ANNO PRIMO

VICTORIÆ REGINÆ.

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CAP. IX.

An Act to make temporary Provision for the Government of *Lower Canada*.

[10th *February* 1838.]

WHEREAS in the present State of the Province of *Lower Canada* the House of Assembly of the said Province, constituted under the Act passed in the Thirty-first Year of His Majesty King *George* the Third, intituled *An Act to repeal* 31 G. 3. c. 31.
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*, cannot be called together without serious Detriment to the Interests of the said Province, by reason whereof the Government of the said Province cannot be duly administered according to the Provisions of the said Act: And whereas it is expedient to make temporary Provision for the Government of *Lower Canada*, in order that Parliament may be enabled, after mature Deliberation, to make permanent Arrangements for the Constitution and Government of the said Province, upon such a Basis as may best secure the Rights and Liberties and promote the Interests of all Classes of Her Majesty's Subjects in the said Province: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

P Lords

The Powers of the present Legislature of Lower Canada suspended.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from the Proclamation of this Act in the said Province as herein-after provided, until the First Day of *November* in the Year One thousand eight hundred and forty, so much of the said Act of the Thirty-first Year of King *George* the Third, and of any other Act or Acts of Parliament, as constitutes or provides for the Constitution or calling of a Legislative Council or Legislative Assembly for the Province of *Lower Canada*, or as confers any Powers or Functions upon the said Legislative Council and Legislative Assembly, or either of those Bodies, shall cease and be of no force.

Her Majesty may appoint a special Council for the Affairs of Lower Canada.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Commissions to be from Time to Time issued under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, and with the Advice of Her Privy Council, to constitute a special Council for the Affairs of *Lower Canada*, and for that Purpose to appoint or authorize the Governor of the Province of *Lower Canada* to appoint such and so many special Councillors as to Her Majesty shall seem meet, and to make such Provision as to Her Majesty shall seem meet for the Removal, Suspension, or Resignation of all or any such Councillors: Provided always, that no Member of the said Special Council shall be permitted to sit or to vote therein until he shall have taken and subscribed before the Governor of the Province of *Lower Canada*, or before some Person authorized by the said Governor to administer such Oath, the same Oath which is now required to be taken by the Members of the Legislative Council and Assembly before sitting or voting therein respectively.

Members of the Council to take an Oath.

The Governor and Council may make Laws or Ordinances for the Government of Lower Canada.

III. And be it enacted, That from and after such Proclamation as aforesaid, and until the said First Day of *November* in the Year One thousand eight hundred and forty, it shall be lawful for the Governor of the Province of *Lower Canada*, with the Advice and Consent of the Majority of the said Councillors present at a Meeting or Meetings to be for that Purpose from Time to Time convened by the Governor of the said Province, to make such Laws or Ordinances for the Peace, Welfare, and good Government of the said Province of *Lower Canada* as the Legislature of *Lower Canada* as now constituted is empowered to make; and that all Laws or Ordinances so made, subject to the Provisions herein-after contained for Disallowance thereof by Her Majesty, shall have the like Force and Effect as Laws passed before the passing of this Act by the Legislative Council and Assembly of the said Province of *Lower Canada*, and assented to by Her Majesty, or in Her Majesty's Name by the Governor of the said Province: Provided always, that no such Law or Ordinance shall be made unless the same shall have been first proposed by the said Governor for Adoption by the Council, nor unless the said Governor and Five at least of the said Councillors shall be actually present when such Law or Ordinance shall be made: Provided also, that no Law or Ordinance so made shall continue in force beyond the First Day of *November* in the Year One thousand eight hundred and forty-two, unless continued by competent

Such Laws to be proposed by the Governor.

Limiting their Duration.

petent Authority: Provided also, that it shall not be lawful by any such Law or Ordinance 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 this Act is payable within the said Province may be thereby continued: Provided also, that it shall not be lawful, by any such Law or Ordinance, to alter in any respect the Law now existing in the said Province respecting the Constitution or Composition of the Legislative Assembly thereof, or respecting the Right of any Person to vote at the Election of any Member of the said Assembly, or respecting the Qualifications of such Voters, or respecting the Division of the said Province into Counties, Cities, and Towns for the Purpose of such Elections; nor shall it be lawful by any such Law or Ordinance 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 now constituted, repealing or altering any such Act of Parliament.

Proviso as to imposing Taxes.

Laws or Ordinances not to affect the existing Laws respecting Rights of Election, &c.

IV. Provided always, and be it enacted, That it shall not be lawful by any such Law or Ordinance to appropriate any Monies which now are or which shall hereafter be in the Hands of the Receiver General of the said Province of *Lower Canada* towards the Repayment of any Sum or Sums of Money which shall have been issued out of the Sum of One hundred and forty-two thousand one hundred and sixty Pounds Fourteen Shillings and Sixpence granted to Her Majesty by an Act passed in the last Session of Parliament for Advances on account of Charges for the Administration of Justice and of the Civil Government of the Province of *Lower Canada*, unless upon a Certificate from Three or more of the Commissioners of Her Majesty's Treasury, setting forth the several Sums which shall have been so advanced for any of the Purposes aforesaid: Provided also, that, exclusive of any such Repayment as aforesaid, no Appropriation to be made by any such Law or Ordinance of the Monies aforesaid in respect of the Public Service for any One Year shall exceed the total Amount of the Sums appropriated by Law within the said Province for the Public Service thereof for the Year One thousand eight hundred and thirty-two.

No Law or Ordinance to appropriate the Monies in hand for Repayment of the Sum of 142,160*l.* unless on Certificate of Commissioners of Treasury;

nor to an Amount exceeding the Appropriation of 1832.

V. And be it enacted, That the Governor of the said Province is hereby required by the first convenient Opportunity to transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of every Law or Ordinance made under the Authority of this Act; and that it shall be lawful, at any Time within Two Years after such Law or Ordinance shall have been so received by such Secretary of State, for Her Majesty, Her Heirs or Successors, by Her or Their Order in Council, to declare Her or Their Disallowance of such Law or Ordinance; and that such Disallowance, together with a Certificate under the Hand and Seal of such Secretary of State, testifying the Day on which such Law or Ordinance was received as aforesaid, being signified by such Governor by Proclamation within the said Province, shall make void and annul the same from and after the Date of such Signification.

Laws or Ordinances may be disallowed by Her Majesty in Council.

VI. And

This Act not to affect Laws, &c. now in force, &c.

VI. And be it enacted, That nothing herein contained shall be taken to affect or invalidate any Law, Statute, or Ordinance now in force within the said Province of *Lower Canada*, or in any Part thereof, except in so far as the same is repugnant to this Act.

Proclamation of this Act.

VII. And be it enacted, That this Act shall be proclaimed by the Governor of the said Province of *Lower Canada* within the said Province, and shall commence and take effect within the said Province from the Proclamation thereof.

The Term "Governor" defined.

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

Act may be altered, &c.

IX. And be it enacted, That this Act may be altered or repealed by any Act to be passed in the present Session of Parliament.

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