

Lower Canada Government.

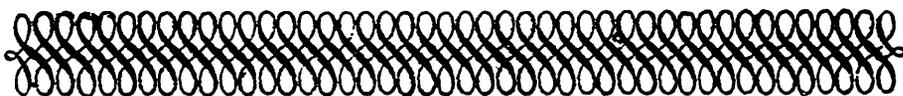
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B I L L

To amend an Act of the last Session of
Parliament for making temporary Provision
for the Government of Lower Canada.

*(Prepared and brought in by
Lord John Russell and Mr. Labouchere.)*

*Ordered, by The House of Commons, to be Printed,
19 June 1839.*



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To amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada.

Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.

WH PREAMBLE:
WHEREAS an Act was passed in the thirty-first year of 31 G. 3, c. 31.
the reign of his late Majesty King GEORGE the Third,
intituled, “An Act to repeal certain Parts of an Act passed in the fourth
Year of his Majesty’s Reign, intituled, ‘An Act for making more effectual
5 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
10 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 temporary Provision for the Government 1 & 2 Vict.
c. 9.
15 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
20 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
336. Ordinances.

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 ;

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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*.

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1.
Council always to consist of at least Twenty Members.

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 no Law or Ordinance which by the terms and provisions thereof, may be made to continue in force after the said *First day of November One thousand eight hundred and Forty-two*, shall be confirmed or 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.

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2.
Repeal of Provision of 1 & 2 Vict. c. 9, preventing the making of permanent Laws; but all permanent Laws to be assented to by The Queen, after they have been laid Thirty Days before Parliament.

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 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 no such new tax, rate, duty or impost shall be levied by or made payable to the Receiver-general, or any other public Officer of Her Majesty's Revenue in the said Province, nor shall any such

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3.
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 in the Province unconnected with Government, and such Taxes not to be appropriated by Government.

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.

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: Provided also, That if any Law or Ordinance shall be made by the said Governor with such advice and consent as aforesaid, altering or affecting the tenure of Land within the said Province of Lower Canada, or any part thereof, the operation of every such Law or Ordinance shall, by the terms thereof, be suspended for the signification of Her Majesty's pleasure, and no such Law or Ordinance shall be confirmed or left to its operation by Her Majesty until the same shall have been first laid for *Thirty Days* before both Houses of Parliament.

4.
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, except for the Enfranchisement of Montreal.

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, and shall not be finally passed or enacted until the expiration of *Seven Days* from the date of such publication.

5.
Laws to be of no effect till a week after Proclamation.

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.

6.
Definition of the word Governor.

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

7.
Act may be amended.