

PAPERS

RELATING TO

LOWER CANADA;

viz.

1. Copy of the Instructions given to the EARL of Gosford when appointed GOVERNOR of the Province of CANADA.
2. Copy of any Part of the Commission of the said EARL which has been omitted in the Commission issued to the EARL of DURHAM.
3. Copy of a LETTER from LORD GLENELG to the EARL of DURHAM, dated the 21st of April 1838.

Ordered to be printed 15th August 1838.

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1. COPY of the INSTRUCTIONS given to the EARL of GOSFORD when appointed GOVERNOR of the Province of CANADA.
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3. COPY of a LETTER from LORD GLENELG to the EARL of DURHAM, dated the 21st of April 1838.

No. 1.

COPY of the INSTRUCTIONS given to the EARL of GOSFORD when appointed GOVERNOR of the PROVINCE of CANADA.

WILLIAM R.

INSTRUCTIONS to Our right trusty and right wellbeloved Cousin and Councillor Archibald Earl of Gosford, 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 St. James's this 7th Day of July 1835, in the Sixth Year of Our Reign.

WHEREAS by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date at Westminster the 24th Day of November 1830, in the First Year of Our Reign, We did constitute and appoint Our right trusty and wellbeloved Matthew Lord Aylmer 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: And whereas We did require and command him the said Matthew Lord Aylmer to do and execute all Things in due Manner that shall belong to his said Command and the Trust We had reposed in him, according to the several Powers and Directions granted or appointed him by his said Commission and the Instructions therein referred to, and according to such further Powers, Instructions, and Authorities as should at any future Time be granted to or appointed him under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State: And whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing Date the 2d Day of April 1835, in the Fifth Year of Our Reign, constituting Our right trusty and right wellbeloved Cousin and Councillor William Pitt Earl Amherst to be Captain General and Governor in Chief in and over the aforesaid Provinces of Upper Canada and Lower Canada, We did revoke and determine the said Commission bearing Date the 30th Day of November 1830: And further, whereas by a certain other Commission bearing Date at Westminster the 1st Day of July 1835, in the Sixth Year of our Reign, We did revoke Our said last-mentioned Commission of the 2d Day of April 1835 to the said William Pitt Earl Amherst, and did constitute and appoint you the said Archibald Earl of Gosford to be Our Captain General and Governor in Chief in and over Our said Provinces of Upper Canada and Lower Canada; and did by such last-mentioned Commission

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mission of the 1st Day of July 1835 require you to conform to Our Instructions accompanying the same, and to such further Instructions as should be thereafter addressed to you in the Manner therein mentioned: Now therefore by these Our Instructions We do hereby require and direct that for the present, and until Our further Pleasure herein shall be signified, you do, in the Execution of the Commission so given to you as aforesaid, conform to and abide by the Instructions referred to in the Commission given to the said Matthew Lord Aylmer, under Date the 24th Day of November 1830*, or by such other Instructions as may have been subsequently addressed by Us to the said Matthew Lord Aylmer, or to the Officer for the Time being administering the Government of Our said Province of Lower Canada.

The Right Honourable the
Earl of Gosford.

GEORGE R.

INSTRUCTIONS to Our right trusty and right wellbeloved 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 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 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, authorizing and directing you to take upon you the Administration of the Government of Our Provinces of Upper Canada and Lower Canada, bounded, as in Our said Commission is particularly expressed, in the Execution thereof. Of so much of the Office and Trust We have reposed in you as relates to Our Province of Lower Canada, you are to take upon 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 Authorities 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 to you as you shall at any Time hereafter receive under Our Signet and Sign Manual or by Our Order in Our Privy Council.

Second. 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 sign 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 herein-after mentioned that shall be appointed to hold or exercise any Office or Place of Trust or Profit in Our said Province previous to their entering on the Execution of the Duties of such Office; and you shall also cause them to make and subscribe the aforesaid Declaration. But in Cases where any such Office, Place of Trust or Profit in Our said Province of Lower Canada, shall be conferred 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

* Lord Aylmer was directed to execute his Commission according to the general Instructions under the Royal Sign Manual addressed to the Earl of Dalhousie. Copies of these Instructions are hereunto annexed.

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 administering the Government of Our said Province of Lower 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; vizt. Jonathan Sewell, Esquire, Our Chief Justice, or the Chief Justice of Our said Province for the Time being; Jacob Lord Bishop of Quebec, François Baby, James Monck, Jenkins Williams, John Richardson, James Irwine, and A. Lewis Junckereau Duchesmay, Esquires: And whereas by an Ordinance passed in the Province of Quebec the Governor and Council of the said Province were constituted a Court of Civil Jurisdiction for hearing and determining Appeals 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 Council and Governor of Quebec: In order therefore to carry the said Order 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 Lower 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 yourself and the Executive Council of the said Province, who are to proceed to hear and determine such Appeals 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 shall be interested; and 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 Judgment given by them in the Cause 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 appealed for unto Us do exceed Five hundred Pounds Sterling, and that such Appeal be made within Fourteen Days after Sentence, and good Security 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 taking or demanding 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 unto 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 by the Appellant: You and Our Executive Council are also to admit Appeals unto Us in Our Privy Council in all Cases of Fines so 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 such 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 Exe-

cutive 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 Lower Canada, whom you may esteem the best qualified for fulfilling the Trust of such Executive Council.

Sixth. And in the Choice and Selection of such Persons proposed to fill such Vacancy in Our said Executive Council, as also of the Judges Officers, Judges Assistants, Justices of the Peace, and other Officers of Justice, you are also 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 of the said Province as a standing Rule.

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 it convenient for Our Service to be imparted to them.

Ninth. You are also 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 Our said Executive Council.

Tenth. 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 Our 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 by the first Opportunity, 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 Our 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 Provisoers in 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 in 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 Will and Pleasure thereon, it is Our Will and Pleasure, that you do carefully observe the following Rules, Directions, and Instructions; viz^t, 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 Lower 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 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 and 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 Clause 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 Taxes, Forfeitures, or Penalties, express Mention be made that the same is granted or reserved to Us, Our Heirs and Successors, for the public Use of the said Province, and the Support of the Government thereof, as by the said Law shall be directed; 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 the Commissioners of Our Treasury for the Time being in such Manner and Form as We shall direct.

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

Thirteenth. And 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, together with fair Copies of the Journals and Minutes of the Proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper Officers in that Behalf of the said Legislative Council and Assembly.

Fourteenth. And whereas in the said Act it is provided, that in certain Cases Acts passed by the Legislative Council and Assembly of the Province 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 Act, that in certain Cases Provision may be made by the Acts of the Legislative Council and 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 Royal Pleasure thereon; and you will likewise reserve for such Signification every other Bill which you shall consider to be of an extraordinary or unusual Nature, or requiring Our especial Consideration and Decision thereupon, particularly such as may affect the Property, 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 and 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, for the Reasons and Necessity of passing such Law.

Sixteenth. Whereas it has been thought fit by an Order of Council to disallow certain Laws passed in some of Our Colonies and Plantations in America for conferring the Privileges of Naturalization on Persons being Aliens, and for divorcing Persons who have been legally joined together 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, although such Lands, Tenements, and Real Estates had 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 Province under your Government for the Naturalization of Aliens, and for the Divorce of Persons joined together in holy Marriage, nor for establishing a Title in any Person to Lands, Tenements, and Real Estates in Our said Province originally granted to 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 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 due 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 Lower Canada, and with the Probability of the Increase or Diminution of it under every Head and Article thereof.

Eighteenth. 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 or Plantations in America from being declared to be 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 Bill or Bills of Credit should be created or issued by any Act, Order, or 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 Bill or Bills of Credit, or for prolonging the legal Tender of any such then subsisting and current in any of the said Colonies or Plantations, should be null and void: And whereas by another Act of the 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 a 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 of the Public Treasurers in the said Colonies for the Discharge of any Duties, Taxes, or other Debts whatsoever

whatsoever due to any, payable at, or in the said Public Treasurers 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 Certificates, Notes, or Debentures which may be voluntarily accepted in Payment of the Public Creditor shall be made a legal Tender to the Treasurer for Taxes, Duties, and other Payments to the Public Treasury.

Nineteenth. You shall not remit any Fines or Forfeitures whatsoever above the Sum of Ten Pounds, nor dispose of any Forfeitures 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. 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 Lower Canada, as likewise an Account of all the Expences (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 Our said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs, or other Officers or Ministers within Our said Province of Lower 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 the Welfare of Our Plantations, that Justice be every where 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 their several Duties without Delay or Partiality.

Twenty-fourth. You are to take care that no Courts of Judicature be adjourned but upon good Grounds, as also that no Order 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 Lower 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 Our said Province of Lower 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 therein.

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 of 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 Persons 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.

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 several 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 on any Juries, or personally appearing in Arms in the Militia, except in Cases of absolute Necessity, or serving any parochial Office 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 Lower 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 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 therefore Our Will and Pleasure, that all and every Person and 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 Consideration of the Circumstances of the Person or Persons applying for such Grants, think it advisable to pass the same, you are in such Case to cause a Warrant to be drawn up, directed to the Surveyor General or other Officers, 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 or farthest from the Date thereof, with a Plot or Description of the Lands so surveyed thereunto annexed; and when the Warrant shall be so returned by the 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 Registrar's Office, and a Docket thereof be also entered in Our Auditor's Office; Copies of all which Entries shall be returned regularly by the proper Officer to Our Commissioners 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 Ten Miles in Depth, and subdivided in such Manner as may 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 above-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 Inconveniencies have heretofore arisen in many Parts of the 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 improving such Lands; in order therefore to prevent the like Inconveniencies in future, it is Our Will and Pleasure, that you observe the following Directions 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 to be laid out as aforesaid, which shall contain more than One Acre of Land; that no Park Lot shall be granted to any One Person, being Master or Mistress of a Family, in any Township 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 Two hundred 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 One thousand Acres over and above what may have heretofore been granted to them; and in all Grants of Land 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 Land of such different Quality and comparative Value, as likewise that the Breadth of each Tract of Land to be hereafter granted be One Third of the Length of such Tract, and do not extend along the Banks of any River, but towards the main Land, that thereby the said Grantees may have a convenient Share of what Accommodation the said River may afford for Navigation or otherwise.

Thirty-third. And as a further Encouragement to Our Subjects who shall 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 for the respective Allotments, shall be made out for and delivered to the several Grantees free of any Expense or Fee whatsoever, 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 same Province.

Thirty-fourth. And in order to prevent any Persons disaffected to Us and to Our Government from becoming Settlers in Our said Province of Lower 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 said Province of Lower Canada where there are considerable Growths of Timber fit for the Use of Our Royal Navy is a Matter of the utmost Importance to Our Service; it is Our Will and Pleasure, that no Grants whatsoever be made of Lands within any District or Tract in Our said Province of Lower Canada until Our Surveyor General of Woods 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 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 whatsoever 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 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 to 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 Person applying for Lands in this respect

it is Our Will and Pleasure that in all Grants to be hereafter made for Lands in Our said Province of Lower Canada the following Proviso and Exception 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 aforesaid, and which shall upon a Survey thereof being made be found within any such Reservation, 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 Terms and Conditions upon which such Lands will be granted within Our said Province of Lower Canada in 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 in your Discretion shall think most advisable, of the said Terms and Conditions 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 Conveniences for Trade and Navigation.

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 Land in conformity to the said Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, be entered upon Record for the Information of all Parties whatever that may be concerned therein.

Thirty-eighth. And whereas it hath been represented to Us that many Parts of Our 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 and what Quantity of Lands contained within such Survey fit for the Production of Hemp and Flax.

Thirty-ninth. And whereas it hath been represented to Us that several Parts of Our Province of Lower Canada have been found to abound with Coals; it is Our Will and Pleasure, that in all Grants of Land to be made by you a Clause be inserted reserving to Us, Our Heirs and Successors, all Coals, and also all 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 the considerable Landing Places and Harbours of 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. And whereas it appears from the Representations of Our late Governor of the District of Trois Rivières, that the Iron Works of Saint Maurice in that District are of great Consequence to Our Service; it is therefore Our Will and Pleasure, that no Part of the Lands upon which the said Iron Works are carried on, or from which the Ore used in such Iron Works was procured, or which shall appear to be necessary or convenient for that Establishment, either in respect of a free Passage in the River Saint Lawrence or for producing a necessary Supply of Wood, Corn, and Hay, or for Pasture of Cattle, be granted to any private Person whatever; and also that as large a District of Land as conveniently may be, adjacent to and lying round the said Iron Works, over and above what may be necessary for the above Purposes, be reserved for Our Use, to be disposed of in such Manner as We shall direct and appoint.

Forty-second. Whereas the Establishment of proper Regulations in Matters of Ecclesiastical Concern is an Object of very great Importance; it will be your indispensable Duty to take Care that no Arrangement in regard thereto be made but such as give full Satisfaction to Our new Subjects in every Point in 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

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-third. 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 or Correspondence with any Foreign Ecclesiastical Jurisdiction of any 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 essentially and indispensably 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 Parliament of the Fourteenth Year of the Reign of His late Majesty King George the Third, for making more effectual Provision for the Government of the Province of Quebec; and no Person whatever is to have Holy Orders conferred upon him, or to have the Cure of Souls, without a Licence for that Purpose first had and obtained by you: Thirdly, That no Person professing the Religion of the Church of Rome be allowed to fill any Ecclesiastical Benefice, or to have or 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 Benefice, and who is not appointed thereto by Us, or by or under Our Authority; and that all Right or Claim of Right in any other Person whatsoever to nominate, present, or appoint to any vacant Benefice, other than such as may lay Claim to the Patronage of Benefices as a Civil Right, be absolutely abolished; no Person to hold more than One Benefice, or at least no more than can reasonably be served by one and the same Incumbent: 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 Times as may not interfere with the Religious Worship of the Protestants; and in like Manner Protestant Inhabitants of every Parish, where the Majority of the Parishioners are Roman Catholics, shall notwithstanding have the free Use of the Church for the Exercise of their Religion, 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 Our 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 or Profits of a vacant Benefice shall during such Vanancy be reserved for and applied to such 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 aforesaid 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:" Seventhly, That all Incumbents 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, 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 Royal 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 every such Church or Court where they may at present remain: Eleventhly, That the Society of the Romish Priests called the Seminaries of Québec and Montreal shall continue to possess and occupy their Houses of Residence, and all other Houses and Lands to which they were lawfully entitled on the 13th September 1759; and it shall be lawful for those Societies to fill up Vacancies and admit new Members according to the Rules of their Foundation, and to educate Youth, in order to qualify them for the Service of Parochial Cures as they shall become vacant: It is nevertheless Our Will and Pleasure, that not only those Seminaries but all other Religious Communities, so long as the same shall continue, be subject to Visitation by you, or such other Person or Persons you shall appoint for that Purpose, and also subject to such other Rules and Regulations as you shall, with the Advice and Consent of Our said Executive Council, think fit to establish and appoint. Twelfthly, It is Our Will and Pleasure, that all other Religious Seminaries and Communities (that of the Jesuits only excepted) do for the present, and until We can be more fully informed of the true State of them, and how far they are or are not essential to the free Exercise of the Religion of the Church of Rome as allowed within Our said Province, remain upon their present Establishment; but you are not to allow the Admission of any new Members into the said Societies or Communities (the Religious Communities of Women only excepted) without Our express Orders for that Purpose; that the Society of Jesuits be suppressed and dissolved, and no longer continued as a Body Corporate or Politic, and all their Rights, Possessions, and Property shall be vested in Us for such Purposes as We may hereafter think fit to direct and appoint; but We think fit to declare Our Royal Intention to be, that the present Members of the said Society as established at Quebec shall be allowed sufficient Stipends and Provisions during their natural Lives; that all Missionaries amongst the Indians, whether established under the Authority of or appointed by the Jesuits or by any other Ecclesiastical Authority of the Romish Church, be withdrawn by Degrees, and at such Times and in such Manner as shall be satisfactory to the said Indians, and consistent with the Public Safety, and Protestant Missionaries appointed in their Places; that all Ecclesiastical Persons whatever of the Church of Rome be inhibited, upon the Pain of Deprivation, from influencing any Person in the making of a Will, from inveigling Protestants to become Papists, or from tampering with them in Matters of Religion, and the Romish Priests be forbidden to inveigh in their Sermons against the Religion of the Church of England.

Forty-fourth: It is Our Will and Pleasure to reserve to you the granting the Licences for Marriage, Letters of Administration, and Probates of Wills, as heretofore exercised by you and your Predecessors; and also to reserve to you, and 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 Commissary duly authorized by him.

Forty-fifth. 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 inhabit and frequent the Province of Lower Canada, provided they be contented with a quiet and peaceful Enjoyment of the same, without giving Offence or Scandal to Government.

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

Forty-seventh. You are to be careful that the Churches which are or may be hereafter erected in Our said Province of Lower Canada be well and orderly kept.

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Forty-eighth. You shall recommend to the Legislative Council and General Assembly of the Province of Lower Canada to settle the Order of Parishes in such Manner as shall be most convenient.

Forty-ninth. You are to use your best Endeavours that every 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.

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

Fifty-first. And it is Our further Will and Pleasure, that no Person shall be allowed to keep a School in the Province of Lower Canada without your Licence first had and obtained, in granting which you are to pay the most particular Attention to the Morals and proper Qualifications of the Persons applying for the same; and in all Cases where the School has been founded, instituted, and 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 Purpose.

Fifty-second. And it is Our further Will and Pleasure, that in order to suppress every Species of Vice, Profaneness, and Immorality, you do forthwith cause all Laws already 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 Lower 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 above mentioned to the Justices of the Peace in their Session, or to any of the other 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; and in Cases where the Laws already made are found to be insufficient, and in order to discountenance 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 and Employment, whose notorious ill Life and Conversation may occasion Scandal.

Fifty-third. You are not to present any Protestant Minister to any Ecclesiastical Benesse within Our said Province, by virtue of the said Act passed in the Thirty-first Year of the Reign of Our dearest Father 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 conformable to the Doctrine and Discipline of the Church of England.

Fifty-fourth. And you are to take especial Care that a Table of Marriages established by the Canons of the Church of England be hung up in all Places of Public Worship, according to the Rites of the Church of England.

Fifty-fifth. It is Our Royal Intention, that the Peltry 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 Governors of any of Our said Colonies, under Penalties to observe such Regulations as shall be made by Our Legislative Council of Our said Province of Lower 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 of it will admit, and which may be consistent with fair and just Dealing towards the Native Indians with whom it is carried on; the fixing stated Times and Places for carrying on the Trade, and adjusting Modes and settling the Tariffs of the Prices 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 End proposed.

Fifty-sixth. The Fisheries on the Coast of Labrador and the Islands adjacent thereto are Objects of the greatest Importance, not only on account of the

Commodities they produce, but as Nurseries of Seamen, upon whom the Strength and Security of Our Kingdom depends.

Fifty-seventh. Justice and Equity demand that the real and actual Possession and Property of the Canadian Subjects which existed at the Time of the Cession of the said Province on that Coast should be preserved entire, and that they should not be molested or hindered in the Exercise of any sedentary Fisheries they may have established there.

Fifty-eighth. These Claims, however, extend but to a small District of the Coast, on the greatest Part of which District a Cod Fishery is stated to be impracticable.

Fifty-ninth. On all such Parts of the Coasts where there are no Canadian Possessions, and more especially where a valuable Cod Fishery may be carried on, it will be your Duty to make the Interest of Our British Subjects going out to fish there in Ships fitted out from Great Britain the first Object of your Care, and, as far as Circumstances will admit, to establish on that Coast the Regulations in favour of British Fishing Ships which have been so wisely adapted by the Act of Parliament passed in the Reign of King William the Third for the Encouragement of the Newfoundland Fishery, and by the several Acts passed in the Fifteenth, Twenty-sixth, Twenty-eighth, and Twenty-ninth Years of the Reign of His late Majesty King George the Third for that Purpose; and you are on no account to allow any Possessions to be taken or sedentary Fisheries to be established upon any Parts of the Coast that are not already private Property to any Person whatsoever, except only such as shall produce annually a Certificate of their having fitted out from some Port in Great Britain.

Sixtieth. Whereas it will be for the general Benefit of Our Subjects carrying on the Fishery in the Bay of Chaleur in the Province of Lower Canada that such Part of the Beach and Shore of the said Bay as is ungranted should be reserved to Us, Our Heirs and Successors; it is therefore Our Will and Pleasure, that you do not in future direct any Survey to be made or Grant to be passed for any Part of the ungranted Beach or Shore of the said Bay of Chaleur, except such Parts thereof as by the Orders in Council dated the 29th of June and the 21st of July 1786 were directed to be granted to John Shoolbred of London, Merchant, and to Messrs. Robin, Pison, and Company, of the Island of Jersey, Merchants; but that the same be reserved to Us, Our Heirs and Successors, together with a sufficient Quantity of Woodland adjoining thereto necessary for the Purpose of carrying on the Fishery; the Limits of such Woodland to be reserved to be determined upon and ascertained by you and Our Executive Council of Our said Province of Lower Canada in such Manner as from the most authentic Information shall appear to you and them most convenient and proper for that Purpose: It is nevertheless Our Intention, and We do hereby signify to you Our Will and Pleasure, that the free Use of such Beach or Shore, and of the Woodland to be reserved, shall be allowed by you, or any Person or Persons authorized by you, to such of Our Subjects as shall resort thither for the Purpose of carrying on the Fishery, in such Proportions as the Number of Shallops he or they shall respectively employ shall require; provided that if any Fisherman who shall have Permission to occupy any Part of the said Beach or Shore and Land for the Purpose of the said Fishery shall not during any one Season continue to occupy and employ any Part of the said Beach and Shore and Woodland so allotted to him, you, or any Person authorized by you, as above, may and shall allow the Use of such Part to any other Fisherman who shall apply for the same for the Purpose of carrying on the Fishery: And whereas it may be necessary to establish local Regulations, to prevent Abuses, as well as Disputes and Misunderstanding between the Fishermen resorting to the said Beach or Shore; it is Our Will and Pleasure, that you, by and with the Advice and Consent of Our said Executive Council, do frame such Regulations from Time to Time as to you shall appear necessary to answer those salutary Purposes; and that you transmit the same to Us through one of Our Principal Secretaries of State, for Our Pleasure thereon, and Copies thereof to Our Committee of Our Privy Council for Trade and Foreign Plantations, by the first Opportunity.

Sixty-first. 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

well as of the Population of Our said Province of Lower 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 Coasts, Lakes, or Rivers of the said Province; the State of the Cultivation, particularly specifying the Quantity of Grain, Hemp, and Flax produced, and of any other important Branch of Trade which may in your Opinion be advantageously undertaken and carried on by Our Subjects; the Number of Our Inhabitants, distinguishing them under different Heads of Men, Women, and Children, inserting in such Account 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 or Rivers in or contiguous to the Province of Lower Canada, and the Number and Tonnage of the Shipping entering Inwards and clearing Outwards from the Ports of Our Province of Lower Canada; together with any other Information on these or any other Points of the like Nature which may be proper to communicate to Us.

Sixty-second. And whereas for some Years past the Governors of some of Our Plantations have seized and appropriated to their own Use the Produce of Whales of several Kinds taken upon these Coasts, upon Pretence that Whales are Royal Fishes, which tends greatly to discourage that Branch of Fishery in Our Plantations, and to prevent Persons from settling there; it is therefore Our Will and Pleasure, that you do not pretend to any Claim nor give any Manner of Discouragement to the Fishery of Our Subjects upon the Coasts of the Province under your Government, but, on the contrary, that you give all possible Encouragement thereto.

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

Sixty-fourth. And whereas We are desirous that Our Subjects in the Plantation should have the same Ease in obtaining the Condemnation of Prizes there as in this Kingdom; you are to signify Our Will and Pleasure to the Officers of Our Admiralty Court in Lower Canada, that they do not presume to demand or exact other Fees than what are taken in this Kingdom, which amount to about Ten Pounds for the Condemnation of each Prize according to the List of such Fees.

Sixty-fifth. And there having been great Irregularities in the Manner of granting Commissions in the Plantations to Private Ships of War; you are to govern yourself, whenever there shall be Occasion, according to the Commissions and Instructions granted in this Kingdom, but are not to grant Commissions of Marque or Reprisal against any Prince or State in Unity with Us to any Person whatsoever, without Our especial Commands.

Sixty-sixth. Whereas Commissions have been granted in Our Colonies and Plantations for trying Pirates in those Parts, pursuant to the several Acts for the more effectual Suppression of Piracy; and a Commission will be prepared, empowering you, as Our Captain General and Governor in Chief of Our Province of Lower Canada, with others therein mentioned, to proceed accordingly in reference to the said Province; Our Will and Pleasure is, that in all Matters relating to Pirates you govern yourself according to the Intent and Meaning of the said Acts.

Sixty-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 Defence and Security of the same; you are from Time to Time to transmit an Account thereof with relation to Our said Province of Lower 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 Province,

either in any Public Magazines or in the Hands of private Persons, together with the 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 thereof 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 now 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 Occasion thereof, and other like Accounts half-yearly in the same Manner.

Sixty-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.

Sixty-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 wherein the Consent of Our Executive Council shall be had, and speedy Notice given thereof to Us, through one of Our Principal Secretaries of State.

Seventieth. You shall as often as you shall judge it expedient visit the other Parts of your Government, in order to inspect the Management of all Public Affairs, and thereby the better to take care that the Government be so administered that no disorderly Practice may grow up contrary to the Welfare of Our Government.

Seventy-first. And whereas We have made sufficient Provision for the Support of Our Lieutenant Governor of Our said Province of Lower Canada for the Time being; it is Our Will and Pleasure, that when it shall appear that you shall be absent from Our said Province, that no Part of the Salary or any Perquisites or Emoluments which are due unto you shall during the Time of your Absence be claimed by or paid and satisfied to such Lieutenant Governor: And it is Our further Will and Pleasure, that if Our Lieutenant Governor of Our said Province of Lower Canada should happen to die during your Absence, and the Administration of the Government thereby or otherwise devolve on the President or eldest Member of Our Executive Council, or on such other Executive Councillor as by virtue of Our Commission on that Behalf shall be appointed by you under the Great Seal of Our Province to the Administration of the Government thereof, such President or Councillor shall during his continuing in the said Command receive the Salary or Allowance hereby provided for Our Lieutenant Governor, and no other Allowance, Perquisite, or Emolument whatever.

Seventy-second. And whereas great Prejudice may happen to Our Service and the Security of Our said Province by the Absence of you Our Governor in Chief or 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 Sign Manual and Signet, or by Our Order in Council.

Seventy-third. 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 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 Lower 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 administering the Government shall forbear to pass any Acts but what are immediately necessary for the Welfare of the said Province, without Our particular Order 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.

Seventy-fourth. And whereas by Our different Commissions We have appointed you to be Our Governor and Commander in Chief of 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 the said Provinces of Upper Canada and Nova Scotia, New Brunswick, and the Island of Prince Edward should have and enjoy the full Salaries, Perquisites, and Emoluments granted to them, and arising from the respective Governments, in as full and ample a Manner as if the said Governments 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 resident and commanding in chief in either of Our said Provinces of Upper Canada, Nova Scotia, and 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 the said Provinces and Island respectively in like Manner as they usually are during your Absence therefrom.

Seventy-fifth. 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.

No. 2.

COPY of that Part of the COMMISSION of the EARL of GOSFORD which has been omitted in the Commission issued to the Earl of Durham.

“ And We do by these Presents authorize and empower you the said Archibald Earl of Gosford, with the Advice of the Executive Councils appointed by Us for the Affairs of Our said Provinces of Upper Canada and Lower Canada respectively, from Time to Time to form, constitute, and erect Townships or Parishes within Our said Provinces, and also to constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within Our said Provinces One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Seal of Our said Provinces respectively, to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as by the last-recited Act in that Behalf is mentioned in respect of any Lands within such Township or Parish which shall have been granted subsequent to the Commencement of the same Act, or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instructions which may be given by Us in respect of any Lands granted

before the Commencement of the last-mentioned Act, as you, with the Advice of Our said Executive Council of such Province, shall judge to be expedient, under the existing Circumstances of such Township or Parish; subject nevertheless to such Instructions touching the Premises as shall or may be given you by Us under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State."

(Commission dated 1st July 1835.)

No. 3.

COPY of a DESPATCH from LORD GLENELG to the EARL of DURHAM, dated 21st April 1838.

My Lord,

Downing Street, 21st April 1838.

I have the Honour herewith to transmit to your Lordship the Instructions under Her Majesty's Signet and Sign Manual accompanying your Lordship's Commission as Governor of Lower and Upper Canada; you will perceive that they recognize certain Instructions addressed to the late Earl of Dalhousie, which appear to have been transcribed with little Variation from the Conquest of the Province of Quebec till Lord Dalhousie's Appointment, and to have been referred to during the whole of that Period as the Rule for the Guidance of all subsequent Governors. Those Instructions, however, have in many respects become obsolete and inapplicable to the present Condition of the Canadian Provinces, and in some respects are at variance with the Law; in referring your Lordship to them Her Majesty has consequently instructed you to observe them only so far as they are exempt from Objections of this Nature.

The more obvious and as it would seem the more convenient Course being that of a complete Revision of the Instructions, in order to adapt them to the existing Law and Condition of the Canadas, I should have thought it my Duty to complete such a Revision before your Lordship's Assumption of the Government, had it not appeared that no such Change could be made at the present Moment without prejudging some of the more important Questions which await your Lordship's Investigation, and the future Decision of the Queen and of Parliament. It appeared to me, therefore, in the Choice of Difficulties, that the least inconvenient Course would be that of adhering to the Practice observed ever since Lord Dalhousie's Appointment, by referring you to the standing Instructions under which he acted, so far as the Law or the actual State of the Canadas may admit of the Observance and Execution of them. Your Lordship will find that this Qualification will in many respects prevent your adopting those standing Instructions as the Guide of your official Conduct. I would especially notice Three Topics to which this Remark applies: First, the old standing Instructions are at variance with the Rules which have been followed for the last Six Years respecting the Alienation of the unsettled Lands of the Crown; those Rules as laid down by the Earl of Ripon must be considered as in full Force: Secondly, the old standing Instructions suppose the Existence of the Constitution of 1791, and therefore are to that Extent inapplicable to the present State of the Law in the Lower Province; Thirdly, the old standing Instructions having been framed before the passing of the Law for the Relief of the Roman Catholics from the Disabilities under which they formerly laboured in this Country are in many Particulars conceived in a Spirit opposed to the Principles of Religious Toleration as now understood and practised.

It is almost superfluous to observe that to this Extent they must be regarded as obsolete.

Subject to these and to some less considerable Exceptions of the same Kind, the old standing Instructions will be found by your Lordship to be a valuable Guide upon various Topics of general and permanent Policy, to which your Attention will be called in the Administration of the Government of the Canadian Provinces.

The Earl of Durham, G.C.B.
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

PAPERS

RELATING TO

POWER CANADA;

viz.

1. Copy of the INSTRUCTIONS given to the EARL of Gosford when appointed GOVERNOR of the Province of CANADA.
2. Copy of any Part of the COMMISSION of the said EARL which has been omitted in the Commission issued to the EARL of DUNHAM.
3. Copy of a LETTER from LORD GRENVILLE to the EARL of DUNHAM, dated the 21st of April 1838.

Ordered to be printed 15th August 1838.

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