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ANNO REGNI
GEORGII III.
REGIS

Magnæ Britanniae, Franciæ, & Hiberniæ,
TRICESIMO PRIMO.

At the Parliament begun and holden at *Westminster*, the
Twenty-fifth Day of *November Anno Domini 1790*,
in the Thirty-first Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of God, of
Great-Britain, France, and Ireland, King, Defender of
the Faith, &c.

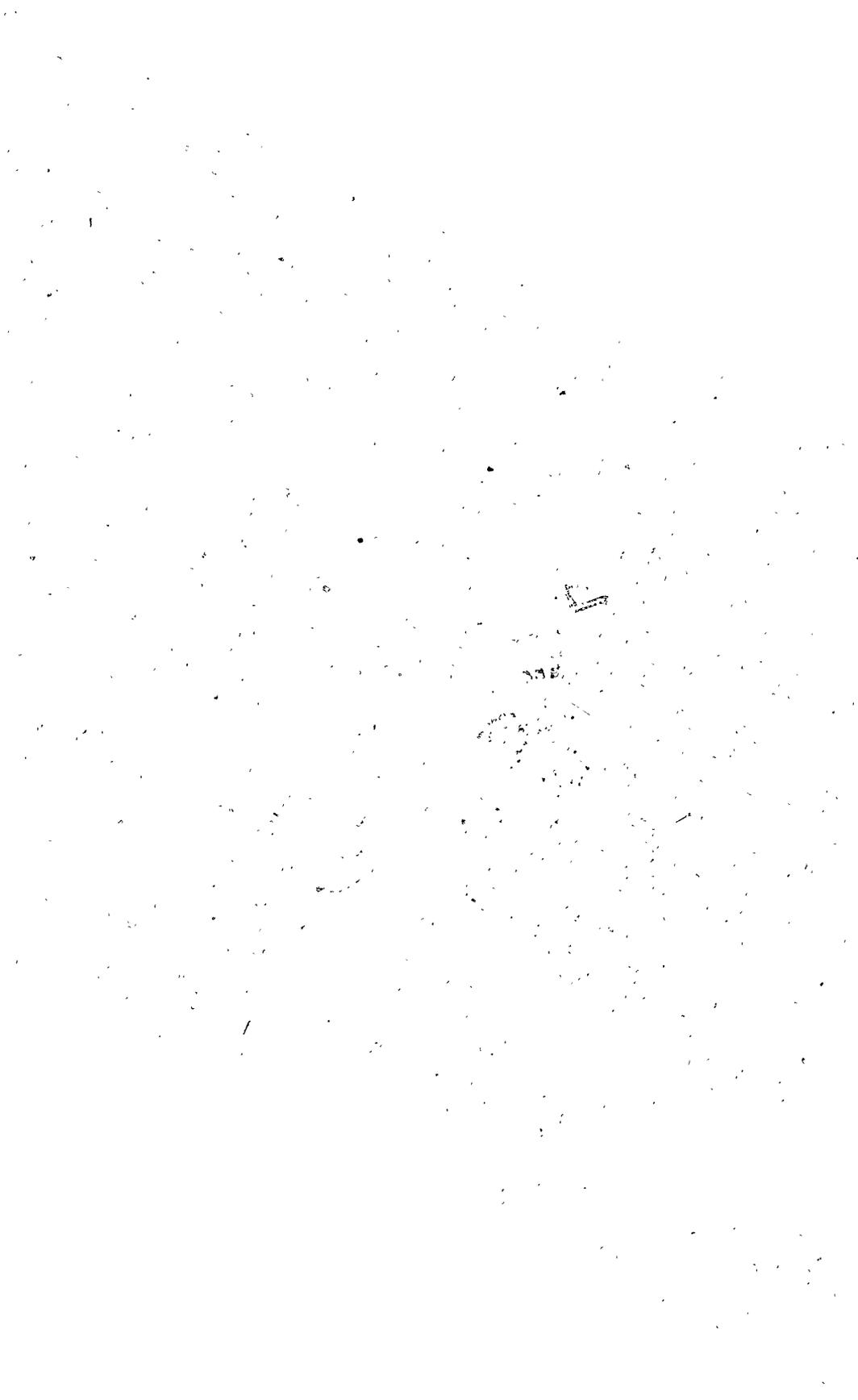
Being the first Session of the Seventeenth Parliament of Great-Britain.

NUMBER II.



Q U E B E C :

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ANNO TRICESIMO PRIMO

Georgii III. Regis.

C A P. XXXI.

An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's reign, intituled, An Act for making more effectual provision for the Government of the Province of QUEBEC, in North America; and to make further provision for the government of the said province.



WHEREAS an Act has passed Preamble.

in the fourteenth year of the reign of his present Majesty, intituled, 14 Geo. III, cap. 83, recited.

an Act for making more effectual provision for the Government of the Province of QUEBEC in NORTH AMERICA: and whereas the said Act is in many respects inapplicable to the present condition and circumstances of the said province: and whereas it is expedient and necessary that further provision should now be made for the good government and prosperity thereof: may it therefore please your most excellent Majesty that it may

be

So much of re-
cited Act as
relates to the
Appointment of
a Council for
Quebec, or its
powers, repealed.

be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of the said act as in any manner relates to the appointment of a council for the affairs of the said province of *Quebec*, or to the power given by the said act to the said council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said province, with the consent of his Majesty's Governor, Lieutenant Governor, or Commander in Chief for the time being, shall be, and the same is hereby repealed.

II. And whereas his Majesty has been pleased to signify by his message to both Houses of Parliament, his royal intention to divide his province of *Quebec* into two separate provinces, to be called *the province of Upper Canada*, and *the province of Lower Canada*;

Within each of
the intended
Provinces a Le-
gislative Council
and Assembly to
be constituted,
by whose advice
his Majesty may
make Laws for
the Government
of the Province.

be it enacted by the authority aforesaid, that there shall be within each of the said provinces respectively a legislative council, and an assembly to be severally composed and constituted in the manner herein-after described; and that in each of the said provinces respectively his Majesty, his heirs or successors, shall have power, during the continuance of this act by and with the advice and consent of the legislative council and assembly of such provinces respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this act, and that all such laws, being passed by the legislative council and assembly of either of the said provinces respectively, and assented to by his Majesty, his heirs or successors, or assented to in his Majesty's name, by such person as his Majesty, his heirs or successors, shall from time to time appoint to be the Governor, or Lieutenant Governor of such province, or by such person as his Majesty his heirs or successors, shall from time to time appoint to administer the government within the same, shall be, and the same are hereby declared to be, by virtue of and under the authority of this act, valid and binding to all intents

intents and purposes whatever, within the Province in which the same shall have been so passed.

III. And be it further enacted by the authority aforesaid, that for the purpose of constituting such legislative council as aforesaid in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorise and direct the Governor or Lieutenant Governor, or person administering the government in each of the said provinces respectively, within the time herein-after mentioned, in his Majesty's name, and by an instrument under the great seal of such province, to summon to the said legislative council to be established in each of the said provinces respectively, a sufficient number of discreet and proper persons, being not fewer than seven to the legislative council for the province of *Upper Canada*, and not fewer than fifteen to the legislative council, for the province of *Lower Canada*; and that it shall also be lawful for his Majesty, his heirs or successors from time to time, by an instrument under his or their sign manual, to authorise and direct the Governor or Lieutenant Governor, or person administering the government in each of the said provinces respectively, to summon to the legislative council of such province, in like manner, such other person or persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the legislative council of either of the said provinces respectively, shall thereby become a member of such legislative council to which he shall have been so summoned.

His Majesty may authorize the Governor, or Lieutenant Governor, of each province to summon members to the legislative council.

IV. Provided always, and be it enacted by the authority aforesaid, that no person shall be summoned to the said legislative council, in either of the said provinces, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the *British* parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of *Canada*.

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

Members to hold
their seats for
life.

V. And be it further enacted by the authority aforesaid, that every member of each of the said legislative councils shall hold his seat therein for the term of his life, but subject nevertheless to the provisions hereinafter contained for vacating the same, in the cases hereinafter specified.

His Majesty
may annex to
hereditary titles
of honor, the
right of being
summoned to
the legislative
council.

VI. And be it further enacted by the authority aforesaid, that whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the crown of *Great Britain*, by letters patent under the great seal of either of the said provinces, any hereditary title of honor, rank, or dignity of such province descendible according to any course of descent limited in such letters patent, it shall and may be lawful for his Majesty, his heirs or successors to annex thereto, by the said letters patent, if his Majesty, his heirs or successors, shall so think fit, an hereditary right of being summoned to the legislative council of such province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or person administering the government of such province his writ of summons to such legislative council, at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provisions hereinafter contained.

Such descendible
right forfeited,
and

VII. Provided always, and be it further enacted by the authority aforesaid, that when and so often as any person to whom such hereditary right shall have descended, shall without the permission of his Majesty, his heirs or successors, signified to the legislative council of the province by the Governor, Lieutenant Governor, or person administering the government there, have been absent from the said province for the space of four years continually, at any time between the date of his succeeding to such right and the time of his applying for such writ of summons, if he shall have been of the
age

age of twenty-one years or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when and so often as any such person shall at any time, before his applying for such writ of summons have taken any oath of allegiance or obedience to any foreign Prince or power, in every such case such person shall not be entitled to receive any writ of summons to the legislative council by virtue of such hereditary right, unless his Majesty, his heirs or successors, shall at any time think fit, by instrument under his or their sign manuel, to direct that such person shall be summoned to the said council; and the Governor, Lieutenant Governor, or person administering the government in the said provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath touching the said several particulars, before such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof.

VIII. Provided also, and be it further enacted by the authority aforesaid; that if any member of the legislative councils of either of the said provinces respectively shall leave such province, and shall reside out of the same for the space of four years continually, without the permission of his Majesty, his heirs or successors, signified to such legislative council by the Governor or Lieutenant Governor, or person administering his Majesty's government there, or for the space of two years continually, without the like permission, or the permission of the Governor, Lieutenant Governor, or person administering the government of such province, signified to such legislative council in the manner aforesaid; or if any such member shall take any oath of allegiance or obedience to any foreign Prince or power;

*Seats in Council
vacated in cer-
tain cases.*

power; his seat in such council shall thereby become vacant.

Hereditary rights and seats so forfeited or vacated to remain suspended during the lives of the parties, but on their deaths to go to the persons next entitled thereto.

IX. Provided also, and be it further enacted by the authority aforesaid, that in every case where a writ of summons to such legislative council shall have been lawfully withheld from any person to whom such hereditary right as aforesaid shall have descended, by reason of such absence from the province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign Prince or power, and also in every case where the seat in such council of any member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes herein before specified, such hereditary right shall remain suspended during the life of such person, unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such council; but that on the death of such person such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the letters patent by which the same shall have been originally conferred.

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

X. Provided also, and be it further enacted by the authority aforesaid, that if any member of either of the said legislative councils, shall be attainted for treason in any court of law within any of his Majesty's dominions, his seat in such council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other persons through him, shall be utterly forfeited and extinguished.

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

XI. Provided also, and be it further enacted by the authority aforesaid, that whenever any question shall arise respecting the right of any person to be summoned to either of the said legislative councils respectively, or respecting the vacancy of the seat in such legislative council of any person having been summoned thereto, every such question shall, by the Governor or Lieutenant Governor of the province, or by the person administering

nistering the government there, be referred to such legislative council, to be by the said council heard and determined; and that it shall and may be lawful either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's Attorney General of such province in his Majesty's name, to appeal from the determination of the said council, in such case to his Majesty in his Parliament of *Great Britain*; and that the judgment thereon of his Majesty in his said Parliament shall be final and conclusive to all intents and purposes whatever.

XII. And be it further enacted by the authority aforesaid, that the Governor or Lieutenant Governor of the said provinces respectively, or the person administering his Majesty's government therein respectively, shall have power and authority from time to time by an instrument under the great seal of such province, to constitute, appoint, and remove the speakers of the legislative councils of such provinces respectively.

The Governor of the province may appoint and remove the speaker.

XIII. And be it further enacted by the authority aforesaid, that for the purpose of constituting such assembly as aforesaid in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the Governor, or Lieutenant Governor, or person administering the government in each of the said provinces respectively, within the time herein-after mentioned, and thereafter from time to time, as occasion shall require, in his Majesty's name and by an instrument under the great seal of such province, to summon and call together an assembly in and for such province.

His Majesty may authorize the Governor to call together the assembly.

XIV. And be it further enacted by the authority aforesaid, that for the purpose of electing the members of such assemblies respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize the Governor or Lieutenant Governor of each of the said provinces respectively, or the person administering the

and for the purpose of electing the members to issue a proclamation dividing the province into districts, &c.

govern-

government therein, within the time herein-after mentioned; to issue a proclamation dividing such province into districts, or counties, or circles, and towns or townships, and appointing the limits thereof, and declaring, and appointing the number of representatives to be chosen by each of such districts, or counties, or circles, and towns or townships respectively; and that it shall also be lawful for his Majesty, his heirs or successors, to authorize such Governor or Lieutenant Governor, or person administering the government from time to time to nominate and appoint proper persons to execute the office of returning officer in each of the said districts, or counties, or circles, and towns or townships respectively; and that such division of the said provinces into districts, or counties, or circles, and towns or townships, and such declaration and appointment of the number of representatives to be chosen by each of the said districts, or counties, or circles, and towns or townships respectively, and also such nomination and appointment of returning officers in the same, shall be valid and effectual to all the purposes of this act, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

Power of the Governor to appoint returning officers to continue two years from the commencement of this act.

XV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the provision hereinbefore contained, for empowering the Governor, Lieutenant Governor, or person administering the government of the said Provinces respectively, under such authority as aforesaid, from his Majesty, his heirs or successors, from time to time, to nominate and appoint proper persons to execute the office of returning officer in the said districts, counties, circles, and towns, or townships, shall remain and continue, in force in each of the said provinces respectively, for the term of two years from and after the commencement of this act, within such province and no longer; but subject nevertheless to be sooner repealed or varied by any act of the legislative.

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tive council and assembly of the province, assented to by his Majesty, his heirs or successors.

XVI. Provided always, and be it further enacted by the authority aforesaid, that no person shall be obliged to execute the said office of returning officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

No person obliged to serve as returning officer more than once unless otherwise provided by an act of the province.

XVII. Provided also, and be it enacted by the authority aforesaid, that the whole number of members to be chosen in the province of *Upper Canada* shall not be less than sixteen, and that the whole number of members to be chosen in the province of *Lower Canada* shall not be less than fifty.

Number of members in each province.

XVIII. And be it further enacted by the authority aforesaid, that writs for the election of members to serve in the said assemblies respectively shall be issued by the Governor, Lieutenant Governor, or person administering his Majesty's government within the said provinces respectively, within fourteen days after the sealing of such instrument as aforesaid for summoning and calling together such assembly, and that such writs shall be directed to the respective returning officers of the said districts, or counties, or circles, and towns or townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors: and that writs shall in like manner and form be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the legislative council of either province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors;

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successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new member shall be issued within six days after the same shall be made known to the proper office for issuing such writs of election.

Returning officers to execute writs.

XIX. And be it further enacted by the authority aforesaid, that all and every the returning officers so appointed as aforesaid, to whom any such writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such writs.

By whom the members are to be chosen.

XX. And be it further enacted by the authority aforesaid, that the members for the several districts, or counties, or circles of the said provinces respectively, shall be chosen by the majority of votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such district, or county, or circle, as the case shall be, such lands being by them held in freehold, or in fief, or in roture, or by certificate derived under the authority of the Governor and council of the province of *Quebec*, and being of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of or in respect of the same; and that the members for the several towns or townships within the said provinces respectively shall be chosen by the majority of votes of such persons as either shall severally be possessed, for their own use and benefit of a dwelling house and lot of ground in such town or township, such dwelling house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling or upwards, or as having been resident within the said town or township for the space of twelve calendar months next before the date of the writ of summons for the election, shall *bona fide* have paid one year's rent for the dwelling house in which they shall have so resided at the rate of ten pounds sterling *per annum*, or upwards.

Certain persons not eligible to the assemblies.

XXI. Provided always, and be it further enacted by the authority aforesaid, that no person shall be capable
of

of being elected a member to serve in either of the said assemblies, or of sitting or voting therein, who shall be a member of either of the said legislative councils to be established as aforesaid in the two said provinces, or who shall be a minister of the Church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the Church of Rome, or under any other form or profession, of religious faith or worship.

XXII. Provided also, and be it further enacted by the authority aforesaid, that no person shall be capable of voting at any election of a member to serve in such assembly, in either of the said provinces, or of being elected at any such election, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the *British* parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of *Canada*.

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

XXIII. And be it also enacted by the authority aforesaid, that no person shall be capable of voting at any election of a member to serve in such assembly, in either of the said provinces, or of being elected at any such election, who shall have been attainted for treason or felony in any court of law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

nor any person attainted for treason or felony.

XXIV. Provided also, and be it further enacted by the authority aforesaid, that every voter before he is admitted to give his vote at any such election, shall, if required by any of the candidates, or by the returning officer, take the following oath, which shall be administered in the *English* or *French* language, as the case may require :

Voters if required to take the following

I A. B. do declare and testify, in the presence of Almighty God, that I am, to the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this election.

Oath.

and to make oath to the particulars herein specified.

And that every such person shall also, if so required as aforesaid, make oath previous to his being admitted to vote, that he is to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has *bona fide* been so resident; and paid such rent for his dwelling house, as entitles him according to the provisions of this act, to give his vote at such election for the county, or district, or circle, or for the town or township for which he shall offer the same.

His Majesty may authorize the Governor to fix the time and place of holding elections,

XXV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor, or person administering the government within each of the said provinces respectively to fix the time and place of holding such elections giving not less than eight days notice of such time, subject nevertheless to such provisions as may hereafter be made in these respects by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

and of holding the sessions of council and assembly, &c.

XXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said provinces respectively, or the person administering the government therein, to fix the places and times of holding the first and every other session of the legislative council and assembly of such province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by proclamation or otherwise, whenever he shall judge it necessary or expedient.

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

XXVII. Provided always, and be it enacted by the authority aforesaid, that the said legislative council and assembly, in each of the said provinces, shall be called together once at least in every twelve calendar months, and that every assembly, shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued

prorogued or dissolved by the Governor or Lieutenant Governor of the province, or person administering his Majesty's government therein.

XXVIII. And be it further enacted by the authority aforesaid, that all questions which shall arise in the said legislative councils or assemblies respectively shall be decided by the majority of voices of such members as shall be present; and that in all cases where the voices shall be equal, the speaker of such council or assembly as the case shall be, shall have a casting voice.

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

XXIX. Provided always, and be it enacted by the authority aforesaid, that no member either of the legislative council or assembly, in either of the said provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following oath, either before the Governor or Lieutenant Governor of such province, or person administering the government therein, or before some person or persons authorized by the said Governor or Lieutenant Governor, or other person as aforesaid, to administer such oath, and that the same shall be administered in the *English* or *French* language, as the case shall require:

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

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty, King George, as lawful Sovereign of the Kingdom of Great Britain, and of these provinces dependant on and belonging to the said Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against his person, crown, and dignity; and that I will do my utmost endeavour to disclose, and make known to his Majesty, his heirs or successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them: and all this I do swear without any equivocation, mental evasion, or secret reservation and renouncing all pardons and dispensations from any person or power whatever to the contrary.

Oath.

So help me GOD.

XXX. And

Governor may give or withhold his Majesty's assent to bills passed by the legislative council and assembly, or reserve them for his Majesty's pleasure.

XXX. And be it further enacted by the authority aforesaid, that whenever any bill which has been passed by the legislative council, and by the house of assembly in either of the said provinces respectively, shall be presented for his Majesty's assent, to the Governor or Lieutenant Governor, of such province, or to the person administering his Majesty's government therein, such Governor or Lieutenant Governor, or person administering the government, shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this act, and to such instructions as may from time to time be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

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

XXXI. Provided always, and be it further enacted by the authority aforesaid, that whenever any bill which shall have been so presented for his Majesty's assent to such Governor, Lieutenant Governor or person administering the Government, shall, by such Governor, Lieutenant Governor, or person administering the government, have been assented to in his Majesty's name, such Governor, Lieutenant Governor, or person as aforesaid, shall, and he is hereby required, by the first convenient opportunity, to transmit to one of his Majesty's principal Secretaries of State an authentic copy of such bill so assented to; and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such Secretary of State, for his Majesty, his heirs or successors, by his or their order in council, to declare, his or their disallowance of such bill, and that such disallowance, together with a certificate under the hand and seal of such Secretary of State, testifying the day on which such bill was received as aforesaid, being signified by such Governor, Lieutenant Governor, or person administering the government, to the legislative council and assembly of such province, or by proclamation, shall make void and annul

annul the same, from and after the date of such signification.

XXXII. And be it further enacted by the authority aforesaid, that no such bill which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said provinces respectively, until the Governor or Lieutenant Governor, or person administering the government shall signify, either by speech or message, to the legislative council and assembly of such province, or by proclamation; that such bill has been laid before his Majesty in council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made in the journals of the said legislative council, of every such speech, message, or proclamation; and a duplicate thereof duly attested, shall be delivered to the proper officer, to be kept amongst the public records of the province: and that no such bill, which shall be so reserved as aforesaid, shall have any force or authority within either of the said provinces respectively, unless his Majesty's assent thereto, shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the Governor, Lieutenant Governor, or person administering the government of such province.

Bills reserved for his Majesty's pleasure not to have any force till his Majesty's assent to be communicated to the council and assembly, &c.

XXXIII. And be it further enacted by the authority aforesaid, that all laws, statutes, and ordinances, which shall be in force on the day to be fixed in the manner herein-after directed for the commencement of this act, within the said provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority and effect, in each of the said provinces respectively, as if this act had not been made, and as if the said province of *Quebec* had not been divided; except in so far as the same are expressly repealed or varied by this act, or in so far as the same shall or may hereafter, by virtue of and under the authority of this act, be repealed or varied by his Majesty, his heirs or successors, by and with the

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

advice

advice and consent of the legislative councils and assemblies of the said provinces respectively, or in so far as the same may be repealed or varied by such temporary laws or ordinances as may be made in the manner herein-after specified.

Establishment of
a court of civil
jurisdiction in
each province.

XXXIV. And whereas an ordinance passed in the province of *Quebec*, the Governor and council of the said province were constituted a court of civil jurisdiction, for hearing and determining appeals in certain cases therein specified, be it further enacted by the authority aforesaid, that the Governor, or Lieutenant Governor, or person administering the government of each of the said provinces respectively, together with such executive council as shall be appointed by his Majesty for the affairs of such province shall be a court of civil jurisdiction within each of the said provinces respectively, for hearing and determining appeals within the same, in the like cases and in the like manner and form, and subject to such appeal therefrom, as such appeals might before the passing of this act have been heard and determined by the Governor and council of the province of *Quebec*; but subject nevertheless to such further or other provisions as may be made in this behalf, by any act of the legislative council and assembly of either of the said provinces respectively, assented to by his Majesty, his heirs or successors.

74 Geo. III.
cap. 83, and

XXXV. And whereas, by the abovementioned act, passed in the fourteenth year of the reign of his present Majesty, it was declared, that the clergy of the Church of *Rome*, in the province of *Quebec*, might hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they should from time to time think necessary and expedient: and whereas by his Majesty's royal instructions,

Instructions, given under his Majesty's royal sign ma-
 nuel on the third day of January, in the year of our
 Lord one thousand seven hundred and seventy five, to
Guy Carleton Esquire, now Lord *Dorchester*, at that
 time his Majesty's Captain General and Governor in
 Chief in and over his Majesty's province of *Quebec*, his
 Majesty was pleased amongst other things, to direct,
 " that no incumbent professing the religion of the
 " Church of *Rome*, appointed to any parish in the said
 " province, should be entitled to receive any tythes
 " for lands or possessions occupied by a Protestant, but
 " that such tythes should be received by such persons
 " as the said *Guy Carleton* Esquire, his Majesty's Cap-
 " tain General and Governor in Chief in and over his
 " Majesty's said province of *Quebec*, should appoint,
 " and should be reserved in the hands of his Majesty's
 " Receiver General of the said province, for the sup-
 " port of a Protestant Clergy in his Majesty's said
 " province, to be actually resident within the same,
 " and not otherwise, according to such directions as
 " the said *Guy Carleton* Esquire, his Majesty's Cap-
 " tain General and Governor in Chief in and over
 " his Majesty's said province should receive from his
 " Majesty in that behalf; and that in like manner
 " all growing rents and profits of a vacant benefice
 " should during such vacancy, be reserved for, and
 " applied to the like uses:" and whereas his Majesty's
 pleasure has likewise been signified to the same ef-
 fect in his Majesty's royal instructions, given in like
 manner to Sir *Frederick Haldimand* Knight of the most
 honourable order of the Bath, late his Majesty's Captain
 General and Governor in Chief in and over his Majesty's
 said province of *Quebec*; and also in his Majesty's
 royal instructions, given in like manner to the said Right
 Honourable *Guy* Lord *Dorchester*, now his Majesty's
 Captain General and Governor in Chief in and over his
 Majesty's said province of *Quebec*; be it enacted by
 the authority aforesaid, that the said declaration and pro-
 vision contained in the said above-mentioned act, and
 also the said provision so made by his Majesty in con-
 sequence

Instructions of
 Jan. 3, 1775,
 to Sir *Guy*
Carleton, &c.
 and

Instructions
 Sir *Frederick*
Haldimand and
 to Lord *Dorches-*
ter, recited;

and the declara-
 tion and provis-
 ions therein re-
 specting the
 Clergy of church
 of *Rome* to con-
 tinue in force.

sequence thereof, by his instructions above recited shall remain and continue to be of full force and effect in each of the said two provinces of *Upper Canada* and *Lower Canada* respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restrictions herein-after provided.

His Majesty's
message to Par-
liament recited.

XXXVI. And whereas his Majesty has been graciously pleased, by message to both houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a Protestant Clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty; and whereas his Majesty has been graciously pleased, by his said message, further to signify his royal desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant Clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof, therefore for the purpose of more effectually fulfilling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorise the Governor, or Lieutenant Governor of each of the said provinces respectively, or the person administering the government therein, to make from and out of the lands of the crown within such provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: and that whenever any grant of lands within either of the said provinces

His Majesty may
authorise the
Governor to
make allotments
of lands for the
support of a Pro-
testant Clergy in
each province:

provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

XXXVII. And be it further enacted by the authority aforesaid, that all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy within the province in which the same shall be situated, and to no other use or purpose whatever.

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

XXXVIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful, for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said provinces respectively, or the person administering the government therein, from time to time with the advice of such executive council as shall have been appointed by his Majesty his heirs or successors, within such province, for the affairs thereof, to constitute and erect within every township or parish which now is or hereafter may be formed, constituted, or erected within such province, one or more parsonage or rectory, or parsonages or rectories according to the establishment of the Church of *England*; and from time to time, by an instrument under the great seal of such province, to endow every

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

such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this act, or of such lands as may have been allotted and appropriated for the same purpose by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this act, as such Governor, Lieutenant Governor, or person administering the government, shall, with the advice of the said executive council, judge to be expedient under the then existing circumstances of such township or parish.

and the Govern-
or to present In-
cumbents to
them, who are
to enjoy the
same, as Incum-
bents in *En-
gland.*

XXXIX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successor, to authorize the Governor, Lieutenant Governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the Church of *England*, who shall have been duly ordained according to the rites of the said church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in *England*.

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

XL. Provided always, and be it further enacted by the authority aforesaid, that every such presentation of an incumbent or minister, to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority which have been lawfully granted, by his Majesty's royal letters patent to the Bishop of *Nova Scotia*, or which may hereafter, by his Majesty's royal authority, be lawfully

fully granted or appointed to be administered and executed within the said provinces, or either of them respectively by the said Bishop of *New Scotia*, or by any other person or persons, according to the laws and canons of the Church of *England*, which are lawfully made and received in *England*.

XLI. Provided always, and be it further enacted by the authority aforesaid, that the several provisions herein-before contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction herein after provided.

Provisions respecting the allotment of lands for the support of a Protestant Clergy, &c. may be varied or repealed by the legislative council and assembly.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, that whenever any act or acts shall be passed by the legislative council and assembly of either of the said provinces containing any provisions to vary or repeal the above recited declaration and provision contained in the said act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in his Majesty's royal instructions, given on the third day of *January*, in the year of our Lord, one thousand seven hundred and seventy five, to the said *Gay Carleton Esquire*, now *Lord Dorchester*; or to vary or repeal the provisions herein-before contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions herein-before contained respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said provinces, or respecting the constituting, erecting, or endowing parsonages

Acts of the legislative council and assembly, containing provisions to the effect herein mentioned to be laid before parliament, previous to receiving his Majesty's assent, &c.

or rectories within the said provinces ; or respecting the presentation of incumbents or ministers to the same ; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same : and also that whenever any act or acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship ; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same ; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein-before mentioned ; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic or teacher, according to any religious form or mode of worship, in respect of his said office or function ; or shall in any manner relate to or affect the establishment or discipline of the Church of *England*, amongst the ministers and members thereof within the said provinces ; or shall in any manner relate to or affect the King's prerogative touching the granting the waste lands of the crown within the said provinces ; every such act or acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both houses of Parliament in *Great Britain* : and that it shall not be lawful for his Majesty, his heirs or successors to signify his or their assent to any such act or acts, until thirty days after the same shall have been laid before the said houses, or to assent to any such act or acts, in case either house of Parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such act or acts ; and that no such act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the legislative council and assembly of such province, shall in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or person administering the government of such province, an address or addresses, specifying that such act contains provisions

provisions for some of the said purposes herein-before specially described, and desiring that, in order to give effect to the same, such act should be transmitted to *England* without delay, for the purpose of being laid before parliament previous to the signification of his Majesty's assent thereto.

XLIII. And be it further enacted by the authority aforesaid, that all lands which shall be hereafter granted within the said province of *Upper Canada* shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of *Great Britain* called *England*; and that in every case where lands shall be hereafter granted within the said province of *Lower Canada*, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted, but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage as may be established by any law or laws which may be made, by his Majesty, his heirs or successors, by and with the advice and consent of the legislative council and assembly of the province.

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

XLIV. And be it further enacted by the authority aforesaid, that if any person or persons holding any lands in the said province of *Upper Canada*, by virtue of any certificate or occupation derived under the authority of the Governor and council of the province of *Quebec*, and having power and authority to alienate the same, shall at any time from and after the commencement of this act, surrender the same into the hands of his Majesty, his heirs or successors, by petition to the Governor, or Lieutenant Governor or person administering the government of the said provinces, setting forth that he, she, or they is or are desirous of holding the same in free and common soccage, such Governor or Lieutenant Governor, or person administering the government, shall thereupon cause a fresh grant to be made to such person or persons of such lands to be holden, in free and common soccage.

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

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

XLV. Provided nevertheless, and be it further enacted by the authority aforesaid, that such surrender and grant shall not avoid or bar any right or title to any such

such lands so surrendered or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest, and that every such right, title, or interest shall be as valid and effectual as if such surrender and grant had never been made.

26 Geo. III.
Cap. 12, recit-
ed.

XLVI. And whereas by an act passed in the eighteenth year of the reign of his present Majesty, intituled, *An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain, in any of the colonies, provinces and plantations in North America and the West Indies; and for repealing so much of an act made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto*, it has been declared, "that the King and Parliament of Great Britain will not impose any duty, tax, or assessment, whatever payable in any of his Majesty's colonies, provinces and plantations in *North America*, "or the *West Indies*, except only such duties as it "may be expedient to impose for the regulation of "commerce, the net produce of such duties to be "always paid and applied to and for the use of the "colony, province, or plantation in which the same "shall be respectively levied, in such manner as other "duties collected by the authority of the respective "general courts or general assemblies of such colonies, "provinces, or plantations, are ordinarily, paid and "applied:" and whereas it is necessary, for the general benefit of the *British Empire*, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs or successors, and the Parliament of *Great Britain*, subject nevertheless to the condition herein-before recited, with respect to the application of any duties which may be imposed for that purpose, be it therefore enacted by the authority aforesaid that nothing in this act contained shall extend, or be construed to extend, or prevent or affect the execution

This act not to
preyent the ope-
ration of any act
of Parliament.

of

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

XLIX. And be it further enacted by the authority aforesaid, that the time to be fixed by his Majesty, his heirs or successors, or under his or their authority, by the Governor, Lieutenant Governor, or person administering the government in each of the said provinces respectively, for issuing the writs of summons and election, and calling together the legislative councils and assemblies of each of the said provinces respectively, shall not be later than the thirty-first day of *December* in the year of our Lord one thousand seven hundred and ninety-two.

Between the
commencement
of this Act, and
the first meeting
of the legislative
council and as-
sembly, tempo-
rary laws may be
made.

L. Provided always, and be it further enacted by the authority aforesaid, that during such interval as may happen between the commencement of this act, within the said provinces respectively and the first meeting of the legislative council and assembly of each of the said provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such province, or for the person administering the government therein, with the consent of the major part of such executive council as shall be appointed by his Majesty for the affairs of such province, to make temporary laws and ordinances for the good government, peace, and welfare of such province, in the same manner and under the same restrictions, as such laws or ordinances might have been made by the council for the affairs of the province of *Quebec*, constituted by virtue of the above-mentioned act of the fourteenth year of the reign of his present Majesty; and that such temporary laws or ordinances shall be valid and binding within such province, until the expiration of six months after the legislative council and assembly of such province shall have been first assembled by virtue of, and under the authority of this act: subject nevertheless to be sooner repealed or varied by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the said legislative council and assembly.

F I N I S.

* * * * *

PROCLAMATION,

For the division of CANADA.

ALURED CLARKE.



GEORGE the THIRD, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, and so forth.—To all our loving Subjects whom these presents may concern, **GREETING**.—Whereas we have thought fit, by and with the Advice of

our Privy Council, by our order in Council dated in the month of August last, to order that our Province of *Quebec* should be divided into two distinct Provinces, to be called the Province of Upper Canada and the Province of Lower Canada, by separating the said two Provinces according to the following Line of Division, viz. “ To
“ commence at a Stone Boundary on the North Bank of
“ the Lake *St. Francis*, at the Cove West of *Pointe au*
“ *Bodét*, in the Limit between the Township of *Lan-*
“ *caster* and the Seigneurie of *New Longueuil*, running
“ along the said Limit in the Direction of North thirty-
“ four degrees West to the westernmost Angle of the said
“ Seigneurie of *New Longueuil*, thence along the North-
“ western Boundary of the Seigneurie of *Vaudreuil*,
“ running North twenty-five degrees, East, until it
“ strikes the *Ottawas River*, to ascend the said River
“ into the *Lake Tomiscanning*, and from the head
“ of the said Lake by a line drawn due North
“ until it strikes the boundary Line of *Hudson's Bay*,
“ including all the Territory to the Westward and

“ Southward of the said line to the utmost extent of the
 “ country commonly called or known by the name of
 “ *Canada*.” And whereas by an Act passed in the last
 session of Parliament, intituled, “ An Act to repeal cer-
 “ tain 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,”
 it is provided, that by reason of the distance of the said
 Provinces from *Great Britain*, and the Change to be
 made by the said Act in the Government thereof,
 it may be necessary that there should be some in-
 terval of time between the Notification of the said
 Act to the said Provinces respectively, and the Day of its
 commencement within the said Provinces respectively ;
 and that it should be lawful for Us, with the advice of
 our Privy Council to fix and declare, or to authorize the
 Governor or Lieutenant Governor of our Province of
Quebec, or the Person administering the government there,
 to fix and declare the day of the commencement of
 the said Act within the said Provinces respectively,
 provided that such day shall not be later than the
 thirty-first day of December One thousand seven hun-
 dred and ninety-one. And whereas in pursuance of
 the said Act, we have thought fit by another order in
 Council bearing date the twenty-fourth day of August
 last, to authorize our Governor, or in his absence, our
 Lieutenant Governor or the Person administering the
 government of our said Province of *Quebec*, to fix and
 declare such day as he should judge most adviseable for
 the commencement of the said Act within the Province
 of Upper Canada and the Province of Lower Canada
 respectively, and to that effect have by our warrant to our
 Right Trusty and well-beloved, GUY LORD DORCHES-
 TER, Captain General and Governor in Chief in and
 over our said Province of *Quebec*, or in his absence to our

Lieutenant Governor or Commander in Chief of our said Province for the time being, under our signet and Royal sign Manuel bearing date at *St. James's* the twelfth day of *September* last, signified our will and pleasure that he take the necessary measures accordingly. Know ye therefore, that our Trusty and well-beloved ALURED CLARKE, Esquire, our Lieutenant Governor of our said Province of *Quebec*, in the absence of our said Governor thereof hath judged it most adviseable to fix upon Monday the twenty-sixth day of December next for the commencement of the said Act within the Provinces afore-said respectively, and it is accordingly hereby declared, that the said Act of Parliament, intituled, " An Act to
 " repeal certain Parts of an Act passed in the fourteenth
 " year of His Majesty's Reign, intituled, an Act for mak-
 " ing 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 Pro-
 " vince," shall commence within the said Provinces of
 Upper Canada and Lower Canada respectively, on Mon-
 day the said twenty-sixth day of December in this pre-
 sent year one thousand seven hundred and ninety-one, of
 which, all our loving subjects, and all others concerned,
 are to take notice and govern themselves accordingly. In
 testimony whereof, we have caused these our letters to be
 made Patent, and the great seal of our said Province of
Quebec to be hereunto affixed. Witness our Trusty and
 well-beloved ALURED CLARKE, Esquire, our Lieuten-
 ant Governor and Commander in Chief of our said Pro-
 vince of *Quebec*, Major General commanding our forces
 in *North America*, &c. &c. &c. at our Castle of *St. Lewis*,
 in the City of *Quebec*, this eighteenth day of November
 in the Year our Lord one thousand seven hundred and
 ninety-one, and in the thirty-second year of our Reign.

HUGH FINLAY, }
 Acting Secretary. }

A. C.

The PRINTER,

WITH due respect informs his Friends and the Public at large, that all laws and regulations for the government of the Provinces, will in future be printed in the same form and size as this Act; and issued as speedily as possible after being made public.

B O O K S

Printed and for SALE at this Office.

English and Scot's Catechisms.

The Ready Reckoner.

Pamphlet on the Libel.

Mr. Lymburner's Pamphlet, &c. &c.

John Lymburner, Printer

