province of Lower Canada, We did require and command you to do and execute all Things in due Manner that should belong to your said Command and the Trust We have thereby reposed in you, according to the several Powers and Authorities granted or appointed you by the said Commission and the Instructions under Our Sign Manual and Signet therewith given to you, and according to such further Powers, Directions, and Authorities as should at any Time thereafter be granted or appointed you under Our Royal Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State:

And whereas by an Act passed in the First Year of Our Reign, intituled "An Act to make temporary Provision for the Government of Lower Canada," it is amongst other things enacted, that it shall be lawful for Us, by any Commission or Commissions to be from Time to Time issued under the Great Seal of Our United Kingdom, or by any Instructions under Our Signet and Sign Manual, and with the Advice of Our Privy Council, to constitute a Special Council for the Affairs of Our said Province of Lower Canada, and for that Purpose to appoint such and so many Special Councillors as to Us should seem meet, and to make such Provision as to Us should seem meet for the Removal, Suspension, or Resignation of all or any such Councillors:

And whereas by another Act passed in this Third Year of Our Reign, intituled "An Act to amend an Act of the last Session of Parliament for "making temporary Provision for the Government of Lower Canada," it is amongst other things enacted, that the Number of Councillors forming the
Special

Special Council in manner provided by the said Act passed in the last Session of Parliament (herein-before recited) shall not be less than Twenty, and that no Business shall be transacted at any Meeting of the said Special Council at which there are not present at least Eleven Councillors: Now know you, that in pursuance of the Powers so vested in Us by the said recited Act, We have, with the Advice of Our Privy Council, by these present Instructions under Our Signet and Sign Manual, thought fit to constitute, and with the Advice aforesaid do hereby constitute, such Special Council for the Affairs of Lower Canada, and for that Purpose have authorized, and do hereby authorize, you to appoint not less than Twenty Special Councillors for the Purposes of the said Act:

And it is Our Pleasure, and We do hereby direct, that such Persons only shall be appointed by you Special Councillors in pursuance hereof and of the said first-recited Act as shall be Persons of approved Loyalty and good Life, and as shall be of the full Age of Twenty-one Years, and as shall be Our Subjects natural-born or duly naturalized; and We do hereby provide and declare, that all or any such Councillors may, at their Pleasure, resign such their Offices, and that it shall be competent to you, upon any good and sufficient Cause to you appearing, to suspend any such Councillor: And We do hereby reserve to Us full Power and Authority, from Time to Time, as to Us shall seem meet, to remove all or any such Councillors.

V. R.

No. 2.
Additional
Instructions
to the
Governor of
Lower Canada,
dated
7th Sept. 1839.

No. 3.

COPY of INSTRUCTIONS under the ROYAL SIGN MANUAL addressed to the Right Honourable CHARLES POULETT THOMSON, which accompanied the Commission appointing him Captain General and Governor in Chief of the Province of Upper Canada.

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

Instructions to Our right trusty and well-beloved Councillor Charles Poulett Thomson, Our Captain General and Governor in Chief in and over Our Province of Upper Canada, or in his Absence to Our Lieutenant Governor or the Officer administering the Government of Our said Province for the Time being. Given at Our Court at Windsor the 7th Day of September 1839, in the Third Year of our Reign.

WHEREAS His Majesty King George 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 12th Day of April 1820, in the First Year of His Reign, constitute and appoint George Earl of Dalhousie (since deceased) to be Captain General and Governor in Chief in and over Our Provinces of Upper and Lower Canada: And whereas certain general Instructions under the Royal Sign Manual and Signet accompanied the said recited Letters Patent addressed to the said George Earl of Dalhousie, in the following Words; that is to say,

“ Orders and Instructions to Our right trusty and right well-beloved Cousin
“ and Councillor George Earl of Dalhousie, of that Part of Our
“ United Kingdom called Scotland, Knight Grand Cross of the
“ Most Honourable Military Order of the Bath, Lieutenant General
“ of Our Forces, Our Captain General and Governor in Chief in
“ and over Our Province of Upper Canada, or in his Absence to
“ Our Lieutenant Governor or Commander in Chief of Our said
“ Province for the Time being. Given at Our Court at Carlton
“ House the 13th Day of April 1820, in the First Year of Our
“ Reign.

“ First. With these Our Instructions you will receive Our Commission
“ under Our Great Seal of Our United Kingdom of Great Britain and
“ Ireland constituting you Our Captain General and Governor in Chief in
(180.) “ and

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Instructions
to the
Governor of
Upper Canada,
dated
7th Sept. 1839.

“ and over Our Provinces of Upper Canada and Lower Canada, bounded as in
“ Our said Commission is particularly expressed : In the Execution, therefore,
“ of so much of the Office and Trust We have reposed in you as relates to
“ Upper Canada, you are to take upon you the Administration of the
“ Government of the said Province, and to do and execute all Things
“ belonging to your Command, according to the several Powers and Autho-
“ rities of Our said Commission under Our Great Seal of Our United
“ Kingdom of Great Britain and Ireland, and of the Act passed in the
“ Thirty-first Year of the Reign of Our dearest Father His late Majesty
“ King George the Third, therein recited, and of these Our Instructions to
“ you, and according to such further Powers and Instructions as you shall
“ at any Time hereafter receive under Our Signet and Sign Manual, or by
“ Our Order in Our Privy Council, or through one of Our Principal Secre-
“ taries of State.

“ Second. And you are, with all due Solemnity, before the Members of
“ Our Executive Council, to cause Our said Commission to be read and
“ published ; which being done, you shall then take, and also administer to
“ each of the Members of Our said Executive Council, the several Oaths,
“ and subscribe to the Declaration therein required.

“ Third. You shall also administer or cause to be administered the Oaths
“ mentioned in Our said Commission to all Persons, except as hereafter men-
“ tioned, that shall be appointed to hold or exercise any Office, Place of
“ Trust, or Profit in Our said Province, previous to their entering on the
“ Duties of such Office, and you shall also cause them to make and sub-
“ scribe the aforesaid Declaration ; but in Cases where any such Office, Place
“ of Trust, or Profit in Our said Province of Upper Canada shall be confer-
“ red on any of Our Subjects who may profess the Religion of the Church of
“ Rome, you shall, so often as any such Person shall or may be admitted
“ into any such Office, Place of Trust, or Profit, administer or cause to be
“ administered to him the Oath prescribed in and by an Act of Parliament
“ passed in the Fourteenth Year of the Reign of His late Majesty King
“ George the Third, intituled ‘ An Act for making more effectual Provision
“ ‘ for the Government of the Province of Quebec in North America,’ and
“ also the usual Oath for the Execution of such Office, Place of Trust, or
“ Profit, in lieu of all other Tests and Oaths whatsoever.

“ Fourth. Whereas We have thought fit that there should be an Executive
“ Council for assisting you or Our Lieutenant Governor or Person adminis-
“ tering the Government of Our said Province of Upper Canada for the Time
“ being ; We do by these Presents nominate and appoint the under-mentioned
“ Persons to be of the Executive Council of Our said Province ; viz., Wil-
“ liam Drummer Power, Esquire, Our Chief Justice, or the Chief Justice of Our
“ Province for the Time being ; Jacob Lord Bishop of Quebec ; James Baley ;
“ Samuel Smith ; the Reverend John Strachan, D.D. ; and William Clans Esquire :
“ And whereas by an Order passed in the Province of Quebec the Governor
“ and Council of the said Province were constituted a Court of Civil Jurisdic-
“ tion for hearing and determining Appeals in certain Cases therein specified :
“ And whereas, by an Act passed in the Thirty-first Year of the Reign of
“ Our dearest Father His late Majesty King George the Third it is declared,
“ that the Governor, Lieutenant Governor, or Person administering the
“ Government of the said Province, together with such Executive Council,
“ shall be a Court of Civil Jurisdiction within Our said Province for hearing
“ and determining Appeals within the same, in the like Cases, and in the like
“ Manner and Form, and subject to such Appeal therefrom, as such Appeals
“ might have been, before the passing of the above-recited Act, heard and
“ determined by the Governor and Council of Quebec ; in order, there-
“ fore, to carry the said Act into execution, Our Will and Pleasure is,
“ that you do in all Civil Causes, on Application being made to you for
“ that Purpose, permit and allow Appeals from any of the Courts of Common
“ Law in Our said Province unto you and the Executive Council of the
“ said Province of Upper Canada, in Manner prescribed by the above-
“ mentioned Act, and you are for that Purpose to issue a Writ, as nearly in
“ the accustomed Manner before the passing of the above-mentioned Act,
“ in respect of such Appeals as the Case will admit, returnable before your-
“ self and the Executive Council of the said Province, who are to proceed

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to the
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Upper Canada,
dated
7th Sept. 1839.

“ to hear and determine such Appeal, wherein such of the said Executive
“ Council as shall be at that Time Judges of the Court from whence such
“ Appeal shall be so made to you and to Our said Executive Council as
“ aforesaid shall not be admitted to vote upon the said Appeal, but they may
“ nevertheless be present at the Hearing thereof, to give the Reasons of the
“ Judgments given by them in the Causes wherein such Appeal shall be
“ made; provided nevertheless, that in all such Appeals the Sum or Value
“ appealed for do exceed the Sum of Three hundred Pounds Sterling, and
“ that Security be first duly given by the Appellant to answer such Charges
“ as shall be awarded, in case the first Sentence be affirmed; and if either
“ Party shall not rest satisfied with the Judgment of you and such Executive
“ Council as aforesaid Our Will and Pleasure is, that they may then appeal
“ unto Us in Our Privy Council, provided the Sum or Value so appealed for
“ unto Us do exceed the Sum of Five hundred Pounds Sterling, and that such
“ Appeal be made within Fourteen Days after such Sentence, and good Security
“ be given by the Appellant that he will effectually prosecute the same
“ and answer the Condemnation, as also pay such Costs and Damages as
“ shall be awarded by Us, in case the Sentence of you and the Executive
“ Council be affirmed: Provided, nevertheless, where the Matter in question
“ relates to the determining any Duty payable to Us, or to any Fee of Office
“ or annual Rents, or other such like Matters or Things, where the Rights in
“ future may be bound, in all such Cases you and the said Executive
“ Council are to admit an Appeal to Us in Our Privy Council, though the
“ immediate Sum or Value appealed for be of a less Value: And it is Our
“ further Will and Pleasure, that in all Cases where, by your Instructions,
“ you are to admit Appeals unto Us in Our Privy Council, Execution shall
“ be suspended until the final Determination of such Appeal, unless good and
“ sufficient Security be given by the Appellee to make ample Restitution of
“ all that the Appellant shall have lost by means of such Decree or Judgment;
“ in case, upon the Determination of such Appeal, such Decree or Judgment
“ should be reversed and Restitution awarded to the Appellant, you and
“ Our Executive Council are also to permit Appeals unto Us in Our Privy
“ Council in all Cases of Fines imposed for Misdemeanors, provided the Fines
“ so imposed amount to or exceed the Sum of One hundred Pounds Sterling,
“ the Appellant first giving good Security that he will effectually prosecute
“ the same, and answer the Condemnation, if the Sentence by which the Fine
“ was imposed in your Government shall be confirmed.

“ Fifth. And that We may be always informed of the Names and
“ Characters of Persons fit to supply the Vacancies which may happen in Our
“ said Executive Council, you are, in case of any Vacancy in the said Council,
“ to transmit to Us, through one of Our Principal Secretaries of State, the
“ Names and Characters of such Three Persons, Inhabitants of Our said
“ Province of Upper Canada, whom you may esteem best qualified for fulfilling
“ the Trust of such Executive Councillor.

“ Sixth. And in the Choice and Selection of such Persons proposed to
“ fill such Vacancy in Our said Executive Council, as also of the Chief
“ Officers of Justice; you are always to take care that they be Men of good
“ Life, well affected to Our Government, and of Abilities suitable to their
“ Employment.

“ Seventh. And whereas We are sensible that effectual Care ought to be
“ taken to oblige the Members of Our Executive Council to a due Attendance;
“ it is Our Will and Pleasure, in order to prevent the many Inconveniences
“ which may happen for Want of a Quorum of the Council to transact
“ Business as Occasion may require, that if any of the Members of Our said
“ Executive Council residing in Our said Province shall hereafter wilfully
“ absent themselves from the Province, and continue absent above the Space
“ of Six Months together, without Leave from you first obtained under your
“ Hand and Seal, or shall remain absent for the Space of One Year without
“ Our Leave given them under Our Royal Signature, their Places in the said
“ Executive Council shall immediately thereupon become void. And We
“ do hereby will and require you, that this Our Royal Pleasure be signified
“ to the several Members of Our said Executive Council, and that it be
“ entered in the Council Books as a standing Rule.

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“ Eighth. 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 such and so many of these Our Instructions wherein their Advice is mentioned to be requisite, and likewise all such others, from Time to Time, as you shall find convenient for Our Service to be imparted to them.

“ Ninth. You are to permit the Members of Our said Executive Council to have and enjoy Freedom of Debate and Vote in all Affairs of public Concern which may be debated in the said Executive Council.

“ Tenth. And whereas by the aforesaid recited Act passed in the Thirty-first Year of the Reign of Our dearest Father His late Majesty King George the Third it is provided, that the Seats of the Members of Our Legislative Council shall become vacant in certain Cases mentioned in the said Act; it is Our Will and Pleasure that if any Member of Our said Legislative Council shall at any Time leave Our said Province and reside out of the same, you shall report the same to Us through one of Our Principal Secretaries of State; and you are also in like Manner to report whether such Member of the said Council is absent by your Permission or by the Permission of Our Lieutenant Governor or Commander in Chief of the said Province for the Time being; and you are also in like Manner to report if it shall come to your Knowledge that any such Member shall at any Time take or have taken the Oath of Allegiance or Obedience to any Foreign Prince or Power, or shall be attainted for Treason in any Court of Law within any of Our Dominions, that We may take such Measures thereupon as We shall think fit; and you are to take especial Care that the several Provisions of the said Act respecting the several Cases in which Persons may or may not be entitled to receive Writs of Summons to the said Legislative Council, or to hold their Places therein, shall be duly executed.

“ Eleventh. And for the Execution of so much of the Powers vested in you by Our said Commission and by virtue of the said Act 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, namely, That the Style of enacting all the said Laws, Statutes, and Ordinances be, by Us, Our Heirs and Successors, by and with the Advice and Consent of the Legislative Council and Assembly of Our Province of Upper Canada, constituted and assembled by virtue and under the Authority of an Act passed in the Parliament of Great Britain, intituled ‘ An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, intituled ‘ An Act for making more effectual Provision for the Government of the said Province of Quebec in North America,’ and to make further Provision for the Government of the said Province,’ and that no Bill in any other Form shall be assented to by you in Our Name: 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 or Ordinance which shall be foreign to what the Title of it imports, and that no perpetual Clause be Part of any temporary Law: That no Law or Ordinance whatever be suspended, altered, continued, revived, or repealed in general Words, but that the Title and Date of such Law or Ordinance shall be particularly mentioned in the enacting Part: That in case any Law or Ordinance respecting private Property shall be passed without a Saving of the Right of Us, Our Heirs and Successors, and of all Persons or Bodies Politic or Corporate, except such as are mentioned in the said Law or Ordinance, you shall declare that you withhold Our Assent from the same; and if any such Law or Ordinance shall be passed without such Saving you shall in every such Case declare that you reserve the same for the Signification of Our Royal Pleasure thereon: That in all Laws or Ordinances for levying Money, or imposing Fines, Forfeitures, or Penalties, express Mention be made that the same is granted to Us, Our Heirs and Successors, for the public Uses of the said Province, and the Support of the Government thereof, as by the said Law shall be directed,

5

“ and

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“ and that a Clause be inserted, declaring that the due Application of such
“ Money, pursuant to the Directions of such Law, shall be accounted for unto
“ Us, through Our Commissioners of Our Treasury for the Time being, in such
“ Manner and Form as we shall direct.

“ Twelfth. And whereas We have by Our said Commission given you full
“ Power and Authority subject as therein specified, and to these Our Instruc-
“ tions in that Behalf, to issue Writs of Summons and Election, and to call
“ together the Legislative Council and Assembly of Our said Province of
“ Upper Canada; and for the Purpose of electing the Members of the As-
“ sembly of Our said Province of Upper Canada, have also given you full
“ Power and Authority to issue a Proclamation dividing Our said Province
“ of Upper Canada into Districts or Counties or Circles and Townships, and
“ declaring and appointing the Number of Representatives to be chosen by
“ each of such Districts or Counties or Circles and Towns or Townships:
“ Now, Our Will and Pleasure is, that you shall issue such Proclamation as
“ soon as may be, allowing nevertheless reasonable Time between the issuing
“ thereof and the Time of issuing the Writs of Summons and Election above-
“ mentioned.

“ Thirteenth. 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 very full
“ and particular Observations upon each of them, that is to say, whether the
“ same is introductory to a new Law, declaratory of a former Law, or does
“ repeal a Law then before in being; and you are also to transmit in the
“ fullest Manner, the Reasons and Occasion for proposing such Laws, to-
“ gether 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.

“ Fourteenth. And whereas in the said Act it is provided that in certain
“ Cases Acts passed by the Legislative Council and Assembly of the Pro-
“ vince shall, previous, to any Signification of Our Assent thereto, be laid
“ before both Houses of Our Parliament of this Kingdom: And whereas it is
“ also provided in the said Acts, that in certain Cases Provision may be made
“ by the Acts of the Legislative Council of the Assembly of the Province,
“ assented to by Us, Our Heirs and Successors (thereby reserving the Power
“ of giving such Assent to Us, Our Heirs or Successors, only); you are to take
“ especial Care that in every such Case you are to declare that you reserve
“ such Bills for the Signification of Our Pleasure thereon, and you will like-
“ wise reserve for such Signification every other Bill which you shall consider
“ to be of an extraordinary or unusual Nature, or requiring Our especial Con-
“ sideration and Decision thereupon, particularly such as may affect the Pro-
“ perty, Credit, or Dealings of such of Our Subjects as are not usually
“ resident within Our said Province, or whereby Duties shall be laid upon
“ British or Irish Shipping, or upon the Produce or Manufactures of Great
“ Britain or Ireland.

“ Fifteenth. And whereas Laws have formerly been enacted in several of
“ Our Plantations in America for so short a Time that Our Royal Assent or
“ Refusal thereof could not be had before the Time for which such Laws
“ were enacted did expire; you shall not assent in Our Name to any Law
“ that shall be enacted for a less Time than Two Years, except in Cases of
“ imminent Necessity or immediate temporary Expediency; and you shall
“ not declare Our Assent to any Law containing Provisions which shall have
“ been disallowed by Us, without express Leave for that Purpose first obtained
“ from Us, upon a full Representation by you, to be made to Us through
“ One of Our Principal Secretaries of State, of the Reasons and Necessity of
“ passing such Law.

“ Sixteenth. Whereas We have thought fit, by Our Orders in Our Privy
“ Council, to disallow certain Laws passed in some of Our Colonies and Plan-
“ tations in America, for conferring the Privileges of Naturalization on Persons
“ being Aliens, and for divorcing Persons who have been legally joined to-
“ gether in holy Marriage: And whereas Acts have been passed in others of
“ Our said Colonies to enable Persons who are Our liege Subjects by Birth
“ or Naturalization to hold and inherit Lands, Tenements, and Real Estates,
“ (180.) “ although

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“ although such Tenements and Real Estates have been originally granted to
“ or purchased by Aliens antecedent to Naturalization ; it is Our Will and
“ Pleasure, that you do not, upon any Pretence whatsoever, give your Assent
“ to any Bill or Bills that may hereafter be passed by the Legislative Council
“ and Assembly of the said Province under your Government, for the Natural-
“ ization of Aliens, nor for the Divorce of Persons joined in holy Marriage,
“ nor for establishing a Title in any Person to Lands, Tenements, and Real
“ Estates in Our said Province originally granted or purchased by Aliens
“ antecedent to Naturalization.

“ Seventeenth. You are to give Warrants under your Hand for the issuing
“ of Public Monies for all Public Services ; and We do particularly require
“ you to take care that regular Accounts of all Receipts and Payments of
“ Public Monies be duly kept ; that the same from Time to Time be duly
“ audited by Our Executive Council, and that Copies thereof, attested by you,
“ be transmitted every Half Year, or oftener if there should be Occasion, to
“ Our Commissioners of Our Treasury or to Our High Treasurer for the
“ Time being, and Duplicates thereof by the next Conveyance ; in which
“ Accounts shall be specified every particular Sum raised or disposed of, to
“ the end that We may take such Measures as We may deem necessary for
“ the Examination of the said Accounts, and that We may be satisfied of the
“ right and due Application of the Revenues of Our said Province of Upper
“ Canada, and with the Probability of the Increase or Diminution of it under
“ every Head and Article thereof.

“ Eighteenth. And whereas by an Act of Parliament of Great Britain
“ passed in the Fourth Year of the Reign of Our dearest Father His late
“ Majesty King George the Third, intituled ‘ An Act to prevent Paper Bills
“ of Credit hereafter to be issued in any of His Majesty’s Colonies and Plan-
“ tations in America from being declared a legal Tender in Payment of
“ Money, and to prevent the legal Tender of such Bills as are now subsisting
“ from being prolonged beyond the Periods limited for calling in and sinking
“ the same,’ it is enacted that no Paper Bills or Bills of Credit should be created
“ or issued by an Act, Order, Resolution, or Vote of Assembly in any of Our
“ Colonies or Plantations in America to be a legal Tender in Payment, and
“ that any such Act, Order, Resolution, or Vote for creating or issuing such
“ Paper Bills or Bills of Credit, or for prolonging the legal Tender of any such
“ then subsisting and current in any of the said Colonies and Plantations, should
“ be null and void : And whereas by another Act of Our said Parliament
“ passed in the Thirteenth Year of the Reign of Our dearest Father His late
“ Majesty King George the Third, intituled ‘ An Act to explain and amend
“ the above recited Act passed in the Fourth Year of Our Reign as aforesaid,’
“ it is enacted, that any Certificates, Notes, Bills, or Debentures which shall
“ or may be voluntarily accepted by the Creditors of the Public within any of
“ the Colonies in America as Security for the Payment of what is due and
“ owing to the said public Creditors may be made and enacted by the General
“ Assemblies of the said Colonies respectively to be a Tender to the public
“ Treasurers in the said Colonies for the Discharge of any Duties, Charges,
“ or Debts whatsoever due to and payable at or in the said public Treasuries of
“ the said Colonies in virtue of Laws passed within the same, and in no other
“ Case whatsoever ; it is Our Will and Pleasure that you do in all things
“ conform yourself to the Provisions of the said recited Acts, both with
“ respect to the not assenting to any Bills which may be presented to you for
“ the Purpose of issuing or creating Paper Bills or Bills of Credit to be a
“ legal Tender in Payment, and the assenting to any Bills by which such Cer-
“ tificates, Notes, or Debentures which may be voluntarily accepted in Pay-
“ ment by the public Creditor shall be made a legal Tender to the Treasury
“ for Taxes, Duties, and other Payments to the public Treasury.

“ Nineteenth. You shall not remit any Fines or Forfeitures whatsoever
“ above the Sum of 10*l*., nor dispose of any Forfeiture whatsoever, until, upon
“ signifying unto the Commissioners of Our Treasury or Our High Treasurer
“ for the Time being the Nature of the Offence, and the Occasion of such
“ Fines and Forfeitures, with the particular Sums or Value thereof, (which you
“ are to do with all Speed,) you shall have received Our Directions thereon,
“ but you may in the meantime suspend the Payment of the said Fines and
“ Forfeitures.

“ Twentieth.

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“ Twentieth. And you are, on every Occasion, to transmit to Us, through one of Our Principal Secretaries of State, with all convenient Speed, a particular Account of all new Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees, and Privileges granted and settled within Our said Province of Upper Canada, as likewise an Account of all the Expenses (if any) attending the Establishment of the said Courts and Offices.

“ Twenty-first. 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, be granted during Pleasure only.

“ Twenty-second. You are not to suspend any of the Members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs, or other Officers or Ministers within Our said Province of Upper Canada, without good and sufficient Cause; and in case of such Suspension or Removal, you are forthwith to transmit your Reasons for the same to one of Our Principal Secretaries of State.

“ Twenty-third. And whereas frequent Complaints have been made of great Delays and undue Proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered; and it being of the greatest Importance to Our Service and to the Welfare of Our Plantations that Justice be everywhere speedily and duly administered, and that all Disorders, Delays, and other undue Practices in the Administration thereof be effectually prevented, We do particularly require you to take especial Care that in all Courts where you are authorized to preside Justice be impartially administered, and that in all other Courts established within Our said Province all Judges and other Persons therein concerned do likewise perform the several Duties without Delay or Partiality.

“ Twenty-fourth. You are to take care that no Court of Judicature be adjourned but upon good Grounds, as also that no Orders of any Court of Judicature be entered or allowed which shall not be first read and approved of by the Justices in open Court; which Rule you are in like Manner to see observed with relation to all Proceedings of Our Executive Council of Upper Canada, and that all Orders there made be first read and approved in such Council before they are entered upon the Council Books.

“ Twenty-fifth. You are to take care that all Writs within the said Province of Upper Canada be issued in Our Name.

“ Twenty-sixth. You shall take care, with the Advice and Assistance of Our Executive Council, that such Prisons as may at any Time be necessary be erected, and that the same, or any other already erected, be kept in such a Condition as may effectually secure the Prisoners which now are or may hereafter be confined in them.

“ Twenty-seventh. You shall not suffer any Person to execute more Offices than One by Deputy.

“ Twenty-eighth. You shall not, by Colour of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant, or dispose of any Place or Office within Our said Province which now is or shall be granted under the Great Seal of this Kingdom, or to which any Person is or shall be appointed by Warrant under Our Signet and Sign Manual, any further than that you may upon the Vacancy of any such Office or Place, or upon the Suspension of any such Officer by you as aforesaid, put in any fit Person to officiate in the Interval till you shall have represented the Matter unto Us, through one of Our Principal Secretaries of State, which you are to do by the first Opportunity, and till the said Office or Place is disposed of by Us, Our Heirs or Successors, under the Great Seal of this Kingdom, or until some Person shall be appointed thereunto under Our Signet and Sign Manual, or until Our further Directions be given therein; and it is Our express Will and Pleasure that you do give reasonable Support unto the Patent Officers in the Enjoyment of their legal and established Fees, Rights, Privileges, and Emoluments, according to the true Intent and Meaning of their respective Patents.

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“ Twenty-ninth. And whereas several Complaints have been made by the
“ Officers of Our Customs in Our Plantations in America that they have
“ frequently been obliged to serve on Juries, and personally to appear in Arms
“ whenever the Militia is drawn out, and thereby are much hindered in the
“ Execution of their Employments; Our Will and Pleasure is, that you take
“ effectual Care, and give the necessary Directions that the several Officers of
“ Our Customs be excused and exempted from serving in any Juries, or
“ personally appearing in Arms in the Militia, unless in Cases of absolute
“ Necessity, or serving any particular Offices which may hinder them in the
“ Execution of their Duties.

“ Thirtieth. And whereas nothing can more effectually tend to the
“ speedy settling of Our said Province of Upper Canada, the Security of the
“ Property of Our Subjects, and the Advancement of Our Revenue, than the
“ Disposal of such Lands as are Our Property upon good and reasonable
“ Terms, and the establishing of a regular and proper Method of proceeding
“ with respect to the passing of Grants of such Lands; it is our Will and
“ Pleasure that all and every Person or Persons who shall apply for any
“ Grant or Grants of Land shall, previous to their obtaining the same, make
“ it appear that they are in a Condition to cultivate and improve the same; and
“ in case you shall, upon a Consideration of the Circumstances of the Person
“ or Persons applying for such Grants, think it advisable to pass the same, you
“ are in such a Case to cause a Warrant to be drawn up, directed to the
“ Surveyor General or other Officer, empowering him or them to make a
“ faithful and exact Survey of the Lands so petitioned for, and to return the
“ said Warrant within Six Months at farthest from the Date thereof, with a
“ Plot or Description of the Land so surveyed thereunto annexed, and when
“ the Warrant shall be returned by the said Surveyor or other proper Officer
“ the Grant shall be made out in due Form, and the Terms and Conditions
“ required by these Our Instructions be particularly and expressly mentioned
“ therein; and it is Our Will and Pleasure that the said Grants shall be
“ registered within Six Months from the Date thereof in the Registrars Office,
“ and a Docket thereof be also entered in Our Auditors Office, Copies of all
“ which Entries shall be regularly returned by the proper Officers to our Com-
“ missioners of Our Treasury.

“ Thirty-first. And for the further Encouragement of Our Subjects it is
“ Our Will and Pleasure that the Lands to be granted by you as aforesaid
“ shall be laid out in Townships, and that each inland Township shall, as
“ nearly as Circumstances will admit, consist of Ten Miles square, and such
“ as shall be situated upon a navigable River or Water shall have a Front of
“ Nine Miles, and be Twelve Miles in Depth, and subdivided in such Manner
“ as shall be found most advisable for the Accommodation of the Settlers, and
“ for making the several Reservations for public Uses, and particularly for the
“ Support of the Protestant Clergy, agreeably to the first-recited Act passed
“ in the Thirty-first Year of the Reign of Our dearest Father His late Majesty
“ King George the Third.

“ Thirty-second. And whereas great Inconveniences have heretofore
“ arisen in many of Our Colonies in America from the granting excessive
“ Quantities of Land to particular Persons who have never cultivated or settled
“ the same, and have thereby prevented others more industrious from im-
“ proving such Lands; in order therefore to prevent the like Inconveniences
“ in future, it is Our Will and Pleasure that you observe the following Direc-
“ tions and Regulations in all Grants to be made by you as aforesaid; that is
“ to say, That no Town Lot shall be granted to any one Person, being Master
“ or Mistress of a Family, in any Township so to be laid out, which shall
“ contain more than One Acre: That no Park Lot shall be granted to any
“ One Person, being Master or Mistress of a Family, in any Township so to be
“ laid out, which shall contain more than Twenty-four Acres: That no Farm
“ Lot shall be granted to any One Person, being Master or Mistress of a
“ Family, in any Township so to be laid out, which shall contain more than
“ 200 Acres. It is Our Will and Pleasure, and you are hereby allowed and
“ permitted, to grant unto every such Person or Persons such further Quantity
“ of Land as they may desire, not exceeding 1,000 Acres, over and above
“ what may heretofore have been granted to them; and in all Grants of Land
“ to

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“ to be made by you as aforesaid you are to take care that due Regard be
“ had to the Quality and comparative Value of the different Parts of Land
“ comprised within any Township, so that each Grantee may have, as nearly
“ as may be, a proportionate Quantity of Lands of such different Quality and
“ comparative Value, as likewise that the Breadth of such Tract of Land to
“ be hereafter granted be One Third of the Length of such Tract, do not
“ extend along the Bank of any River, but into the main Land, that thereby
“ the said Grantees may have each a convenient Share of what Accommoda-
“ tion the River may afford for Navigation or otherwise.

“ Thirty-third. And as a further Accommodation to Our Subjects who
“ shall have become Settlers as aforesaid, it is Our Will and Pleasure that
“ the said Townships and the respective Allotments within the same,
“ together with the Lands to be reserved as aforesaid, shall be seen
“ and laid out by Our Surveyor General of Lands for the said Province, or
“ some skilful Person authorized by him for that Purpose, which Surveys,
“ together with the Warrants and Grants and the respective Allotments, shall
“ be made out for and delivered to the several Grantees free of any Expense
“ or Fee whatever, other than such as may be payable to the different Officers
“ according to the Table of Fees established upon Grants of Land made in
“ the said Province.

“ Thirty-fourth. And in order to prevent any Persons disaffected to Us
“ and Our Government from becoming Settlers in Our said Province of Upper
“ Canada, it is Our Will and Pleasure that no Warrants for surveying Lands
“ be granted by you or the Lieutenant Governor, or Person administering the
“ Government for the Time being, unless the Person or Persons applying
“ for the same do, at the Time of making such Application, besides taking
“ the usual Oaths directed by Law, also make and subscribe the following
“ Declaration in your or his Presence, or in the Presence of such Person or
“ Persons as shall by you or him be appointed for that Purpose; that is to
“ say,—I A.B. do promise and declare, that I will maintain and defend, to the
“ utmost of my Power, the Authority of the King in his Parliament as the
“ Supreme Legislature of this Province.

“ Thirty-fifth. Whereas the reserving such Bodies of Land within Our
“ Province of Upper Canada, where there are considerable Growths of Timber
“ fit for the Use of Our Royal Navy, it is a Matter of the utmost Importance
“ to Our Service; it is Our Will and Pleasure that no Grants whatever be
“ made of Lands in any District or Tract of Our said Province of Upper
“ Canada until Our Surveyor General or his Deputy lawfully appointed
“ shall have surveyed the same and marked out as Reservations to Us, Our
“ Heirs and Successors, such Parts thereof as shall be found to contain any
“ considerable Growth of Mastig or other Timber fit for the Use of Our
“ Royal Navy, and more especially upon the Rivers; and you are hereby
“ instructed to direct Our Surveyor General of Lands in Our said Province,
“ from Time to Time, with all due Diligence, to complete the Surveys, and
“ mark out the Reservations as aforesaid in the most convenient Parts of
“ Our said Province; and you are from Time to Time to report the Number,
“ Extent, and Situation of such Reservations; and you are further to direct
“ Our Surveyor General not to certify any Plots of Ground ordered and
“ surveyed for any Person or Persons in order that Grants may be made
“ out for the same, until it shall appear to him, by a Certificate under the
“ Hand of Our Surveyor General of Woods, or his Deputy, that the Land so
“ to be granted is not Part of or included in any District marked out as a
“ Reservation for Us, Our Heirs and Successors as aforesaid, for the Purpose
“ herein-before mentioned: And in order to prevent any Deceit or Fraud
“ from being committed by the Persons applying for Lands in this respect,
“ it is Our Will and Pleasure that in all Grants to be hereafter made for
“ Lands within Our said Province of Upper Canada the following Proviso
“ and Exceptions be inserted; that is to say, “ And provided also, that no Part
“ of the Parcel or Tract of Land hereby granted to the said _____ and his
“ Heirs be within any Reservation heretofore made and marked for Us, Our
“ Heirs and Successors, by Our Surveyor General of Woods, or his lawful
“ Deputy, in which Case this Our Grant for such Part of the Land hereby
“ given and granted to the said _____ and his Heirs for ever as
“ (180.) _____ aforesaid,

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“ aforesaid, and which shall, upon a Survey thereof being made, be found
“ within any such Reservations, shall be null and void and of none Effect,
“ any thing herein contained to the contrary notwithstanding.’

“ Thirty-sixth. And whereas it is necessary that all Persons who may be
“ desirous of settling in Our said Province should be fully informed of the
“ Conditions and Terms upon which Lands will be granted within Our said
“ Province of Upper Canada, in the Manner prescribed in and by the said
“ Act passed in the Thirty-first Year of the Reign of Our dearest Father His
“ late Majesty King George the Third; you are therefore, as soon as possible,
“ to cause a Publication to be made, by Proclamation or otherwise, as you
“ shall in your Discretion think most advisable, of the said Terms and Con-
“ ditions respecting the granting of Lands; in which Proclamation it may
“ be expedient to add some short Description of the natural Advantages of
“ the Soil and Climate, and its peculiar Convenience for Trade and Navi-
“ gation.

“ Thirty-seventh. And it is Our further Will and Pleasure that all the
“ foregoing Instructions to you, as well as any which you may hereafter
“ receive, relative to the passing Grants of Lands, in conformity to the said
“ Act passed in the Thirty-first Year of the Reign of Our dearest Father His
“ late Majesty King George the Third, be entered upon Record, for the
“ Information and Satisfaction of all Parties whatever that may be concerned
“ therein.

“ Thirty-eighth. And whereas it hath been represented to Us that many
“ Parts of the Province under your Government are particularly adapted to
“ the Growth and Culture of Hemp and Flax; it is therefore Our Will and
“ Pleasure that in all Surveys for Settlements the Surveyor be directed to
“ report whether there are any or what Quantity of Lands contained within
“ such Surveys for the Production of Hemp and Flax.

“ Thirty-ninth. And whereas it hath been represented to Us that several
“ Parts of Our Province of Upper Canada have been found to abound with
“ Coals; it is Our Will and Pleasure that in all Grants of Lands to be made
“ by you a Clause be inserted, reserving to Us, Our Heirs and Successors, all
“ Coals, and also all Mines of Gold, Silver, Copper, Tin, Iron, and Lead,
“ which shall be discovered upon such Lands.

“ Fortieth. You shall cause a Survey to be made of all considerable Land-
“ ing Places and Harbours in Our said Province, in case the same shall not
“ have already been done, and report to Us, through one of Our Principal
“ Secretaries of State, how far any Fortifications be necessary for the Security
“ and Advantage of the said Province.

“ Forty-first. Whereas the Establishment of proper Regulations on Matters
“ of Ecclesiastical Concern is an Object of very great Importance; it will be
“ your indispensable Duty to take care that no Arrangements in regard
“ thereto be made, but such as may give full Satisfaction to Our new
“ Subjects in every Point to which they have a Right to any Indulgence on
“ that Head, always remembering that it is a Toleration of the free Exercise
“ of the Religion of the Church of Rome only to which they are entitled,
“ but not to the Powers and Privileges of it as an Established Church,
“ that being a Preference which belongs only to the Protestant Church of
“ England.

“ Forty-second. And upon these Principles therefore, and to the end that
“ Our just Supremacy in all Matters Ecclesiastical as well as Civil may have
“ its due Scope and Influence, it is Our Will and Pleasure,—First, that all
“ Appeals to a Correspondence with any Foreign Ecclesiastical Jurisdiction, of
“ what Nature or Kind soever, be absolutely forbidden under very severe
“ Penalties: Secondly, that no Episcopal or Vicarial Powers be exercised
“ within Our said Province by any Person professing the Religion of the
“ Church of Rome, but such only as are indispensably and indisputably
“ necessary to the free Exercise of the Romish Religion, and in those
“ Cases not without a Licence and Permission from you, under the Seal
“ of Our said Province, for and during Our Will and Pleasure, and under
“ such other Limitations and Restrictions as may correspond with the
“ Spirit and Provisions of the Act of the Fourteenth Year of the Reign of
“ Our dearest Father His late Majesty King George the Third, ‘ for making
“ more

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“ more effectual Provision for the Government of the Province of Quebec ;
 “ and no Person whatever is to have Holy Orders conferred upon him, or
 “ have the Care of Souls, without a Licence for that Purpose first had
 “ and obtained from you : Thirdly, that no Person professing the Reli-
 “ gion of the Church of Rome be allowed to fill any Ecclesiastical Benefice,
 “ or to have or to enjoy any of the Rights or Profits belonging thereto, who
 “ is not a Canadian by Birth (such only excepted as are now in possession of
 “ any such Benefices), and who is not appointed thereto by Us or under Our
 “ Authority, and that all Right or Claim of Right in any other Person what-
 “ ever to nominate, present, or appoint to any vacant Benefice, other than
 “ such as may by Claim to the Patronage of Benefices as a Civil Right, be
 “ absolutely abolished ; no Person to hold more than One Benefice, or at
 “ least not more than can reasonably be served by One and the same Incum-
 “ bent : Fourthly, that no Person whatever professing the Religion of the
 “ Church of Rome be appointed Incumbent of any Parish in which the
 “ Majority of the Inhabitants shall solicit the Appointment of a Protestant
 “ Minister ; in such Case the Incumbent shall be a Protestant, and entitled to
 “ all Tithes payable within such Parish, but nevertheless the Roman Catholics
 “ may have the Use of the Church for the free Exercise of their Religion,
 “ at such Time as may not interfere with the Religious Worship of the Pro-
 “ testants ; and in like Manner the Protestant Inhabitants in every Parish,
 “ where the Majority of the Parishioners are Roman Catholics, shall notwith-
 “ standing have the free Use of the Church for the free Exercise of their Re-
 “ ligion, at such Times as may not interfere with the Religious Worship of the
 “ Roman Catholics : Fifthly, that no Incumbent professing the Religion of
 “ the Church of Rome appointed to any Parish shall be entitled to receive any
 “ Tithes for Lands or Possessions occupied by a Protestant, but such Tithes
 “ shall be received by such Persons as you shall appoint, and shall be reserved
 “ in the Hands of Our Receiver General as aforesaid for the Support of a
 “ Protestant Clergy in Our said Province, to be actually resident within the
 “ same, and not otherwise, according to such Directions as you shall receive
 “ from Us in that Behalf ; and in like Manner all growing Rents and Profits
 “ of a vacant Benefice shall, during such Vacancy, be reserved for and applied
 “ to the like Uses : Sixthly, that all Persons professing the Religion of the
 “ Church of Rome, who are already possessed of or may hereafter be
 “ appointed to any Ecclesiastical Benefice, or who may be licensed to exercise
 “ any Power or Authority in respect thereto, do take and subscribe before
 “ you in Council, or before such Person as you shall appoint to administer
 “ the same, the Oath required to be taken and subscribed by the afore-
 “ said Act of Parliament passed in the Fourteenth Year of the Reign of
 “ Our dearest Father His late Majesty King George the Third, intituled
 “ ‘ An Act for making more effectual Provision for the Government of
 “ the Province of Quebec in North America : Seventhly, that all Incum-
 “ bents of Parishes, professing the Romish Religion, not being under
 “ the Ecclesiastical Jurisdiction of the Bishop of Quebec, shall hold their
 “ respective Benefices during their good Behaviour, subject, however, in case
 “ of any Conviction for criminal Offences, or upon due Proofs of seditious
 “ Attempts to disturb the Peace and Tranquillity of Our Government, to be
 “ deprived or suspended by you : Eighthly, that such Ecclesiastics as may
 “ think fit to enter into the holy State of Matrimony shall be released from all
 “ Penalties to which they may have been subjected in such Cases by any
 “ Authority of the See of Rome : Ninthly, that Freedom of the Burial of the
 “ Dead in the Churches and Churchyards be allowed indiscriminately to every
 “ Christian Persuasion : Tenthly, that the Róyal Family be prayed for in all
 “ Churches and Places of Public Worship, in such Manner and Form as is
 “ used in this Kingdom ; and that Our Arms and Insignia be put up, not only
 “ in all such Churches and Places of holy Worship, but also in all Courts of
 “ Justice, and that the Arms of France be taken down in any such Church
 “ or Court where they may at present remain.
 “ Forty-third. You are to permit Liberty of Conscience, and the free
 “ Exercise of all such Modes of Religious Worship as are not prohibited by
 “ Law, to all Persons who may inhabit and frequent the Province of Upper
 “ Canada, provided they be content with a quiet and peaceable Enjoyment of
 “ the same, without giving Offence or Scandal to the Government.

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“ Forty-fourth. It is Our Will and Pleasure to reserve to you the granting
“ of Licences for Marriages, Letters of Administration, and Probates of Wills,
“ as heretofore exercised by you and your Predecessors; and also to reserve
“ to you, and to all others to whom it may lawfully belong, the Patronage
“ and Right of Presentation to Benefices; but it is Our Will and Pleasure
“ that the Person so presented shall be instituted by the Bishop or his Com-
“ missary duly authorized by him.

“ Forty-fifth. You are to take especial Care that God Almighty be devoutly
“ and duly served throughout your Government, that the Lord’s Day be duly
“ kept, and the Services and Prayers appointed by and according to the Book
“ of Common Prayer be publicly and solemnly performed throughout the
“ Year.

“ Forty-sixth. You are to take care that the Churches which are or may
“ be hereafter erected in Our said Province of Upper Canada be well and
“ orderly kept.

“ Forty-seventh. You shall recommend to the Legislative Council and
“ General Assembly of the Province of Upper Canada to settle the Limits of
“ Parishes in such Manner as shall be deemed most convenient.

“ Forty-eighth. You are to use your best Endeavour that each Minister be
“ constituted one of the Vestry in his respective Parish, and that no Vestry
“ be held without him, except in case of Sickness, or that, after Notice given
“ of a Vestry, he omit to come.

“ Forty-ninth. It is Our Will and Pleasure that you recommend to the
“ Legislative Council and Assembly of Our said Province of Upper Canada
“ to make due Provision for the erecting and maintaining of Schools where
“ Youth may be educated in competent Learning, and in Knowledge of the
“ Principles of the Christian Religion.

“ Fiftieth. And it is Our further Will and Pleasure that no Persons shall be
“ allowed to keep a School in the Province of Upper Canada without your Li-
“ cence first had and obtained, in granting of which you are to pay the most
“ particular Attention to the Morals and Qualifications of the Persons applying
“ for the same; and in all Cases where the School has been instituted or
“ appointed for the Education of Members of the Church of England, or
“ where it is intended that the Schoolmaster should be a Member of the
“ Church of England, you are not to grant such Licences except to Persons
“ who shall first have obtained from the Bishop of Quebec, or one of his
“ Commissaries, a Certificate of their being properly qualified for that Pur-
“ pose.

“ Fifty-first. And it is Our further Will and Pleasure that, in order to
“ suppress every Species of Vice, Profaneness, and Immorality, you do forth-
“ with cause all Laws made against Blasphemy, Profaneness, Adultery,
“ Fornication, Polygamy, Incest, Profanation of the Lord’s Day, Swearing, and
“ Drunkenness to be strictly put in execution in every Part of the Province of
“ Upper Canada, and that for this Purpose you do direct that the Constables
“ and Churchwardens of the several Parishes do make Presentment upon Oath
“ of any of the Vices before mentioned to the Justices of the Peace in their
“ Session, or to any other of the temporal Courts; and you are earnestly to
“ recommend to the Legislative Council and Assembly to provide effectual
“ Laws for the Restraint and Punishment of all such of the afore-mentioned
“ Vices against which no Laws are as yet provided, or in Cases where the
“ Laws already made are found to be insufficient; and in order to discounte-
“ nance Vice and promote the Practice of Virtue, to the utmost of your Power,
“ We do hereby strictly command and enjoin you to appoint no Person to be a
“ Justice of the Peace, or to any Trust or Employment, whose notorious ill Life
“ or Conversation may occasion Scandal.

“ Fifty-second. You are not to present any Protestant Minister to any
“ Ecclesiastical Benefice within Our said Province by virtue of the said
“ Act passed in the Thirty-first Year of the Reign of His late Majesty
“ King George the Third, and of Our Commission to you, without a proper
“ Certificate from the Bishop of Quebec, or his Commissary, of his being con-
“ formable to the Doctrine and Discipline of the Church of England.

“ Fifty-third. And you are to take especial Care that the Table of Mar-
“ riages established by the Canons of the Church of England be hung up in
“ all

“ all Places of Public Worship according to the Rites of the Church of
“ England.

“ Fifty-fourth. It is Our Will and Intention that the petty Trade of the
“ interior Country shall be free and open to all Our Subjects, Inhabitants of
“ any of Our Colonies, who shall, pursuant to what was directed by the Royal
“ Proclamation of 1763, obtain Trading Licences from the Governor of any
“ of Our said Colonies, under Penalties to observe such Regulations as shall
“ be made by Our Legislature of Our Province of Upper Canada for that
“ Purpose; these Regulations therefore, when established, must be made
“ public throughout all Our American Possessions, and they must have for
“ their Object the giving every possible Facility to that Trade which the
“ Nature will admit and which may be consistent with fair and just Dealing
“ towards the native Indians with whom it is carried on. The fixed stated
“ Times and Places for carrying on the Trade and adjusting Modes of settling
“ Tariffs, the Price of Goods and Furs, and, above all, the restraining the Sale
“ of Spirituous Liquors to the Indians will be the most profitable and effectual
“ Means of answering the Ends proposed.

“ Fifty-fifth. And whereas it is expedient for Our Service that We should
“ from Time to Time be informed of the State of the Trade and Fisheries, as
“ well as of the Population, of the said Province of Upper Canada, it is Our
“ Will and Pleasure that you do transmit to Us, through one of Our principal
“ Secretaries of State, and to Our Committee of Our Privy Council for Trade
“ and Foreign Plantations for their Information, yearly and every Year, a full
“ and particular Account of the State of the Fur and Peltry Trade, the Nature
“ and Extent of the several Fisheries carried on by Our Subjects or others
“ either on the Lakes or Rivers of the said Province, the State of the Cul-
“ tivation, particularly specifying the Quantity of Grain, Hemp, and Flax
“ produced, and of any other important Branch of Trade which may, in your
“ Opinion, be undertaken and advantageously carried on by Our Subjects,
“ the Number of Inhabitants, distinguishing them under different Heads of
“ Men, Women, and Children, inserting in such Accounts the Number of
“ Persons born, christened, and buried, and any extraordinary Influx or
“ Emigration from Our said Province; specifying at the same Time the
“ Number of Slaves and the Number of Our Subjects capable of bearing Arms
“ in the Militia, the Number and Tonnage of Shipping and Craft employed
“ upon the Lakes and Rivers in or contiguous to the Province of Upper
“ Canada, together with any Information on these or any other Points of the
“ like Nature which may be proper to be communicated to Us.

“ Fifty-sixth. And whereas you will receive from Our Commissioners for
“ executing the Office of High Admiral of Our United Kingdom of Great
“ Britain and Ireland and of the Plantations a Commission constituting you
“ Vice Admiral of Our said Province of Upper Canada; you are required
“ and directed carefully to put in execution the several Powers thereby
“ granted to you.

“ Fifty-seventh. Whereas it is absolutely necessary that We be exactly
“ informed of the State of Defence of all Our Plantations in America, as well in
“ relation to the Stores of War that are in each Plantation as to the Forts and
“ Fortifications there, and what more may be necessary to be built for the De-
“ fence and Security of the same; you are from Time to Time to transmit an
“ Account thereof, with relation to Our said Province of Upper Canada, in the
“ most particular Manner, and you are therein to express the present State of
“ the Arms, Ammunition, and other Stores of War belonging to the said Pro-
“ vince, either in any public Magazine or in the Hands of private Persons,
“ together with a State of all Places either already fortified or that you may
“ judge necessary to be fortified for the Security of Our said Province; and
“ you are to transmit the said Accounts to Us through one of Our Principal
“ Secretaries of State, and also Duplicates to Our Master-General or principal
“ Officers of Our Ordnance; which Accounts are to express the Particulars
“ of Ordnance, Carriages, Balls, Powder, and all other Sorts of Arms and
“ Ammunition in Our Public Stores, and so from Time to Time of what
“ shall be sent to you or bought with the Public Money, and to specify the
“ Time of the Disposal, and the Occasion thereof, and other like Accounts
“ half-yearly in the same Manner.

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

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

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

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

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

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“ were under distinct Governors in Chief; it is therefore Our Will and
“ Pleasure that you shall not, at any Time or Times when you shall be resi-
“ dent and commanding in chief in either of Our said Provinces of Upper
“ Canada, Nova Scotia, or New Brunswick, or the Island of Prince Edward;
“ have or receive any Part of the said Salaries, Perquisites, or Emoluments,
“ but that the same shall continue to be paid and satisfied to the Lieutenant
“ Governors of Our said Provinces and Island respectively, in the like Manner
“ as they usually are during your Absence therefrom.

“ Sixty-third. And you are upon all Occasions to send to Us, through
“ one of Our Principal Secretaries of State, a particular Account of all your
“ Proceedings, and of the Condition of Affairs within your Government.”

And whereas 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 21th Day of November 1830, in the First Year of His Reign, constitute and appoint Matthew Lord Aylmer to be Captain General and Governor in Chief in and over the said Provinces of Upper and Lower Canada, and did thereby command him the said Matthew Lord Aylmer to execute his said Commission and the Trust thereby reposed in him, so far as the same related to the Province of Upper Canada, according to the said general Instructions, herein-before at length recited, addressed to the said George Earl of Dalhousie.

And whereas certain Parts of the said general Instructions to the said George Earl of Dalhousie (herein-before at length recited) were subsequently revoked and amended by certain additional Instructions addressed by His said late Majesty under the Royal Sign Manual and Signet to the said Matthew Lord Aylmer, in the following Words; that is to say,

“ Additional Instructions to Our right trusty and well-beloved Matthew
“ Lord Aylmer, Knight Commander of the Most Honourable Military
“ Order of the Bath, Lieutenant General of Our Forces, Our Captain
“ General and Governor in Chief in and over Our Province of Uppe
“ Canada, or in his Absence to Our Lieutenant Governor or Com
“ mander in Chief of Our said Province for the Time being. Given
“ at Our Court at St. James's this 8th Day of February 1835, in the
“ Fifth Year of Our Reign.

“ Whereas by Our Commission under Our Great Seal of Our United King-
“ dom of Great Britain and Ireland, bearing Date at Westminster the 24th
“ Day of November 1830, constituting and appointing you to be Our Captain
“ General and Governor in Chief in and over Our Province of Upper Canada,
“ and in and over Our Province of Lower Canada, in North America, we
“ did amongst other things give and grant, that if upon your Death or
“ Absence out of Our said Provinces of Upper Canada and Lower Canada,
“ or either of them, there be no Person upon the Place commissioned or
“ appointed by Us to be Our Lieutenant Governor, or specially appointed by
“ Us to administer the Government within Our said Provinces, Our Will and
“ Pleasure is that the senior Military Officer in command of Our Forces within
“ Our said Province of Upper Canada, or in Our said Province of Lower
“ Canada, shall take upon him the Administration of the Government thereof,
“ and that he, or such other Military Officer as may from Time to Time
“ succeed to the Command of Our Forces, shall execute in Our said Provinces
“ respectively Our said Commission, and the Instructions in Our said Com-
“ mission mentioned, 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 in case of your
“ Absence or until your Return, or, in all Cases, until Our further Pleasure
“ should be known therein: And whereas We did by the said Commission
“ require and command you to do and execute all Things in due Manner that
“ should 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 the Act of Parlia-
“ ment therein particularly mentioned, and of such Instructions as had been
“ given to the Earl of Dalhousie, late Captain General and Governor in Chief
“ of Our said Provinces, or which might from Time to Time be given you in
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“ manner therein mentioned: And whereas by the said Instructions to the
 “ said Earl of Dalhousie Provision is made respecting the Succession to and
 “ temporary Administration of the Governments of Our said Province of Upper
 “ Canada and of Our said Province of Lower Canada, in certain Contingencies
 “ mentioned in such Instructions: And whereas the said Instructions, so far
 “ as they relate to such Succession and temporary Administration, are incon-
 “ sistent and at variance with our said Commission: Now, We do hereby
 “ revoke and annul so much and such Parts of the said Instructions so given
 “ as aforesaid to the said Earl of Dalhousie as provide for, regulate, or in any
 “ Manner relate to the Succession to, or the temporary Administration of the
 “ Government of Our said Provinces, or either of them, it being Our Will
 “ and Pleasure that the Provision made in manner aforesaid in and by Our
 “ said Commission respecting the Succession to and temporary Administration
 “ of the said Governments respectively be in all Things strictly observed and
 “ followed.”

And whereas His said late Majesty King William the Fourth did, by certain other Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 2d Day of April 1835, in the Fifth Year of Our Reign, revoke and determine the said last-recited Letters Patent appointing the said Matthew Lord Aylmer Captain General and Governor in Chief in and over the said Provinces of Upper and Lower Canada, and did constitute and appoint William Pitt Earl Amherst to be Captain General and Governor in Chief in and over the said Provinces: And whereas by certain Instructions under the Royal Sign Manual and Signet which accompanied the said last-recited Letters Patent the said William Pitt Earl Amherst was commanded to execute his said Commission, and the Trust thereby reposed in him, so far as related to the Province of Upper Canada, according to the said general Instructions, herein-before recited, addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions (herein-before also recited) addressed to the said Matthew Lord Aylmer.

And whereas His said late Majesty King William the Fourth did, by certain other 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 Fifth Year of His Reign, revoke and determine the said last-recited Letters Patent appointing the said William Pitt Earl Amherst Captain General and Governor in Chief in and over Our said Provinces of Upper and Lower Canada, and did constitute and appoint Archibald Earl of Gosford to be Captain General and Governor in Chief in and over Our said Provinces: And whereas by certain Instructions under the Royal Sign Manual and Signet which accompanied the said last-recited Letters Patent, the said Archibald Earl of Gosford was commanded to execute the said Commission and the Trust thereby reposed in him, according to the said general Instructions, herein-before recited, addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions, herein-before also recited, addressed to the said Matthew Lord Aylmer.

And whereas We, did by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 30th Day of March 1838, in the First Year of Our Reign, revoke and determine the said last-recited Letters Patent appointing the said Archibald Earl of Gosford Captain General and Governor in Chief in and over Our said Provinces of Upper and Lower Canada, and did constitute and appoint John George Earl of Durham to be Our Captain General and Governor in Chief in and over Our said Province of Upper Canada: And whereas by certain Instructions under Our Royal Sign Manual and Signet which accompanied the said last-recited Letters Patent, after reciting that the general Instructions, herein-before recited, addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions addressed to the said Matthew Lord Aylmer, had become in many respects obsolete and inapplicable to the then Condition of Our said Province of Upper Canada, or had been superseded by Statutes made and enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province, and that therefore it was expedient that the said general Instructions should be
 revised

revised, but that in the then Condition of our said Province the final Revision thereof could not be completed without Prejudice to Our Service, the said John George Earl of Durham was commanded to execute his said Commission, and the Trust thereby reposed in him, according to the said general Instructions addressed to the said George, Earl of Dalhousie, as the same stand amended by the said additional Instructions addressed to the said Matthew Lord Aylmer, so far as the said general Instructions had not become obsolete or had not been superseded by any Statutes made or enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province, or so far as the same might not be found inapplicable to the then State of Affairs in Our said Province.

And whereas we did, by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 12th Day of December 1838, in the Second Year of Our Reign, revoke and determine the said last-recited Letters Patent appointing the said John George Earl of Durham Our Captain General and Governor in Chief in and over Our said Province of Upper Canada, and did constitute and appoint Sir John Colborne, Knight, to be Our Captain General and Governor in Chief in and over our said Province: And whereas by certain Instructions under Our Royal Sign Manual and Signet which accompanied Our said last-recited Letters Patent, the said Sir John Colborne was commanded to execute his said Commission, and the Trust thereby reposed in him, according to the said general Instructions, herein-before recited, addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions, herein-before also recited, addressed to the said Matthew Lord Aylmer, so far as the same had not become obsolete or had not been superseded by any Statutes made or enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of the said Province, and so far as the same might not be found to be inapplicable to the then State of Affairs in Our said Province: And whereas We have, by certain other Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster this 7th Day of September 1839, in the Third Year of Our Reign, revoked and determined the said last-recited Letters Patent appointing the said Sir John Colborne Our Captain General and Governor in Chief in and over Our said Province of Upper Canada, and have constituted and appointed you the said Charles Poulett Thomson to be Our Captain General and Governor in Chief in and over Our said Province: And whereas it is expedient that the said general Instructions addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions addressed to the said Matthew Lord Aylmer, should be further revised and amended; but in the present Condition of Our said Province such Revision and Amendment could not be made without Prejudice to Our Service: We do therefore by these Our Instructions under Our Royal Sign Manual and Signet, accompanying Our said recited Letters Patent appointing you Our Captain General and Governor in Chief in and over Our said Province of Upper Canada, command you, that for the present, and until Our further Pleasure herein shall be signified, you do execute your said Commission, and the Trust thereby reposed in you, according to the said general Instructions (herein-before recited) addressed to the said George Earl of Dalhousie, as the same stand amended by the said additional Instructions (herein-before also recited) addressed to the said Matthew Lord Aylmer, so far as the same have not become obsolete or have not been superseded by any Statutes made and enacted by Us or by Our Royal Predecessors, either with the Advice and Consent of Parliament, or with the Advice and Consent of the Legislative Council and Assembly of Our said Province, or so far as the same may not be found to be inapplicable to the present State of Affairs in Our said Province.

V. R.
