

*Canada* respectively, but without disturbing the equality in the Representation of the two sections of the Province which was established by a former Section of the Union Act; or whether it was designed to authorize the Provincial Legislature to re-arrange the existing system of Representation, irrespective of the principle of equality between the said Provinces, and upon a different principle which is nowhere recognized in the Union Act, namely, upon the basis of the increase or diminution of population in Eastern or Western *Canada*.

That these doubts acquire increased importance from the consideration that at the time of the passing of the Act of Union, a great disparity existed between the population of *Upper* and *Lower Canada*; and that, nevertheless, equality of Representation was established by that Act as the proper basis of Representation for the two sections of the Province in the united Legislature.

That upon the 2nd June, 1853, this House humbly addressed Her Most Gracious Majesty, praying that a Bill might be introduced into the Imperial Parliament, to empower the Provincial Legislature to amend the Constitution by introducing the Elective Principle into the composition of the Legislative Council.

That pursuant to the prayer of this Address, the Act 17 and 18 *Vic.*, cap. 118, "to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other purposes," was passed by the Imperial Parliament.

That the repeal of the proviso contained in the Fifty-sixth Section of the Union Act, in reference to the two-third vote, as aforesaid, was effected by the Fifth Section of the said Imperial Act of the 17 and 18 *Vic.*

That no application had ever been made by the Legislature of this Province for the repeal of this proviso, or for any Imperial legislation upon the subject matter of the same.

That neither the Address of this House for authority to amend the Constitution of the Legislative Council, nor the draft of a Bill which was transmitted by the Ministers of the Crown in this Province to the Colonial Secretary, on the 31st January, 1854, embodying the desired alterations in the Constitution of the Upper Chamber, contained any reference to the proviso in question, or to any other matter than that which concerned the composition of the Legislative Council.

That in the Despatch of His Grace the Duke of *Newcastle*, Her Majesty's Secretary of State for the Colonies, to His Excellency Lord *Elgin*, Governor General of these Provinces, dated the 26th May, 1854, acknowledging the receipt of the Address of this House and of the draft of a Bill as aforesaid, His Grace announces the intention of Her Majesty's Government to introduce immediately into the Imperial Parliament a Bill "giving the Legislature of *Canada* such powers to alter the provisions of the *Canada* Union Act, respecting the Legislative Council, as will suffice to effect the object of the Address." The despatch proceeds to state that "it is proposed to take the same opportunity to repeal that clause of the Union Act by which Acts of a specified description are required to be laid before Parliament for a certain period before they can receive the assent of the Crown, a restriction which has been found inconvenient and unnecessary.

That in the speech of the Colonial Secretary in the House of Lords, on the 15th June, 1854, upon moving the second reading of this Bill, His Grace is reported to have said the "sole object" of the Bill was to confer power upon the Canadian Legislature to amend the Constitution of the Legislative Council, "with the exception" that it contained a clause to obviate the necessity imposed by the 42nd Clause of the Union Act, for certain Bills to be laid before both Houses of the Imperial Parliament before they should be confirmed by the Crown.

That, nevertheless, the said Bill, as introduced by Her Majesty's Government into the House of Lords, did contain a clause numbered as the 5th Section thereof, for the repeal of the proviso in the 26th Section of the Union Act, respecting the two-third vote as aforesaid.

That while this House has never been informed of the circumstances under which Her Majesty's responsible advisers were induced to recommend to the Imperial Parliament the repeal of this proviso, there are grave reasons for surmising that the alteration in question received the sanction of Parliament (if not of Government itself) through misapprehension or inadvertence, and without their attention having been sufficiently directed to the possible results of such a measure upon the future welfare of the Canadian people.