ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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## C A P. LIII.

## An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of *Lower Canada*.

[17th *August* 1839.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal certain Parts of an Act passed in the* 31 G. 3. c. 31. *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*, whereby, among other things, it was enacted, that there should be within each of the Provinces of *Upper Canada* and *Lower Canada* respectively a Legislative Council and an Assembly, to be constituted in manner therein described, and with such Powers and Authorities as therein mentioned: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to make* 1 & 2 Vict. c. 9. *temporary Provision for the Government of* Lower Canada, whereby it was enacted, that from the Proclamation of the Act until the First Day of *November* One thousand eight hundred and forty so much of the said Act of the Thirty-first Year of the Reign of His Majesty King *George* the Third, and of any other Act or Acts of Parliament, as provides for the Constitution or calling of a Legislative Council

or Assembly for the Province of *Lower Canada*, or confers any Powers or Functions upon them or either of them, should cease; and by the said Act now in recital Provision is made in the meantime for the Appointment by Her Majesty of a Special Council for the Affairs of *Lower Canada*, and for the making of Laws or Ordinances for the Government of the said Province by the Governor thereof, with the Advice and Consent of the Majority of the Councillors present at any Meeting of the Council: And whereas it is expedient that some of the Provisions contained in the said lastly-recited Act should be altered: 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 the Number of Councillors forming the Special Council in manner provided by the said Act passed in the last Session of Parliament shall not be less than Twenty, and that no Business shall be transacted at any Meeting of the said Special Council at which there are not present at least Eleven Councillors.

The Special Council to consist of not less than Twenty Members, and no Business to be transacted unless Eleven be present.

Repeal of Provision of 1 & 2 Vict. c. 9. preventing the making of permanent Laws; but all permanent Laws to be laid for Thirty Days before Parliament previous to being confirmed.

II. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that no Law or Ordinance made by the Governor of the said Province of *Lower Canada*, with such Advice and Consent as therein mentioned, shall continue in force beyond the First Day of *November* One thousand eight hundred and forty-two, unless continued by competent Authority, shall be and the same is hereby repealed: Provided always, that every Law or Ordinance which by the Terms and Provisions thereof shall be made to continue in force after the said First Day of *November* One thousand eight hundred and forty-two shall be laid before both Houses of Parliament within Thirty Days after a Copy thereof shall be received by One of Her Majesty's Principal Secretaries of State, under the Provisions of the said Act of the last Session of Parliament, if Parliament shall be then sitting, or otherwise within Thirty Days after the then next Meeting of Parliament; and no such Law or Ordinance shall be confirmed or declared to be left to its Operation by Her Majesty until such Law or Ordinance shall first have been laid for Thirty Days before both Houses of Parliament, or in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to disallow any such Law or Ordinance.

Repeal of the Provision of 1 & 2 Vict. c. 9. prohibiting Taxation; but no new Tax to be levied except for Public Works and Objects of Municipal Government; and

III. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that it shall not be lawful, by any such Law or Ordinance as therein mentioned, to impose any Tax, Duty, Rate, or Impost, save only in so far as any Tax, Duty, Rate, or Impost which at the passing of that Act was payable within the said Province of *Lower Canada* might be continued, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance imposing or authorizing the Imposition of any new Tax, Duty, Rate, or Impost, except for carrying into effect local Improvements within the said Province of *Lower Canada*, or any District or other

other local Division thereof, or for the Establishment or Maintenance of Police, or other Objects of Municipal Government, within any City or Town or District or other local Division of the said Province: Provided also, that in every Law or Ordinance imposing or authorizing the Imposition of any such new Tax, Duty, Rate, or Impost, Provision shall be made for the levying, Receipt, and Appropriation thereof by such Person or Persons as shall be thereby appointed or designated for that Purpose, but that no such new Tax, Rate, Duty, or Impost shall be levied by or made payable to the Receiver General or any other public Officer employed in the Receipt of Her Majesty's ordinary Revenue in the said Province; nor shall any such Law or Ordinance as aforesaid provide for the Appropriation of any such new Tax, Duty, Rate, or Impost by the said Governor, either with or without the Advice of the Executive Council of the said Province, or by the Commissioners of Her Majesty's Treasury, or by any other Officer of the Crown employed in the Receipt of Her Majesty's ordinary Revenue.

such Taxes not to be appropriated by Government.

IV. And be it enacted, That from and after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that it shall not be lawful for any such Law or Ordinance as therein mentioned to repeal, suspend, or alter any Provision of any Act of the Parliament of *Great Britain*, or of the Parliament of the United Kingdom, or of any Act of the Legislature of *Lower Canada*, as then constituted, repealing or altering any such Act of Parliament, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance altering or affecting the Temporal or Spiritual Rights of the Clergy of the United Church of *England* and *Ireland*, or of the Ministers of any other Religious Communion, or altering or affecting the Tenure of Land within the said Province of *Lower Canada*, or any Part thereof, save so far as the Tenure of Land may be altered or affected by any Law or Ordinance which may be made by the said Governor, with such Advice and Consent as aforesaid, to provide for the Extinction of any Seignorial Rights and Dues now vested in or claimed by the Ecclesiastics of the Seminary of *Saint Sulpice* of *Montreal* within the said Province, or to provide for the Extinction of any Seignorial Rights and Dues vested in or claimed by any other Person or Persons, or Body or Bodies Corporate or Politic, within the Island of *Montreal*, or the Island called *Ile Jesus*, within the said Province.

Repeal of the Provision of 1 & 2 Vict. c. 9. prohibiting the Alteration of Acts of Parliament; but no Law to be made affecting the Temporal or Spiritual Rights of Ecclesiastics, or the Law of Tenure.

V. And be it enacted, That every Law or Ordinance to be made by the said Governor, with such Advice and Consent as aforesaid, shall, before the passing or Enactment thereof, be published at length in the public Gazette of the said Province of *Lower Canada*.

Laws, &c. to be published in Gazette before passing.

VI. And be it enacted, That for the Purposes of this Act the Person authorized to execute the Commission of Governor of the Province of *Lower Canada* shall be taken to be the Governor thereof.

Definition of the Word Governor.

VII. And

Act may be amended.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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