

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXXI.

An Act to authorize Her Majesty to assent to a certain Bill of the Legislative Council and Assembly of the Province of *Canada*, for granting a Civil List to Her Majesty; and to repeal certain Parts of an Act for re-uniting the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*. [22d *July* 1847.]

WHEREAS the Legislative Council and the Legislative Assembly of the Province of *Canada*, constituted and assembled by virtue of and under the Authority of the Act of Parliament passed in the Session holden in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to re-unite the Provinces of* Upper *and* Lower Canada, *and for the Government of* Canada, did, in the Year One thousand eight hundred and forty-six, pass a Bill, intituled *An Act for granting a Civil List to Her Majesty*, of which Bill a Copy is contained in the Schedule to this present Act annexed: And whereas the said Bill was presented for Her Majesty's Assent to the then Governor of the said Province of *Canada*; and the said Governor did thereupon declare that he reserved the said Bill for the Signification of Her Majesty's Pleasure thereon: And whereas

3 & 4 Vict. c. 35.

whereas it is by the final Provision of the said reserved Bill provided that the foregoing Provisions thereof shall have no Force or Effect until such Parts as are therein mentioned of the said recited Act of Parliament shall have been repealed: And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the express Authority of Parliament for that Purpose, inasmuch as the said Bill is in certain Respects repugnant to the said recited Act of Parliament: And whereas it is expedient that Her Majesty should be authorized to assent to the said reserved Bill, and that so much and such Parts as aforesaid of the said recited Act should thereupon be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this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 it shall be lawful for Her Majesty, with the Advice of Her Majesty's Privy Council, to assent to the said reserved Bill, any thing in the said recited Act of Parliament or any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Her Majesty empowered, with the Advice of Her Council, to assent to the reserved Bill.

II. And be it enacted, That if Her Majesty, with the Advice of Her Privy Council, shall assent as aforesaid to the said reserved Bill, those Parts of the first-recited Act which in the Copies thereof printed by the Queen's Printer are printed as separate Clauses, and severally numbered L., LI., LII., LIII., LIV., LV., LVI., LVII., and also the Schedules annexed to the said first-recited Act, being the Parts thereof mentioned or referred to in the said final Provision of the said reserved Bill, shall be repealed upon and from the Day on which the said reserved Bill (being first so assented to by Her Majesty in Council) shall take effect in the said Province.

If Her Majesty shall assent to the said reserved Bill, certain Provisions in the recited Act repealed.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE.

AN ACT for granting a CIVIL LIST to HER MAJESTY.

Most Gracious Sovereign:

WHEREAS Your Majesty has been most graciously pleased to declare to Your faithful Canadian Commons, in Provincial Parliament assembled, Your Majesty's gracious Desire to owe to the spontaneous Liberality of Your Canadian People such Grant, by way of Civil List, as shall be sufficient to give Stability and Security to the great Civil Institutions of the Province, and to provide for the adequate Remuneration of able and efficient Officers in the executive, judicial, and other Departments of Your Majesty's public provincial Service, the granting of which Civil List constitutionally belongs only to Your Majesty's faithful Canadian People in their Provincial Parliament.

We, therefore, Your Majesty's most dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, desirous that a certain competent Revenue for the Purpose may be settled upon Your Majesty (to whom may God grant a long and happy Reign) as a Testimony of our unfeigned Affection to Your sacred Person and Government, have accordingly freely resolved to grant unto Your Majesty a certain Revenue, payable out of the Consolidated Revenue Fund of this Province; we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and "for the Government of Canada;" and it is hereby enacted, by the Authority of the same, That all Duties and Revenues over which the respective Legislatures of Upper Canada or Lower Canada had before the passing of the Act of the Imperial Parliament, intituled "An Act to re-unite the Provinces of Upper "and Lower Canada, and for the Government of Canada," or over which the Legislature of this Province has or may have Power of Appropriation, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of this Province in the Manner and subject to the Charges herein-after mentioned.

And be it enacted, That the Consolidated Revenue Fund of this Province shall be permanently charged with all the Costs, Charges, and Expences incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expences being subject, nevertheless, to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature.

And be it enacted, That there shall be payable in every Year to Her Majesty, Her Heirs and Successors, out of the Consolidated Revenue Fund of this Province, a Sum not exceeding Thirty-four thousand six hundred and thirty-eight Pounds Fifteen Shillings and Four-pence Currency, for defraying the Expence of the several Services and Purposes named in the Schedule (A.) to this Act annexed; and during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, there shall be payable in every Year to Her Majesty, Her Heirs and Successors, out of the said Consolidated Revenue Fund,

Fund, a further Sum not exceeding Thirty-nine thousand two hundred and orty-five Pounds Sixteen Shillings Currency, for defraying the Expence of the several Services and Purposes named in the Schedule marked (B.) to this Act annexed; the said Sums of Thirty-four thousand six hundred and thirty-eight Pounds Fifteen Shillings and Four-pence and Thirty-nine thousand two hundred and forty-five Pounds Sixteen Shillings to be issued by the Receiver General in discharge of such Warrant or Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor; and the said Receiver General shall account to Her Majesty for the same, through the Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

And be it enacted, That the Sums set down in the First Column opposite to each Office or Department in the said Schedules (A.) and (B.) shall be payable for each, while the present Incumbents shall respectively remain in Office; and as often as any such present Incumbent shall cease to hold such Office the Sums respectively mentioned in the First Column shall cease to be payable, and the Sums mentioned in the Second Column shall, as each Case arises, be payable instead, as in the said Schedules mentioned.

And be it enacted, That it shall be lawful for the Governor to abolish any of the Offices named in the Schedule (B.), or to vary the Sums thereby appropriated to such Purposes connected with the Administration of the Government of this Province as to Her Majesty, Her Heirs and Successors, shall seem fit; and that Accounts in detail of the Expenditure of the several Sums expended under the Authority of this Act shall be laid before both Houses of the Legislature within Thirty Days from the Beginning of the Session next after such Expenditure shall be made: Provided always, that not more than Two thousand two hundred and twenty-two Pounds Two Shillings and Four-pence shall be payable at the same Time for Pensions to the Judges out of the Sum mentioned in the said Schedule (A.), and that not more than Five thousand five hundred and fifty-five Pounds Eleven Shillings and One Penny shall be payable at the same Time for Pensions out of the Sum mentioned in Schedule (B.); and that a List of all such Pensions, and of the Persons to whom the same shall have been granted, shall be laid in every Year before the Legislature.

And be it enacted, That during the Time for which the said several Sums mentioned in the said Schedules are severally payable, the same shall be accepted and taken by Her Majesty, by way of Civil List, instead of all territorial and other Revenues now at the Disposal of the Crown arising in this Province; and that Three Fifths of the net Produce of the said territorial and other Revenues now at the Disposal of the Crown within this Province shall be paid over, to the Account of the said Consolidated Revenue Fund; and also that during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, the remaining Two Fifths of the net Produce of the said territorial and other Revenues now at the Disposal of the Crown within this Province shall also be paid over in like Manner to the Account of the said Consolidated Revenue Fund.

And be it enacted, That the Consolidation of the Duties and Revenues of this Province shall not be taken to affect the Payment out of the said Consolidated Revenue Fund of any Sum or Sums heretofore charged upon the Rates and Duties now raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of either of the former Provinces of Upper or Lower Canada, or of this Province, for such Time as shall have been appointed by the several Acts of the Legislature of the Province by which such Charges were severally authorized.

And be it enacted, That it shall not be lawful for the Legislative Assembly to originate or pass any Vote, Resolution, or Bill for the Appropriation of any Part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any Purpose which shall not have been first recommended by a Message of

the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed.

Provided always, and be it enacted, That the foregoing Provisions of this Act shall have no Force or Effect until the Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Sections of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and the Schedules referred to in the said Sections, shall have been repealed.

SCHEDULE (A.)

OFFICES, &c.	Amount payable while the present Incumbent is in Office. — Currency.			Amount to be allowed in future as Vacancies occur by Removal of the present Incumbents. — Currency.		
	£	s.	d.	£	s.	d.
Governor General, to be in lieu of Fees, Seizures, and Forfeitures, 7,000*l.* Sterling	7,777	15	6	7,777	15	6
UPPER CANADA.						
One Chief Justice	1,666	13	4	1,250	0	0
Four Puisné Judges, at 1,000*l.* each	4,000	0	0	4,000	0	0
One Vice Chancellor	1,250	0	0	1,111	2	2
LOWER CANADA.						
One Chief Justice of Lower Canada	1,666	13	4	1,250	0	0
Three Puisné Judges at Quebec, at 1,000*l.* each	3,000	0	0	3,000	0	0
One Chief Justice of Montreal or of Quebec, as the Case may be	1,222	4	4	1,200	0	0
Three Puisné Judges at Montreal, at 1,000*l.* each	3,000	0	0	3,000	0	0
One Judge at Three Rivers	1,000	0	0	500	0	0
One Judge of the District of St. Francis	555	11	1	500	0	0
First Judge, District of Gaspé	555	11	1	500	0	0
Second Judge, District of Gaspé	500	0	0	500	0	0
Pensions to Judges	2,222	2	4	2,222	2	4
Attorneys and Solicitors General, Salaries and Allowances for Contingencies	3,900	0	0	3,900	0	0
Court of Vice-Admiralty	472	4	4	470	0	0
Circuit Allowances to Judges	1,550	0	0	1,550	0	0
Permanent Clerk attached to Crown Law Department	300	0	0	300	0	0
Totals, Currency £	34,638	15	4	33,031	0	0

SCHEDULE (B.)

OFFICERS, &c.	Amount payable while the present Incumbents are respectively in Office. Currency.			Amount to be allowed in future as Vacancies occur by Removal of the present Incumbents. Currency.		
	£	s.	d.	£	s.	d.
Governor's Secretary, and his Office - -	1,925	8	6	1,536	0	0
Provincial Secretary, and his Office - -	4,423	1	10	4,242	0	0
Registrar's Office, to merge in the Provincial Secretary's Office after the present Incumbency -	1,083	6	6	650	0	0
Receiver General's Office - - - -	2,300	8	8	2,056	0	0
Inspector General, and his Office - -	4,022	13	4	3,856	0	0
Executive Council Office - - -	2,922	4	4	2,637	0	0
Board of Management of Public Works - -	2,094	17	7	2,000	0	0
Emigrant Agent - - - -	752	4	2	752	4	2
Pensions - - - - - -	5,555	11	1	5,555	11	1
Indian Annuities - - - -	6,666	0	0	6,666	0	0
Contingencies of Public Offices - - -	7,500	0	0	7,500	0	0
Totals, Currency - £	39,245	16	0	37,450	15	3

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